



# ORDINARY MEETING

## AGENDA

**11 JUNE 2024**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 11 June 2024 commencing at 9:00am for transaction of the enclosed business.*

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

**CHIEF EXECUTIVE OFFICER**  
7 June 2024

Next Meeting Date: 25.06.24

**Please note:**

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

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## **1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Pastor Graham Chapman from the Seventh Day Adventist Church

## **2 PRESENT**

Members Present:

The Mayor, Councillor A P Williams (Chairperson)  
Deputy Mayor, Councillor M D Wickerson  
Councillor S Latcham  
Councillor E W Oram  
Councillor C R Rutherford  
Councillor M A Taylor  
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Councillor Neil Fisher - Leave of Absence from 15 May 2024 to 30 June 2024

## **4 CONFIRMATION OF MINUTES**

Minutes of the Ordinary Meeting held 28 May 2024

Minutes of the Special Meeting held 29 May 2024

Minutes of the Special Meeting held 5 June 2024

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

## 6 BUSINESS OUTSTANDING

### 6.1 LIFTING MATTERS FROM THE TABLE

**File No:** 10097  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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#### SUMMARY

*This report is being presented in order for matters that have been laid on the table at previous meetings to be formally lifted from the table prior to being dealt with at this meeting.*

#### OFFICER'S RECOMMENDATION

THAT the following matter be lifted from the table and dealt with accordingly:

- Reviewed Council Policies and Procedures

**6.2 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL**

**File No:** 10097  
**Attachments:** 1. [June 2024](#)↓  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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**SUMMARY**

*The Business Outstanding Table is used as a tool to monitor outstanding items resolved at previous Council or Committee meetings. The current Business Outstanding Table for Ordinary Council is presented for Councillors' information.*

**OFFICER'S RECOMMENDATION**

THAT the Business Outstanding Table for Ordinary Council be received.

# **BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL**

**June 2024**

**Meeting Date: 11 June 2024**

**Attachment No: 1**



**BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – AS AT 4 JUNE 2024**

Meeting Date	Subject	Resolution	Officer	Target Date	Notes
14/07/2020	First Turkey Mountain Bike Reserve - Blue Dawg Concept Plan	<p><b>COUNCIL RESOLUTION</b></p> <ol style="list-style-type: none"> <li>1. THAT Council notes the early-stage status of the Blue Dawg trail proposal and officers continue dialogue with the Rockhampton Mountain Bike Club in relation to the proposal.</li> <li>2. THAT Council invites the Rockhampton Mountain Bike Club to a Workshop with Council.</li> </ol>	Clark, Wade	01/12/2022	<p><b>11 Aug 2020 Clark, Wade</b> QPWS has been requested for a meeting to discuss the proposed Blue Dawg Downhill Trail. QPWS have indicated that they will meet with Council officers to discuss further. A meeting date is yet to be confirmed by QPWS.</p> <p><b>11 Aug 2020</b> Revised Target Date changed by: Clark, Wade From: 28 Jul 2020 To: 28 Aug 2020, Reason: Awaiting QPWS to confirm meeting date and time</p> <p><b>09 Sep 2020 Clark, Wade</b> Preliminary meeting held with QPWS, a joint meeting between RRC, QPWS and the Rockhampton Mountain Bike Club to be held in September to discuss the proposal and if they are any other options for the downhill trail.</p> <p><b>25 Sep 2020 Clark, Wade</b> Combined meeting between QPWS, RRC and Rockhampton Mountain Bike Club held on the 24 September., An options analysis with multiple options to be developed., A Councillor workshop with all parties involved to be developed and implemented in November.</p> <p><b>14 Oct 2020</b> Revised Target Date changed by: Clark, Wade From: 28 Aug 2020 To: 30 Nov 2020, Reason: Awaiting QPWS to confirm meeting date and time</p> <p><b>17 May 2022 Clark, Wade</b> Potential options identified by the Rockhampton Mountain Bike Club with further work required to be identify the preferred alignment.</p> <p><b>17 May 2022</b> Target date changed by Clark, Wade from 30 November 2020 to 01 December 2022 - Further work required for mountain bike alignments to discuss at the workshop with Councillors.</p> <p><b>20 Feb 2023 Clark, Wade</b> Requested direction on whether to finalise this resolution given Council's current priorities and financial pressures.</p> <p><b>09 Jan 2024</b> Wade Clark: No further update at this stage</p>

## BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – AS AT 4 JUNE 2024

Meeting Date	Subject	Resolution	Officer	Target Date	Notes
28/06/2022	CMP Updates - Heritage Management Strategy	<b>COUNCIL RESOLUTION</b> THAT Council resolves that the matter lay on the table until further consultation with the community.	Dwyer, Emma-Jane	12/07/2022	<b>05 Aug 2022 Dorman, Kerri</b> Councillor field trip to Mt Morgan to inspect building held on Wednesday 2nd August 2022 <b>21 Oct 2022 Dorman, Kerri</b> Matter deferred whilst undertaking Mt Morgan Heritage Study, after which a consultation will be undertaken. <b>21 Nov 2022 Dorman, Kerri</b> Matter still deferred awaiting outcome from heritage study <b>16 Feb 2023 Dorman, Kerri</b> Mayor to discuss further with LT on RRC's position. Re-assign to Emma-Jane Dwyer. <b>16 Feb 2023</b> Action reassigned to Dwyer, Emma-Jane <b>24 Aug 2023 Dorman, Kerri</b> Briefing session to be scheduled regarding local heritage sites in Mt Morgan
13/12/2022	Draft Community Engagement Framework	<b>COUNCIL RESOLUTION</b> THAT Council: 1. Adopts the draft Community Engagement Framework as detailed in the report; and 2. Approves officers to revise policy and procedure for further consideration by Council.	Brodel, Emma	30/06/2023	<b>16 Dec 2022</b> Target date changed by Michaels, Skye from 27 December 2022 to 27 December 2022 - Completing the job. A revised Policy and Procedure will come back to the Council for review at a later date. The three months will be spent building the department toolkits which support this Framework and Policy and Procedure <b>16 Dec 2022</b> Target date changed by Michaels, Skye from 27 December 2022 to 27 December 2022 - Complete action will bring back revised policy and procedure to the Council at a later date <b>16 Feb 2023</b> Target date changed from 27 December 2022 to 30 June 2023 - Policy and Procedure to be revised + development of toolkits will be ongoing process <b>02 May 2023</b> Action reassigned to Brodel, Emma
11/07/2023	Road Signage Maintenance	<b>COUNCIL RESOLUTION</b> THAT a report on road signage maintenance delays be presented to the next Infrastructure Committee meeting.	Gwydir, John	25/07/2023	<b>20 Feb 2024 Winter, Amanda</b> Reports are works in progress.

## BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – AS AT 4 JUNE 2024

Meeting Date	Subject	Resolution	Officer	Target Date	Notes
14/11/2023	Grant Applications	<b>COUNCIL RESOLUTION</b> THAT Council endorse the listed grant applications.	Russell, Angus	28/11/2023	<b>09 Jan 2024 Russell, Angus</b> All Regional Economic Futures Fund applications submitted. Two of the three Regional Precincts and Partnership Programs applications submitted with the final one on F. Bay 7 and Freight Precinct Development Project currently being finalised. <b>03 Apr 2024 Russell, Angus</b> Awaiting announcement of outcomes of funding applications.
11/12/2023	125 Robinson Street, Frenchville - Trustee Lease and Building Transfer Request	<b>COUNCIL RESOLUTION</b> THAT Council approve Option 1 described within the report in relation to 125 Robinson Street, Frenchville and authorises the Chief Executive Officer (Business Support Supervisor) to negotiate the terms and conditions of the agreements in preparation for execution by the delegated officer.	Bulwinkel, Justin	08/03/2024	<b>10 Jan 2024 Bulwinkel, Justin</b> Leasing arrangements and asset transfer remains on hold until all Statutory maintenance work is completed by CAF. Expected end of Feb 2024 <b>10 Jan 2024</b> Target date changed by Bulwinkel, Justin from 25 December 2023 to 08 March 2024 - Pending completion of all committed Statutory Maintenance.
14/11/2023	Petitions - (1) Individual Metered Access to Fitzroy River Water Network and (2) - Reduction of Speed Limit on McLaughlin Street	<b>COUNCIL RESOLUTION</b> THAT the petition regarding (1) Individual Metered Access to Fitzroy River Water Network and the petition regarding (2) Reduction of Speed Limit on McLaughlin Street be received and information on both matters be presented to councillors.	Crow, Martin	28/11/2023	<b>04 Apr 2024 9:05am Winter, Amanda</b> Traffic counts and speed data has been gathered. A speed limit review is currently being undertaken by Council officers and will be taken to the proposed meeting of the TMR Speed Management Committee in late April. Council will be updated on the outcome of the speed limit review.
14/11/2023	Petitions - (1) Individual Metered Access to Fitzroy River Water Network and (2) - Reduction of Speed Limit on McLaughlin Street	<b>COUNCIL RESOLUTION</b> THAT the petition regarding (1) Individual Metered Access to Fitzroy River Water Network and the petition regarding (2) Reduction of Speed Limit on McLaughlin Street be received and information on both matters be presented to councillors.	Toon, Dan	28/11/2023	<b>08 Apr 2024 3:44pm Winter, Amanda</b> Preparation of a report for the water network access component is in progress.

## BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – AS AT 4 JUNE 2024

Meeting Date	Subject	Resolution	Officer	Target Date	Notes
23/01/2024	Sponsorship of the Fitzroy River Barra Bash and Rocky's Ultimate Cash Catch	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT Council:</p> <ol style="list-style-type: none"> <li>1) Support the sponsorship proposal for Rocky's Ultimate Cash Catch Fishing Event;</li> <li>2) Discontinue the Council-led Tagged Thready comp in 2024 in lieu of the new similar event;</li> <li>3) Continue Council's sponsorship of the Fitzroy River Barra Bash for their 2024, 2025 and 2026 proposed events; and</li> <li>4) Approves the allocation of \$15,000 (Excl. GST) in funding for sponsorship each year of Rocky's Ultimate Cash Catch Fishing Event to be held on the Fitzroy River in 2024, 2025 and 2026 as well as \$15,000 (Excl. GST) in funding for the sponsorship of the Barra Bash to be held on the Fitzroy River in 2024, 2025, and 2026 (total \$30,000 Excl. GST per year for three years).</li> </ol>	Garven, Zac	06/02/2024	
20/02/2024	Zoo shade structure options	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT the matter lay on the table pending an onsite workshop.</p>	Pont, Aaron	05/03/2024	
20/02/2024	Workers Memorial	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT Council approve the construction of a permanent Workers Memorial at the northern end of Col Brown Park instead of the southern end of Col Brown Park.</p>	Dwyer, Emma-Jane	05/03/2024	
20/02/2024	ROCKYNATS 05	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT Council support the proposal in the conclusion of the report.</p>	Garven, Zac	05/03/2024	

## BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – AS AT 4 JUNE 2024

Meeting Date	Subject	Resolution	Officer	Target Date	Notes
05/03/2024	Zoo Shade Structure Options	<b>COUNCIL RESOLUTION</b> THAT Council resolves to re-design a lesser-cost shade solution which will include a briefing session to arrive at an agreed scope of works.	Pont, Aaron	19/03/2024	
09/04/2024	Sponsorship Opportunity - Capricornia Combined Schools Industry Breakfast	<b>COUNCIL RESOLUTION</b> THAT Council sponsors the Capricornia Combined Schools Industry Breakfast to be held on 29 May, 2024 for \$5,000 inclusive of GST.	Clark, Wade	23/04/2024	
09/04/2024	Sponsorship Opportunity Bowen Basin Mining Club September 2024 Luncheon in Rockhampton	<b>COUNCIL RESOLUTION</b> THAT Council sponsor the Bowen Basin Mining Club Luncheon in Rockhampton on 5 September 2024 for \$5,000 (excl. GST).	Clark, Wade	23/04/2024	
15/04/2024	Draft 2024-2025 Operational Plan	<b>COUNCIL RESOLUTION</b> THAT Council considers the draft Operational Plan actions and targets to work towards a final Operational Plan for 2024-2025 which will be adopted in conjunction with Council's budget.	Jennings, Shannon	29/04/2024	
23/04/2024	Capricorn Mega Careers Expo 2024	<b>COUNCIL RESOLUTION</b> THAT Council sponsors the Capricorn Mega Careers Expo to be held on 16 May 2024 for \$10,202 inclusive of GST.	Clark, Wade	07/05/2024	
23/04/2024	Indigenous Land Use Agreement (ILUA) review with Darumbal	<b>COUNCIL RESOLUTION</b> THAT the Communities and Heritage Portfolio Councillor and General Manager of Community Services be appointed as Rockhampton Regional Council's representatives on the Consultative	Emery, Melanie	07/05/2024	

## BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – AS AT 4 JUNE 2024

Meeting Date	Subject	Resolution	Officer	Target Date	Notes
		Committee for the Indigenous Land use Agreement between the Darumbal People, Rockhampton Regional Council and Livingstone Shire Council.			
23/04/2024	Walter Reid Cultural Centre Lease Renewals	<b>COUNCIL RESOLUTION</b> THAT Council continue the month-by-month leasing arrangements for three (3) to six (6) months, with tenants to provide membership and usage data for Council to consider renewal arrangements following this period.	Millett, Mark	07/05/2024	
14/05/2024	Closed Circuit Television (CCTV) Policy Review	<b>COUNCIL RESOLUTION</b> THAT Council: 1. adopts the Closed Circuit Television (CCTV) Policy and Procedure attached to the report; 2. approves the change of the name to Camera Surveillance Policy and Procedure; and 3. approves a review date of the Camera Surveillance Policy and Procedure of three years.	Dwyer, Emma-Jane	28/05/2024	
14/05/2024	Capital Project Framework Policy	<b>COUNCIL RESOLUTION</b> THAT the Capital Project Framework Policy (including Terms of Reference) as attached to the report be adopted and Council approve a review timeline of May 2028.	Cheesman, Ross	28/05/2024	
14/05/2024	Johnson Road Tree Planting	<b>COUNCIL RESOLUTION</b> THAT Council endorses the proposed tree planting in the Johnson Road, Gracemere centre median.	Sloss, Cassandra	28/05/2024	

## BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – AS AT 4 JUNE 2024

Meeting Date	Subject	Resolution	Officer	Target Date	Notes
14/05/2024	Property Matter	<b>COUNCIL RESOLUTION</b>  THAT Option 1 be endorsed by Council and the Chief Executive Officer (Coordinator Property and Insurance) be authorised to progress the matter.	Russell, Angus	28/05/2024	

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 COMMITTEE REPORTS**

Nil



**10 COUNCILLOR/DELEGATE REPORTS****10.1 LEAVE OF ABSENCE - DEPUTY MAYOR, COUNCILLOR DREW WICKERSON - 05 JULY 2024 TO 14 JULY 2024**

**File No:** 10072  
**Attachments:** Nil  
**Authorising Officer:** Nicole Semfel - Executive Assistant to the Mayor  
Justin Kann - Manager Office of the Mayor  
Evan Pardon - Chief Executive Officer  
**Author:** Megan Careless - Executive Support Officer

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**SUMMARY**

*Deputy Mayor Councillor Drew Wickerson is seeking leave of absence from Friday 5 July 2024 to Sunday 14 July 2024 inclusive.*

**OFFICER'S RECOMMENDATION**

THAT Deputy Mayor Councillor Drew Wickerson be granted leave of absence from Friday 5 July 2024 to Sunday 14 July 2024 inclusive.

**BACKGROUND**

Deputy Mayor Councillor Drew Wickerson has advised the Chief Executive he is seeking leave of absence from Friday 5 July 2024 to Sunday 14 July 2024 inclusive.

**10.2 COUNCILLOR DISCRETIONARY FUND APPLICATION - COUNCILLOR SHANE LATCHAM; FRENCHVILLE STATE SCHOOL P&C ASSOCIATION**

**File No:** 8295  
**Attachments:** Nil  
**Authorising Officer:** Nicole Semfel - Executive Assistant to the Mayor  
Justin Kann - Manager Office of the Mayor  
Evan Pardon - Chief Executive Officer  
**Author:** Megan Careless - Executive Support Officer

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**SUMMARY**

*Councillor Shane Latcham is seeking approval from Council to donate \$1000.00 to Frenchville State Primary School P&C Association from his Councillor Discretionary Fund.*

**OFFICER'S RECOMMENDATION**

THAT Council approve a donation of \$1,000.00 from Councillor Shane Latcham's Councillor Discretionary Fund to Frenchville State Primary School P&C Association to purchase play equipment for year 3 and 4 students.

**BACKGROUND**

Councillor Shane Latcham is seeking approval to donate \$1000.00 from his Councillor Discretionary Fund to Frenchville State Primary School P&C Association.

Frenchville State School P&C Association is a not-for-profit organisation. Councillor Shane Latcham is not a member of the Management Committee for the school's Parent and Citizens Association.

Councillor Shane Latcham's daughter attends Frenchville State Primary School, this donation does not directly benefit Councillor Shane Latcham's daughter.

## 11 OFFICERS' REPORTS

### 11.1 ANNUAL POLICY REVIEW - PURCHASING POLICY - ACQUISITION OF GOODS AND SERVICES

<b>File No:</b>	<b>5883</b>
<b>Attachments:</b>	<b>1. Purchasing Policy - Track Changes</b> <a href="#">↓</a> <b>2. Purchasing Policy - Clean</b> <a href="#">↓</a>
<b>Authorising Officer:</b>	<b>Ross Cheesman - Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Megan Younger - Manager Corporate and Technology Services</b>

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#### SUMMARY

*The annual review of the Purchasing Policy – Acquisition of Goods and Services is presented for Council's consideration and adoption.*

#### OFFICER'S RECOMMENDATION

That Council:

1. Adopts the revised Purchasing Policy – Acquisition of Goods and Services; and
2. Approves a review date of the Purchase Policy – Acquisition of Goods and Services of June 2025.

#### COMMENTARY

Under s198 of the Local Government Regulation 2012 (the Regulation), Council is required to adopt a policy about procurement that includes the principles regarding its procurement practices and sound contracting principles. Council is also required to review its procurement policy annually.

The attached revised draft policy highlights several minor proposed changes viewable using track changes. The proposed changes include:

- Additional related documents;
- Minor updates to *Environmental protection* – 5.1.4(d); and
- Updates to the Responsibilities in the Procurement Financial Thresholds table.

#### PREVIOUS DECISIONS

The June 2023 version of the Purchasing Policy was adopted by Council at the 27 June 2023 Ordinary Meeting.

#### BUDGET IMPLICATIONS

There are no budget implications.

#### LEGISLATIVE CONTEXT

Local Government Regulation 2012:

“198 Procurement Policy

- (1) A local government must prepare and adopt a policy and procurement (a procurement policy).
  - (2) The procurement policy must include details of the principles, including the sound contracting principles, that the local government will apply in the financial year for purchasing goods and service.
  - (3) A local government must review its procurement policy annually.”
-

**LEGAL IMPLICATIONS**

In accordance with the Local Government Regulation 2012 s198, Council must adopt a procurement policy and review annually.

**STAFFING IMPLICATIONS**

No staffing implications.

**RISK ASSESSMENT**

Purchasing risks are captured in Council's Operational Risk Register.

**CORPORATE PLAN**

Goal 1.1 We are fiscally responsible.

**CONCLUSION**

In accordance with the Local Government Regulation 2012, Council's Purchasing Policy – Acquisition of Goods and services must be reviewed annually. The attached revised policy is presented for Council's consideration and adoption.

# **ANNUAL POLICY REVIEW - PURCHASING POLICY - ACQUISITION OF GOODS AND SERVICES**

## **Purchasing Policy - Track Changes**

**Meeting Date: 11 June 2024**

**Attachment No: 1**

## PURCHASING POLICY – ACQUISITION OF GOODS AND SERVICES

### STATUTORY POLICY



#### 1 Scope

This policy applies to Rockhampton Regional Council employees and encompasses all procurement activities throughout all of Council's operations.

#### 2 Purpose

The purpose of this policy is to outline Council's approach to developing and maintaining procurement practices for the acquisition of goods and services which optimise value for money and promote effective supplier relationships.

#### 3 Related Documents

##### 3.1 Primary

*Local Government Regulation 2012*

##### 3.2 Secondary

*Local Government Act 2009*

*Public Sector Ethics Act 1994*

Asset Disposal Policy

Code of Conduct

Conflicts of Interest Policy

[Contractor Non-Compliant Operations Procedure](#)

Corporate Purchase Card Procedure

[Direct Debit Payment Approval Procedure](#)

Evaluating Quotes, Tenders and Expressions of Interest Procedure

Financial Delegations Policy

Fraud and Corruption Control Policy

Information and Communication Technology – Acquisition and Purchase of Assets, Systems and Services Procedure

Inviting Quotes, Tenders and Expressions of Interest Procedure

Local Preference Policy

Materials Management Policy

[Obtaining Approvals and Accepting Quotes, Tenders and Expressions of Interest Procedure](#)

[Payment Exception Authority Procedure](#)

Payment of Utility Expenses Procedure

[Payment of Vehicle Fuel Card Procedure](#)

#### LEGAL AND GOVERNANCE USE ONLY

Adopted/Approved:	<a href="#">Adopted, 27 June 2023</a> <b>DRAFT</b>	Department:	Corporate Services
Version:	12	Section:	Corporate and Technology Services
Reviewed Date:		Page No:	Page 1 of 7

Plant Hire Engagement Procedure  
 Pre-Qualification of Suppliers Procedure  
 Privacy Policy  
[Purchasing Commitments Management Procedure](#)  
 Purchasing Compliance Management Procedure  
 Selecting the Procurement Method Procedure  
 Value for Money Guideline

#### 4 Definitions

To assist in interpretation, the following definitions apply:

Circular Economy	In contrast to a linear economy that has little regard for alternatives to disposal/waste at a product's end of life, circular economy principles consider opportunities to retain and circulate resources in the economy at their highest value for as long as possible.
Council	Rockhampton Regional Council
Employees	Local government employee: a) The Chief Executive Officer; or b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Preferred Supplier Arrangement	A form of standing offer arrangement where a supplier has provided a standing quotation for the goods or services.
Pre-Qualified Supplier	As defined in the <i>Local Government Regulation 2012</i> , a supplier who has been assessed by Council as having the technical, financial and managerial capability necessary to perform contracts on time and in accordance with agreed requirements.
Purchase Order	The official document, normally generated by Technology One R1, Council's corporate enterprise system, used to authorise and record the purchase of goods or services by Council. It will often be the prime reference confirming the contractual situation between Council and the supplier.
RPQS	Register of Pre-Qualified Suppliers.
Standing Offer Arrangement	An agreement subject to specified terms and conditions whereby the purchaser agrees to purchase their requirements of a range of goods or services, during a specified time period from the supplier at agreed prices or on an agreed price basis. Normally no obligation to purchase a specified quantity exists although estimates for the guidance of the supplier may be given.
Supplier	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Sustainable Procurement	A process where organisations meet their needs for goods, services and capital projects, in a way that achieves value for money over the whole of life cost basis in terms of generating benefits not only to the organisation, but also to society, the economy and the natural environment.
The Act	<i>Local Government Act 2009</i>
The Regulation	<i>Local Government Regulation 2012</i>
Whole of Life Cost	Total cost of a good or service over its entire lifecycle. This may include acquisition costs (associated with the initial procurement), operating costs, maintenance costs, cleaning costs, refurbishment costs, support costs and disposal costs.

#### LEGAL AND GOVERNANCE USE ONLY

Adopted/Approved:	<a href="#">Adopted, 27 June 2023 DRAFT</a>	Department:	Corporate Services
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**5 Policy Statement**

Section 198 of the Regulation stipulates that Council must prepare and adopt a procurement policy detailing the principles, including the sound contracting principles, that Council applies to its procurement activities, including the disposal of assets. Council has adopted the default contracting procedures as outlined in the Regulation.

As defined by section 104 of the Act, the sound contracting principles include:

- a) Value for money;
- b) Open and effective competition;
- c) The development of competitive local business and industry;
- d) Environmental protection; and
- e) Ethical behaviour and fair dealing.

**5.1 Sound Contracting Principles**

Council officers must have regard to the following sound contracting principles in all procurement activities.

**5.1.1 Value for Money**

In undertaking any Council procurement activity, the objective is to obtain goods and services of the most suitable quality at the lowest whole of life cost which is consistent with the fitness for purpose of the requirements being procured and at an acceptable level of risk. This does not necessarily mean selecting the lowest priced goods or services. Value for money considerations include:

- (a) Whole-of-life costs including acquisition, use, maintenance and disposal;
- (b) Fitness for purpose, quality, service and support;
- (c) Risk exposure, the terms and conditions governing the acquisition should allocate the risks to the party best able to manage them;
- (d) Internal administration costs;
- (e) Technical compliance costs; and
- (f) Establishment of pre-qualified supplier and preferred supplier arrangements for goods and/or services required on a recurring basis to improve negotiating leverage for Council as a whole.

**5.1.2 Open and Effective Competition**

Procurement activities must be conducted using an open and competitive process unless a specific exception applies under Chapter 6, Part 3, Divisions 3 and 4 of the Regulation. Open and effective competition is achieved by ensuring:

- (a) Procurement processes are visible and transparent to suppliers and the public;
- (b) Evaluation criteria and weightings are disclosed in procurement processes, and evaluations are undertaken in accordance with Council procedures;
- (c) Requirements are planned well in advance to enable sufficient time to adequately source competitive bids;
- (d) Specifications are as explicit as possible, and focus on performance, function, and/or technical and physical characteristics (as opposed to brand and manufacturer); and
- (e) The market place is continually researched to identify new suppliers/products and enable effective use of competition in seeking offers.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	<a href="#">Adopted, 27 June 2023</a> DRAFT	Department:	Corporate Services
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**5.1.3 The Development of Competitive Local Business and Industry**

Council encourages the development of competitive local businesses and endeavours to promote and support competitive industry while conducting its procurement activities. In addition to price, capability, performance, quality and sustainability, Council also considers the following:

- (a) Creation of employment opportunities within the Region;
- (b) Economic growth for the Region;
- (c) Readily available goods, services and support; and
- (d) The associated benefits to local commercial transactions that flow from these engagements.

The Local Preference Policy provides further information regarding the benefits of using local suppliers and details the mandatory evaluation criteria which must form part of the evaluation process for all procurement activities.

**5.1.4 Environmental Protection**

Council seeks to use its' considerable purchasing power to lead by example and positively influence businesses, industries and the community to protect the environment and support environmentally sustainable goods and services. In doing so, Council incorporates sustainable procurement principles in all purchasing decisions and considers a range of environmental factors including:

- (a) Procurement of environmentally responsible products, services, works and assets;
- (b) The whole-of-life benefits, costs and impacts of products and services (throughout their manufacturing, supply, use, maintenance and disposal), ensuring perceived short term value does not override long term costs that run counter to circular economy principles;
- (c) Devising strategies that reduce demand and extend the life of products (this may include examining organisation/project needs and avoiding, re-using or re-purposing if appropriate);
- (d) The environmental performance of prospective contractors and suppliers, [and their ability to provide products and processes with less carbon and low environmental impact, as well their use of emission reduction actions relevant to their products and services;](#)
- (e) Encouraging (and if possible mandating) sustainable solutions and innovation in tenders;
- (f) The environmental impact and performance of a product or service, with consideration of energy/water/fuel efficiency, recycled content, recyclable products, low toxicity levels, product origin and relevant certifications heavily weighted; and
- (g) Planning end-of-life product management at project outset and encouraging suppliers to do the same.

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**5.1.5 Ethical Behaviour and Fair Dealing**

All employees involved in procurement activities must behave with impartiality, openness, integrity and professionalism whilst maintaining confidentiality in their dealings with suppliers. In the context of Council procurement activity, behaving ethically is achieved by observing the Code of Conduct and by having regard for the welfare of others. This includes:

- (a) Performing duties with impartiality and integrity in dealings with suppliers;
- (b) Treating information relating to suppliers as “commercial in confidence” and only disclosing such information to other employees or parties on a strict “need to know” basis;
- (c) Ensuring all written bids and other information submitted by suppliers is kept in a secure location when not in use;
- (d) Utilising open and accountable procurement methods;
- (e) Promoting professional procurement practices;
- (f) Maintaining systems and procedures which ensure a consistent approach to procurement;
- (g) Providing advice to suppliers on how to do business with Council;
- (h) Not engaging in any misleading or deceptive conduct towards suppliers;
- (i) Not making improper use of information relating to suppliers or to Council;
- (j) Not taking personal advantage of an opportunity that properly belongs to Council or a supplier;
- (k) Not accepting or seeking gifts or other favours from suppliers;
- (l) Not entertaining approaches from suppliers that may be interpreted as attempts to influence the procurement process;
- (m) Not participating in any transaction between Council and any supplier in which they have an undisclosed interest;
- (n) A high regard for inclusive and accessible work environments that promote employment opportunities for people of all backgrounds and abilities, including support for First Nations businesses; and
- (o) Ensuring all purchase decisions consider the rights and wellbeing of people and communities involved in both direct business and supply chains.

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## 5.2 Procurement Financial Thresholds

In accordance with the sound contracting principles and the default contracting procedures in the Regulation, the following procurement financial thresholds have been adopted by Council. The below methods apply where the risks associated with the purchase are assessed as low to medium. Where the risk is assessed as high then the next higher-level process is used and careful consideration is given to the terms and conditions governing the transaction.

Estimated Expenditure (excluding GST)	Form of Procurement			Responsibility
	General Purchasing	Council Trades, Consultancy and Civil Construction RPQS (s232 of the Regulation)	All other Council RPQS, Local Buy or other Government Arrangements (s232, s234 and s235 of the Regulation)	
\$200,000 or more (large sized contract)	Formal tender (s226 and 228 of the Regulation)	Invite 3 or more written quotes from the RPQS or formal tender (determined by Contracts and Tenders team)	Invite 1 or more written quote(s) from the RPQS or arrangement <sup>±</sup>	Contracts and Tenders team or <a href="#">Logistics Officer</a>
\$15,000 or more but less than \$200,000 (medium sized contract)	Invite 3 or more written quotes (s225 of the Regulation)	\$50,000 or more but less than \$200,000: Invite 3 or more written quotes from the RPQS \$15,000 or more but less than \$50,000: Invite 1 or more written quote(s) from the RPQS	Invite 1 or more written quote(s) from the RPQS or arrangement <sup>±</sup>	Contracts and Tenders team, <a href="#">Council Officer</a> or <a href="#">Logistics Officer</a>
\$5,000 or more but less than \$15,000	Invite 2 or more written quotes	Invite 1 or more written quote(s) from the RPQS	Invite 1 or more written quote(s) from the RPQS or arrangement	Council Officer or <a href="#">Logistics Officer</a>
\$0 to \$4,999	Invite 1 verbal quote	Invite 1 verbal quote from the RPQS	Invite 1 verbal quote from the RPQS or arrangement	

\*[Responsibility will be dependent on the level of risk, overall cost and the terms and conditions required for the procurement. For further assistance on determining the responsibility, refer to the Contracts and Tenders team.](#)

~~Whilst-Where~~ it is not mandatory to invite more than one written quote, it is recommended where possible that officers obtain multiple quotes to ensure value for money in accordance with the sound contracting principles.

## 5.3 Issue of Council Purchase Order

For all procurement activities (with the exception of goods and/or service procured with a corporate purchase card, ~~and~~ utility ~~and~~ fuel expenses outlined in the Payment of Utility Expenses Procedure [and Payment of Vehicle Fuel Card Procedure](#)) an authorised purchase order must be provided to suppliers at the time of request for the goods and/or services. The purchase order should clearly specify the requirements and record an accurately estimated or actual price (where applicable). Suppliers must reference the purchase order number on the respective tax invoice to ensure timely payment.

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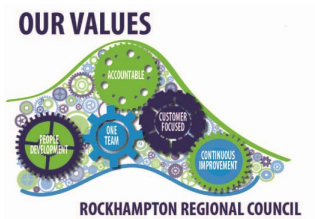
**6 Review Timelines:**

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

- a) As required by legislation – June 2024<sup>45</sup>;
- b) The related information is amended or replaced;
- c) Audit reports relating to Council purchasing and the acquisition of goods and services being undertaken by Council indicate that a review from a legislative compliance or governance perspective is required; or
- d) Other circumstances as determined from time to time by the Council.

**7 Document Management**

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Manager Corporate Services and Technology Services
Policy Quality Control	Legal and Governance



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**ANNUAL POLICY REVIEW -  
PURCHASING POLICY - ACQUISITION  
OF GOODS AND SERVICES**

**Purchasing Policy - Clean**

**Meeting Date: 11 June 2024**

**Attachment No: 2**

## PURCHASING POLICY – ACQUISITION OF GOODS AND SERVICES

### STATUTORY POLICY



#### 1 Scope

This policy applies to Rockhampton Regional Council employees and encompasses all procurement activities throughout all of Council's operations.

#### 2 Purpose

The purpose of this policy is to outline Council's approach to developing and maintaining procurement practices for the acquisition of goods and services which optimise value for money and promote effective supplier relationships.

#### 3 Related Documents

##### 3.1 Primary

*Local Government Regulation 2012*

##### 3.2 Secondary

*Local Government Act 2009*

*Public Sector Ethics Act 1994*

Asset Disposal Policy

Code of Conduct

Conflicts of Interest Policy

Contractor Non-Compliant Operations Procedure

Corporate Purchase Card Procedure

Direct Debit Payment Approval Procedure

Evaluating Quotes, Tenders and Expressions of Interest Procedure

Financial Delegations Policy

Fraud and Corruption Control Policy

Information and Communication Technology – Acquisition and Purchase of Assets, Systems and Services Procedure

Inviting Quotes, Tenders and Expressions of Interest Procedure

Local Preference Policy

Materials Management Policy

Obtaining Approvals and Accepting Quotes, Tenders and Expressions of Interest Procedure

Payment Exception Authority Procedure

Payment of Utility Expenses Procedure

Payment of Vehicle Fuel Card Procedure

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Plant Hire Engagement Procedure  
 Pre-Qualification of Suppliers Procedure  
 Privacy Policy  
 Purchasing Commitments Management Procedure  
 Purchasing Compliance Management Procedure  
 Selecting the Procurement Method Procedure  
 Value for Money Guideline

#### 4 Definitions

To assist in interpretation, the following definitions apply:

Circular Economy	In contrast to a linear economy that has little regard for alternatives to disposal/waste at a product's end of life, circular economy principles consider opportunities to retain and circulate resources in the economy at their highest value for as long as possible.
Council	Rockhampton Regional Council
Employees	Local government employee: a) The Chief Executive Officer; or b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Preferred Supplier Arrangement	A form of standing offer arrangement where a supplier has provided a standing quotation for the goods or services.
Pre-Qualified Supplier	As defined in the <i>Local Government Regulation 2012</i> , a supplier who has been assessed by Council as having the technical, financial and managerial capability necessary to perform contracts on time and in accordance with agreed requirements.
Purchase Order	The official document, normally generated by Technology One R1, Council's corporate enterprise system, used to authorise and record the purchase of goods or services by Council. It will often be the prime reference confirming the contractual situation between Council and the supplier.
RPQS	Register of Pre-Qualified Suppliers.
Standing Offer Arrangement	An agreement subject to specified terms and conditions whereby the purchaser agrees to purchase their requirements of a range of goods or services, during a specified time period from the supplier at agreed prices or on an agreed price basis. Normally no obligation to purchase a specified quantity exists although estimates for the guidance of the supplier may be given.
Supplier	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Sustainable Procurement	A process where organisations meet their needs for goods, services and capital projects, in a way that achieves value for money over the whole of life cost basis in terms of generating benefits not only to the organisation, but also to society, the economy and the natural environment.
The Act	<i>Local Government Act 2009</i>
The Regulation	<i>Local Government Regulation 2012</i>
Whole of Life Cost	Total cost of a good or service over its entire lifecycle. This may include acquisition costs (associated with the initial procurement), operating costs, maintenance costs, cleaning costs, refurbishment costs, support costs and disposal costs.

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## 5 Policy Statement

Section 198 of the Regulation stipulates that Council must prepare and adopt a procurement policy detailing the principles, including the sound contracting principles, that Council applies to its procurement activities, including the disposal of assets. Council has adopted the default contracting procedures as outlined in the Regulation.

As defined by section 104 of the Act, the sound contracting principles include:

- a) Value for money;
- b) Open and effective competition;
- c) The development of competitive local business and industry;
- d) Environmental protection; and
- e) Ethical behaviour and fair dealing.

### 5.1 Sound Contracting Principles

Council officers must have regard to the following sound contracting principles in all procurement activities.

#### 5.1.1 Value for Money

In undertaking any Council procurement activity, the objective is to obtain goods and services of the most suitable quality at the lowest whole of life cost which is consistent with the fitness for purpose of the requirements being procured and at an acceptable level of risk. This does not necessarily mean selecting the lowest priced goods or services. Value for money considerations include:

- (a) Whole-of-life costs including acquisition, use, maintenance and disposal;
- (b) Fitness for purpose, quality, service and support;
- (c) Risk exposure, the terms and conditions governing the acquisition should allocate the risks to the party best able to manage them;
- (d) Internal administration costs;
- (e) Technical compliance costs; and
- (f) Establishment of pre-qualified supplier and preferred supplier arrangements for goods and/or services required on a recurring basis to improve negotiating leverage for Council as a whole.

#### 5.1.2 Open and Effective Competition

Procurement activities must be conducted using an open and competitive process unless a specific exception applies under Chapter 6, Part 3, Divisions 3 and 4 of the Regulation. Open and effective competition is achieved by ensuring:

- (a) Procurement processes are visible and transparent to suppliers and the public;
- (b) Evaluation criteria and weightings are disclosed in procurement processes, and evaluations are undertaken in accordance with Council procedures;
- (c) Requirements are planned well in advance to enable sufficient time to adequately source competitive bids;
- (d) Specifications are as explicit as possible, and focus on performance, function, and/or technical and physical characteristics (as opposed to brand and manufacturer); and
- (e) The market place is continually researched to identify new suppliers/products and enable effective use of competition in seeking offers.

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**5.1.3 The Development of Competitive Local Business and Industry**

Council encourages the development of competitive local businesses and endeavours to promote and support competitive industry while conducting its procurement activities. In addition to price, capability, performance, quality and sustainability, Council also considers the following:

- (a) Creation of employment opportunities within the Region;
- (b) Economic growth for the Region;
- (c) Readily available goods, services and support; and
- (d) The associated benefits to local commercial transactions that flow from these engagements.

The Local Preference Policy provides further information regarding the benefits of using local suppliers and details the mandatory evaluation criteria which must form part of the evaluation process for all procurement activities.

**5.1.4 Environmental Protection**

Council seeks to use its' considerable purchasing power to lead by example and positively influence businesses, industries and the community to protect the environment and support environmentally sustainable goods and services. In doing so, Council incorporates sustainable procurement principles in all purchasing decisions and considers a range of environmental factors including:

- (a) Procurement of environmentally responsible products, services, works and assets;
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- (e) Encouraging (and if possible mandating) sustainable solutions and innovation in tenders;
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**5.1.5 Ethical Behaviour and Fair Dealing**

All employees involved in procurement activities must behave with impartiality, openness, integrity and professionalism whilst maintaining confidentiality in their dealings with suppliers. In the context of Council procurement activity, behaving ethically is achieved by observing the Code of Conduct and by having regard for the welfare of others. This includes:

- (a) Performing duties with impartiality and integrity in dealings with suppliers;
- (b) Treating information relating to suppliers as “commercial in confidence” and only disclosing such information to other employees or parties on a strict “need to know” basis;
- (c) Ensuring all written bids and other information submitted by suppliers is kept in a secure location when not in use;
- (d) Utilising open and accountable procurement methods;
- (e) Promoting professional procurement practices;
- (f) Maintaining systems and procedures which ensure a consistent approach to procurement;
- (g) Providing advice to suppliers on how to do business with Council;
- (h) Not engaging in any misleading or deceptive conduct towards suppliers;
- (i) Not making improper use of information relating to suppliers or to Council;
- (j) Not taking personal advantage of an opportunity that properly belongs to Council or a supplier;
- (k) Not accepting or seeking gifts or other favours from suppliers;
- (l) Not entertaining approaches from suppliers that may be interpreted as attempts to influence the procurement process;
- (m) Not participating in any transaction between Council and any supplier in which they have an undisclosed interest;
- (n) A high regard for inclusive and accessible work environments that promote employment opportunities for people of all backgrounds and abilities, including support for First Nations businesses; and
- (o) Ensuring all purchase decisions consider the rights and wellbeing of people and communities involved in both direct business and supply chains.

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## 5.2 Procurement Financial Thresholds

In accordance with the sound contracting principles and the default contracting procedures in the Regulation, the following procurement financial thresholds have been adopted by Council. The below methods apply where the risks associated with the purchase are assessed as low to medium. Where the risk is assessed as high then the next higher-level process is used and careful consideration is given to the terms and conditions governing the transaction.

Estimated Expenditure (excluding GST)	Form of Procurement			Responsibility
	General Purchasing	Council Trades, Consultancy and Civil Construction RPQS (s232 of the Regulation)	All other Council RPQS, Local Buy or other Government Arrangements (s232, s234 and s235 of the Regulation)	
\$200,000 or more (large sized contract)	Formal tender (s226 and 228 of the Regulation)	Invite 3 or more written quotes from the RPQS or formal tender (determined by Contracts and Tenders team)	Invite 1 or more written quote(s) from the RPQS or arrangement	Contracts and Tenders team
\$15,000 or more but less than \$200,000 (medium sized contract)	Invite 3 or more written quotes (s225 of the Regulation)	\$50,000 or more but less than \$200,000: Invite 3 or more written quotes from the RPQS \$15,000 or more but less than \$50,000: Invite 1 or more written quote(s) from the RPQS	Invite 1 or more written quote(s) from the RPQS or arrangement	Contracts and Tenders team, Council Officer or Logistics Officer*
\$5,000 or more but less than \$15,000	Invite 2 or more written quotes	Invite 1 or more written quote(s) from the RPQS	Invite 1 or more written quote(s) from the RPQS or arrangement	Council Officer or Logistics Officer
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\*Responsibility will be dependent on the level of risk, overall cost and the terms and conditions required for the procurement. For further assistance on determining the responsibility, refer to the Contracts and Tenders team.

Where it is not mandatory to invite more than one written quote, it is recommended where possible that officers obtain multiple quotes to ensure value for money in accordance with the sound contracting principles.

## 5.3 Issue of Council Purchase Order

For all procurement activities (with the exception of goods and/or service procured with a corporate purchase card, utility and fuel expenses outlined in the Payment of Utility Expenses Procedure and Payment of Vehicle Fuel Card Procedure) an authorised purchase order must be provided to suppliers at the time of request for the goods and/or services. The purchase order should clearly specify the requirements and record an accurately estimated or actual price (where applicable). Suppliers must reference the purchase order number on the respective tax invoice to ensure timely payment.

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**6 Review Timelines:**

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

- a) As required by legislation – June 2025;
- b) The related information is amended or replaced;
- c) Audit reports relating to Council purchasing and the acquisition of goods and services being undertaken by Council indicate that a review from a legislative compliance or governance perspective is required; or
- d) Other circumstances as determined from time to time by the Council.

**7 Document Management**

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Manager Corporate Services and Technology Services
Policy Quality Control	Legal and Governance



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## 11.2 COMMUNITY ENGAGEMENT PLAN - PLANNING SCHEME AMENDMENT PACKAGE A

<b>File No:</b>	<b>RRPS-PRO-2023/004-06</b>
<b>Attachments:</b>	<b>1. Community Engagement Plan</b> <a href="#">↓</a>
<b>Authorising Officer:</b>	<b>Angus Russell - Executive Manager Advance Rockhampton</b>
<b>Author:</b>	<b>Alyce James - Acting Coordinator Strategic Planning</b>

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### SUMMARY

*This report seeks formal endorsement of the Community Engagement Plan and to proceed to the public consultation stage under the Planning Act 2016 for Planning Scheme Major Amendment Package A – Flooding.*

### OFFICER'S RECOMMENDATION

- 1) THAT the Community Engagement Plan for the Public Consultation stage of making a planning scheme amendment as presented is received.
- 2) THAT public consultation of the proposed major amendment to the planning scheme is undertaken in accordance with section 20 under the *Planning Act 2016*.

### COMMENTARY

Council submitted the amendment to the Department of State Development, Infrastructure, Local Government and Planning for a State Interest Review on 10 October 2023.

The Minister for Housing, Local Government and Planning advised on 21 May 2024 that Council may proceed to the public consultation stage of 'making or amending a planning scheme', subject to the following condition.

The condition required an amendment to the communication strategy to clearly articulate the proposed amendment will not result in additional development in flood hazard areas and will not increase the flood risk to the community.

The Community Engagement Plan (attached) has been updated accordingly and it is proposed the public consultation period commences on Monday 17 June 2024 and ends on Monday 15 July 2024 (20 business days).

### BACKGROUND

The proposed amendment allows subdivision of land as code assessable development (currently impact assessable) within greenfield and infill areas that are impacted by the flood hazard overlay. This change will facilitate urban development as these areas are already zoned for residential development.

Under this amendment there are two key changes:

- A change to the level of assessment for reconfiguration of a lot within the flood hazard overlay; and
- Changes to the assessment benchmarks within the Flood Hazard Overlay Code to ensure the risk to people and property is avoided.

These changes will improve the regulatory efficiency of the planning scheme, strengthen assessment benchmarks, and ensure the planning scheme will continue to provide a robust and effective risk-based approach to management of development subject to the flood hazard overlay.

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The steps for undertaking a major amendment have been outlined below:

1. **Planning and preparation.** Council decides to amend the planning scheme and must outline to the minister the nature and details of the proposed amendment.
2. **State interest review.** The minister must consider the proposed amendment in relation to the purpose of the Act, and state interests. The minister may impose conditions.
3. **Public consultation.** Council must comply with the minister's conditions and undertake public consultation for at least 20 days.
4. **Changing the proposed amendment.** The Council may make changes to the proposed amendment resulting from public consultation.
5. **Effect of changes on public consultation.** Council may repeat public consultation, if the change results in the proposed amendment being significant different to the version released for public consultation.
6. **Minister's consideration.** Minister to consider if the Council may adopt the proposed amendment.
7. **Adoption.** Council undertakes the adoption of the amendment.

### PREVIOUS DECISIONS

On 26 September 2023, Council resolved to amend the Rockhampton Region Planning Scheme 2015 under section 20 of the *Planning Act 2016* for Major Amendment package A and provide a written statement, to the Minister advising that a major amendment has commenced, including the nature and details of the changes.

### BUDGET IMPLICATIONS

The cost associated with public consultation is currently funded in Council's 2023-24 Operational Budget.

### STAFFING IMPLICATIONS

The public consultation will be undertaken primarily by Advance Rockhampton's Strategic Planning team.

### LEGISLATIVE CONTEXT

The process for undertaking a major amendment to the planning scheme is detailed under section 20 of the *Planning Act 2016* and chapter 2 of the *Minister's Guidelines and Rules*.

### CORPORATE/OPERATIONAL PLAN

The amendments to the planning scheme align with the ***Operational Plan 2023–24*** Efforts 3.1.2 – Strategic Planning supports the Region's growing population and enables economic development. The operational plan outlines that council will continue to refine the Rockhampton Region Planning Scheme – to support and guide growth and development of the region.

### CONCLUSION

In conclusion, it is recommended that Council commence the public consultation of the major amendment to the Rockhampton Region Planning Scheme in accordance with the attached Community Engagement Plan. The period of consultation will commence on Monday 17 June 2024 and end on Monday 15 July 2024.

# **COMMUNITY ENGAGEMENT PLAN - PLANNING SCHEME AMENDMENT PACKAGE A**

## **Community Engagement Plan**

**Meeting Date: 11 June 2024**

**Attachment No: 1**

# Community Engagement Plan

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ROCKHAMPTON REGION PLANNING SCHEME

- Major Amendment Package A – Flood Hazard Overlay





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## 1. Trigger for Community Engagement

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Council's Operational Plan 2023 - 2024 is an annual document that outlines the activities for Council to undertake each financial year. The Operational Plan identifies that Council will continue to refine the planning scheme to support and guide growth and development within the region. To ensure the Rockhampton Region Planning Scheme remains current, section 3.1.2 is achieved by identifying key areas of improvement within the scheme and providing progressive amendments.

The proposed major amendment Package A includes changes to the flood hazard overlay tables of assessment to ensure development, particularly within greenfield residential areas, isn't triggered as impact assessable development (due to the flood extent resulting from major amendments Version 4.1 – 4.4). Importantly, land uses such as dwelling houses within the high or extreme hazard flood overlay, remain impact assessable development.

The proposed changes also support the outcomes of the Queensland Housing Summit and the Queensland Housing and Homelessness Action Plan 2021 – 2025 to facilitate residential development.

In relation to preparing a planning scheme, there is a legislative requirement under the *Planning Act 2016* to carry out public consultation about a proposal to amend a planning scheme.

Local government commencing public consultation of a proposed planning scheme is triggered by approval from the Minister for State Development, Infrastructure, Local Government and Planning to proceed to public consultation after the state interest review has been completed.

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## 2. Reason for Engagement

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The reason for engagement is to notify the community of the proposed changes to the planning scheme regarding the level of assessment for the reconfiguration of a lot within the flood hazard overlay.

In accordance with the *Planning Act 2016*, it is a legislative requirement for Council to undertake public consultation on the major amendment to the Rockhampton Region Planning Scheme for a minimum of twenty (20) business days or as determined by Council. The public consultation period can be extended if required.

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## 3. Background

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Council endeavours to ensure that the major amendment to the Rockhampton Region Planning Scheme is developed to accurately reflect the community's expectations and continue to meet the evolving needs of the people who live here, whilst allowing and enhancing growth opportunities.

Council has identified changes required to the tables of assessment for the flood hazard overlay, resulting from the increased extent from the proposed changes to Major Amendment Version 4. The amendment allows the reconfiguring of lots as code assessable development (currently impact assessable) within both greenfield and infill areas that are impacted by Local Creek Catchment and Fitzroy River flood hazards.

This change will not result in additional development being exposed to flood hazard. It is intended to improve the regulatory efficiency of the planning scheme and strengthens the assessment benchmarks in the flood hazard overlay code to ensure additional lots are not

created in flood hazard areas and does not increase the severity of or introduce flood hazards to surrounding properties.

Residential land uses located on land subject to high and extreme flood hazard will still be subject to impact assessable development application.

The changes proposed for Major Amendment Package A include:

- Updating the level of assessment for the reconfiguration of a lot within the flood hazard overlay; and
- Update assessment benchmarks within the Flood Hazard Overlay Code to ensure the risk to people and property is avoided.

#### **4. Objectives**

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- To undertake public notification pursuant to the legislative requirements of the *Planning Act 2016*.
- To create community awareness about the formal consultation period and details of how to make a properly made submission to the Major Amendment (Package A) of the Rockhampton Region Planning Scheme.
- To communicate the reasons for, and benefits of, undertaking a major amendment to the planning scheme.
- To implement appropriate change management techniques that will assist the community to prepare for change – focusing on areas where significant change is proposed.
- To provide the community with a range of online and traditional information sources e.g. fact sheets and feedback/submission methods via Customer Service, Mail and Engagement HQ.

#### **5. Target Audiences**

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##### **Community**

- General community – any person can make a properly made submission;

##### **Business/Developers:**

- Property Developers;
- Real Estate Agents;
- Solicitors and Building Certifiers;
- Planning Consultants; and
- Other interest parties

##### **State Government Referral Agencies**

- Department of Housing, Local Government, Planning and Public Works coordinators referrals to relevant State agencies; and
- Queensland Fire and Emergency Services.

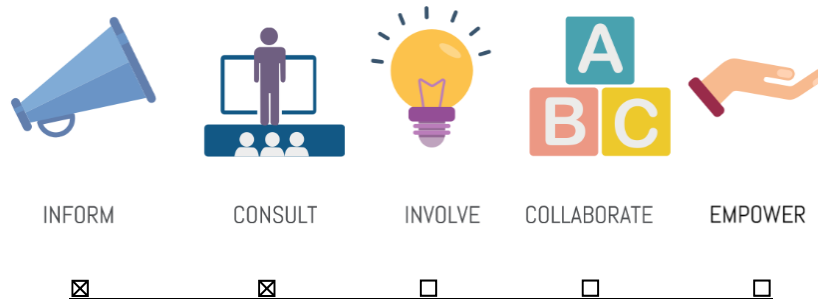
6. Key Messages

General Community	
(Media messages)	<p><b>Prior to consultation period commencing:</b></p> <ul style="list-style-type: none"> <li>• Outline the nature and details of the major amendment and instructions on how to lodge a formal submission as outlined in Methods of Engagement; and</li> <li>• Public consultation period is to commence for 20 business days.</li> </ul> <p><b>During consultation period:</b></p> <ul style="list-style-type: none"> <li>• View the planning scheme changes online from Council's website, Rock e Plan or at Customer Service Centres.</li> <li>• Lodge a formal submission via mail, email, online via Engagement HQ or in person at Council's Customer Service Centres.</li> <li>• Find out about the major amendment to the planning scheme by visiting Council's website / social media pages, Engagement HQ, visiting an information display or registering to attend a meeting with a planner at Customer Service Centres.</li> </ul> <p><b>After consultation period concludes:</b></p> <ul style="list-style-type: none"> <li>• All properly made submissions will be considered by Council and responded to via letter or email as per the legislative requirement.</li> <li>• Update Council's website and social media pages to advise consultation has finished and that all submissions will be addressed.</li> <li>• Development applications submitted after the adoption of the major amendment can be requested to be assessed by Council under the provisions of the superseded planning scheme for a period of 12 months.</li> </ul>

Specific Interest	
Changes to the level of assessment for the reconfiguration of a lot within the flood hazard overlay.	<ul style="list-style-type: none"> <li>• Communicate the changes to the level of assessment and the reason for the change; and</li> <li>• What development potential, if any, has changed.</li> </ul>
Development in flood hazard areas and risk to the community	<ul style="list-style-type: none"> <li>• Communicate that the proposed changes will not result in additional development being exposed to flood hazard and will not increase the flood risk to the community;</li> <li>• Communicate that the proposed changes are intended to improve the regulatory efficiency of the planning scheme and strengthens the assessment benchmarks in the flood hazard overlay code to ensure:               <ul style="list-style-type: none"> <li>- additional residential lots are not created in a flood hazard area</li> <li>- additional lots have safe trafficable access which is not impacted by a defined flood event</li> <li>- reconfiguring a lot does not increase the severity of, or introduce, flood hazards to surrounding properties.</li> </ul> </li> <li>• Communicate that the proposed change will ensure the planning scheme provides a robust and effective risk-based approach to management of development subject to the flood hazard overlay.</li> </ul>

**7. Level of Engagement**

There are different public participation levels ranging from inform, consult, involve, collaborate and empower.



The community engagement for the Major Amendment to the Rockhampton Region Planning Scheme is deemed 'high regional' according to the Community Engagement Matrix. The engagement will involve 'informing' the local government area and 'consulting' with the impacted parties, also including a wider audience as any person from any location may make a submission. To inform and consult with the community and the wider audience, a range of traditional and social media methods will be used.

**8. Methods of Engagement**

**Inform:**

- **Public Notice** (*legislative requirement*)  
The CQ Today newspaper – Saturday prior to commencement of consultation period and 1 week minimum prior to conclusion.
- **Council's Engagement HQ Website** (*legislative requirement*)  
RRPS Major Amendment Project Milestones  
Fact sheet  
Submission form
- **Customer Service Office Displays** (*legislative requirement*)  
A copy of the Major Amendment must be made available at Customer Service Offices (Rockhampton office) supported by information resources (fact sheets and brochures. Council Officers to be available for meetings at Walter Reid (Corner of Derby and East Street, Rockhampton) during the consultation period.
- **Internal Communications**  
Inform the Leadership Team and Customer Service team. Inform internal departments (e.g. Development Assessment, Development Engineering, Customer Service, Advance Rockhampton).
- **Media Release**  
Issued prior to the commencement of the consultation period.

- **Social Media**

RRC Facebook page - scheduled updates and advertising.

- **Direct Email to:**

- Relevant stakeholder:
  - o Developers;
  - o Real Estate Agents;
  - o Solicitors and Building Certifiers;
  - o Planning Consultants; and
  - o Other interest parties

**Consult:**

- **Formal Submission Form**

Submitted via Customer Service, Mail and Engagement HQ. Properly made submissions are collated into a submission report which is considered by Council and a response provided to each submitter. The consultation report is provided to the Minister for State Development, Infrastructure, Local Government and Planning for consideration and needs to be approved by the Chief Executive Officer before moving to the next step in the process.

- **Development Advice Centre and Customer Service Centre Displays**

A Council Officer will be available at Walter Reid (Corner of East and Derby Street, Rockhampton) to provide information and assistance about how to make submissions throughout the consultation period. A full copy of the major amendment will be made available at all Customer Service Offices supported by information resources (fact sheets and brochures) and a professional display.

## 9. Implementation Schedule – Public Notification and Response

Formal consultation period will commence on 17 June 2024 and end on 15 July 2024. The report is triggered by receiving the Chief Executive Officers advice and potential conditions to proceed after the State Interest Review.

*Indicative timeline only. Dates are subject to change.*

	What	When	Who
Planning and preparation	Draft requirements	May 2023 – August 2023	Strategic Planning
State Interest Review (60 business days)	<i>Submit to State Government</i>	September 2023	Strategic Planning
	<i>State Interest Check</i>	September 2023	Strategic Planning
	Internal Staff update on proposed amendments (as required)	September – October 2023	Strategic Planning
	Respond to any further information request issued by the State	November – December 2023	Strategic Planning

	Update planning scheme with any conditions from the State.	December 2023	Strategic Planning
	Formal public notification and community consultation.	April 2024 – June 2024 ( <b>avoid Local Government election</b> )	Strategic Planning / Community Engagement
<b>Public consultation phase (40 business days)</b>	Upload electronic public consultation version (Rock e Plan) of the planning scheme enabling planning scheme submissions and associated maps to Engagement HQ.	12 June 2024	Strategic Planning / IT / Community Engagement
	Draft fact sheets as outlined in Methods of Engagement section.	Early June	Strategic Planning/ Community Engagement
	Media Release from Report that sets consultation dates.	Prior to commencement date	Strategic Planning / Communications Officer
	Customer Service Centres display / major amendment information provided.	Week prior to commencement date	Community Engagement Officer / Strategic Planning Administration / Customer Service
	Internal communications.	Week prior to commencement date	Strategic Planning / Community Engagement Officer
	Formal public notice in CQ Today newspaper (including mandatory information as outlined in legislation).	15 June 2024	Strategic Planning / Community Engagement Officer
	Formal notification on RRC website & Engagement HQ.	<b>17 June 2024</b>	Community Engagement Officer / Strategic Planning
	<b>Official Start of Public Consultation Phase</b> – Must be at least 20 business days in duration in accordance with the <i>Planning Act 2016</i> .	<b>17 June 2024</b>	
	Media launch of public consultation	<b>17 June 2024</b>	Mayor / Councillors / General Manager / Strategic Planning

COMMUNITY ENGAGEMENT PLAN | Rockhampton Region Planning Scheme- Major Amendment Package A |  
Page 8



		Unit / Community Engagement Officer / Media Team
Media Release (ongoing schedule)	First day of consultation (ongoing)	Strategic Planning / Community Engagement Officer / Communication Officer
Facebook update (ongoing schedule)	First day of consultation (ongoing)	Community Engagement Officer / Communication Officer
Email – To relevant stakeholders	<b>17 June 2024</b>	Community Engagement Officer / Strategic Planning Administration
Website update - Consultation period closes.	<b>15 July 2024</b>	Strategic Planning Administration / Community Engagement Officer
<b>Response to Submissions and potential amendments</b>		
Acknowledgement of submission being received – response letter or email.	Within 1-2 weeks of receiving submission throughout consultation period.	Strategic Planning Administration
Submission summary – Council report.	<b>TBD</b>	Strategic Planning
Response to submissions – letter mailed or emailed.	<b>TBD</b>	Strategic Planning Administration / Community Engagement Officer
Submission Report sent for Ministerial Review.	<b>TBD</b>	Strategic Planning
Media Release updating community of progress.	<b>TBD</b>	Strategic Planning / Community Engagement Officer
Updates on RRC website.	<b>TBD</b>	Strategic Planning / Community Engagement Officer

<b>Ministers Review (40 business days)</b>	<b>Response from Minister received and advises on next stage</b>	Date TBA	
	<b>Council decision whether to proceed</b>	Date TBA	
<b>Adoption</b>	<b>Final Drafting and Council Adoption</b>	Date TBA	
	Internal communications	Date TBA	Strategic Planning / Community Engagement Officer
	Media release	Date TBA	Strategic Planning / Community Engagement Officer
	Website / social media update	Date TBA	Strategic Planning / Community Engagement Officer
	Notice in the Government Gazette	Date TBA	Strategic Planning Administration
	Public notice in the local newspapers (including mandatory information as outlined in legislation). Also include contact phone number.	Date TBA	Strategic Planning Administration
	Website information updated must include information from public notice. Also include contact phone number.	Date TBA	Strategic Planning / Community Engagement Officer
	Contact all relevant stakeholders.	Date TBA	Strategic Planning Administration / Community Engagement Officer
	Update Rock e Plan (ICON) and PDF.	Date TBA	Strategic Planning Administration

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### 11.3 REVIEWED COUNCIL POLICIES AND PROCEDURES

**File No:** 10072

**Attachments:**

1. **Draft Media Policy - Clean**[↓](#)
2. **Draft Media Policy - Tracked**[↓](#)
3. **Draft Media Procedure - Clean**[↓](#)
4. **Draft Media Procedure - Tracked**[↓](#)
5. **Draft Council Meeting Procedures Policy - Clean**[↓](#)
6. **Draft Council Meeting Procedures Policy - Tracked**[↓](#)
7. **Draft Councillor Gifts Benefits and Hospitality Policy - Clean**[↓](#)
8. **Draft Councillor Gifts Benefits and Hospitality Policy - Tracked**[↓](#)

**Authorising Officer:** Evan Pardon - Chief Executive Officer

**Author:** Ross Cheesman - Deputy Chief Executive Officer

**Previous Items:** 11.13 - Reviewed Council Policies and Procedures - Ordinary Council - 28 May 2024 9:00 AM

Ordinary Meeting at its meeting on 28 May 2024 resolved that the matter be deferred to the meeting to be held on 11 June 2024.

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#### SUMMARY

*This report presents the following amended policies and procedures as listed for Council's consideration.*

#### OFFICER'S RECOMMENDATION

THAT Council adopt the following amended policies and procedures and that these be reviewed in May 2028:

- Media Policy & Procedure
- Council Meeting Procedures Policy
- Councillor Gifts, Benefits and Hospitality Policy

#### COMMENTARY

Attached to this report are the following policies and procedure that have been reviewed as part of their review cycle. Some minor changes have been suggested and can be seen in the tracked versions.

- Draft Media Policy
- Draft Media Procedure
- Draft Council Meeting Procedures Policy
- Draft Councillor Gifts, Benefits and Hospitality Policy

#### BACKGROUND

These Policies and Procedures are due for review. As a consequence, some minor changes are recommended to keep these up to date with current legislation and practice.

**PREVIOUS DECISIONS**

These Policies and Procedures have previously been adopted by Council.

**BUDGET IMPLICATIONS**

Nil

**LEGISLATIVE CONTEXT**

These policies and procedures are legislatively compliant.

**LEGAL IMPLICATIONS**

There are no legal implications with the recommended Policies and Procedures.

**STAFFING IMPLICATIONS**

Nil

**RISK ASSESSMENT**

N/A

**CORPORATE/OPERATIONAL PLAN**

Operational Plan 1.1.3 – We have effective governance with accountable decision-making practices.

**CONCLUSION**

Good practice requires each policy to have a review period. This has been undertaken for these Policies and Procedures with some minor changes drafted for Council consideration. It is recommended that Council adopt the amended Policies and Procedures attached to this report.

# **REVIEWED COUNCIL POLICIES AND PROCEDURES**

## **Draft Media Policy - Clean**

**Meeting Date: 11 June 2024**

**Attachment No: 1**

## MEDIA POLICY

### ADMINISTRATIVE POLICY



#### 1 Scope

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

#### 2 Purpose

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

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

Councillor Portfolio Policy

Media Procedure

#### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Media	All forms of published content including radio, newspapers, magazines, television, websites that provide news coverage and social media.

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

## 5 Policy Statement

Media is a key communication tool that allows Council to:

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

### 5.1 Spokespersons

#### 5.1.1 Mayor and Councillors

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

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

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

#### 5.1.2 Employees

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

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

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

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

#### 5.1.3 Suppliers and Volunteers

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

## 6 Review Timelines

This policy is reviewed when any of the following occur:

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

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**7 Document Management**

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



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# **REVIEWED COUNCIL POLICIES AND PROCEDURES**

## **Draft Media Policy - Tracked**

**Meeting Date: 11 June 2024**

**Attachment No: 2**

## MEDIA POLICY

### ADMINISTRATIVE POLICY



#### 1 Scope

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

#### 2 Purpose

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

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

Councillor Portfolio Policy

Media Procedure

#### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
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Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Media	All forms of published content including radio, newspapers, magazines, television, websites that provide news coverage and social media.

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

**5 Policy Statement**

Media is a key communication tool that allows Council to:

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

**5.1 Spokespersons**

**5.1.1 Mayor and Councillors**

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

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

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

**5.1.2 Employees**

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

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

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

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

**5.1.3 Suppliers and Volunteers**

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

**6 Review Timelines**

This policy is reviewed when any of the following occur:

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

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	<del>Executive Coordinator to the Mayor</del> Deputy Chief Executive Officer
Policy Quality Control	Legal and Governance



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# **REVIEWED COUNCIL POLICIES AND PROCEDURES**

## **Draft Media Procedure - Clean**

**Meeting Date: 11 June 2024**

**Attachment No: 3**

## MEDIA PROCEDURE



### 1 Scope

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

### 2 Purpose

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

### 3 Related Documents

#### 3.1 Primary

Media Policy

#### 3.2 Secondary

Caretaker Policy

Councillor Portfolio Policy

### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
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Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
General Manager	An employee appointed to a position with a corporate band 2 delegated in accordance with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act</i>

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	2009.
Media	All forms of published content including radio, newspapers, magazines, television, websites that provide news coverage and social media.
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO and/or their authorised delegates.

## 5 Proceduref

### 5.1 Responding to Media Enquiries

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

#### 5.1.1 Direct Councillor Contact

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

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

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

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

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

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

### 5.2 Relationships with the Media

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

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

### 5.3 Media and Communications Unit Resources and Support

#### 5.3.1 Mayor and Councillors

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

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

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

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

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**5.3.2 Employees**

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

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

**5.3.3 Determination of Priority**

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

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

**5.4 Media Releases/Statements**

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

**5.4.1 Quotes**

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

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

**5.4.2 Approval Process**

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

**5.4.3 Distribution of Media Releases**

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

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

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

**6 Review Timelines**

This procedure is reviewed when any of the following occur:

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

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Policy Owner	Deputy Chief Executive Officer
Policy Quality Control	Legal and Governance



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# **REVIEWED COUNCIL POLICIES AND PROCEDURES**

## **Draft Media Procedure - Tracked**

**Meeting Date: 11 June 2024**

**Attachment No: 4**

## MEDIA PROCEDURE



### 1 Scope

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

### 2 Purpose

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

### 3 Related Documents

#### 3.1 Primary

Media Policy

#### 3.2 Secondary

Caretaker Policy

Councillor Portfolio Policy

### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
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Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
<a href="#">General Manager</a>	<a href="#">An employee appointed to a position with a corporate band 2 delegated in accordance with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.</a>
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act</i>

#### LEGAL AND GOVERNANCE USE ONLY

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	2009.
Media	All forms of published content including radio, newspapers, magazines, television, websites that provide news coverage and social media.
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO and/or their authorised delegates.

## 5 Procedure

### 5.1 Responding to Media Enquiries

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

#### 5.1.1 Direct Councillor Contact

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

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

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

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

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

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

### 5.2 Relationships with the Media

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

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

### 5.3 Media and Communications Unit Resources and Support

#### 5.3.1 Mayor and Councillors

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

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

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

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

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**5.3.2 Employees**

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

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

**5.3.3 Determination of Priority**

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

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

**5.4 Media Releases/Statements**

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

**5.4.1 Quotes**

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

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

**5.4.2 Approval Process**

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

**5.4.3 Distribution of Media Releases**

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

**5.5 Jointly Funded Projects and Initiatives**

**5.5.1 Compliance with Funding Guidelines**

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

**6 Review Timelines**

This procedure is reviewed when any of the following occur:

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

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	<del>Executive Coordinator to the Mayor</del> <a href="#">Deputy Chief Executive Officer</a>
Policy Owner	<del>Executive Coordinator to the Mayor</del> <a href="#">Deputy Chief Executive Officer</a>
Policy Quality Control	Legal and Governance



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# **REVIEWED COUNCIL POLICIES AND PROCEDURES**

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

**Meeting Date: 11 June 2024**

**Attachment No: 5**

## COUNCIL MEETING PROCEDURES POLICY

### STATUTORY POLICY



#### 1 Scope

This policy applies to Councillors and employees during meetings of Rockhampton Regional Council. This policy does not apply to meetings of Council's Audit and Business Improvement Committee.

#### 2 Purpose

The purpose of this policy is to:

- (a) Provide direction for the orderly and proper conduct of meetings, including the post-election meeting;
- (b) Ensure the local government principles are reflected in the conduct of meeting; and
- (c) Strengthen public confidence in Council to deal with the conduct of Councillors, conflicts of interests, loss of quorum and closed meetings.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Acquisition of Land Act 1967*

*Information Privacy Act 2009*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

*Public Records Act 2002*

Code of Conduct for Councillors in Queensland (Queensland Government)

Councillor Conduct Register

Councillor Investigation Policy

Councillor Portfolio Policy

Deputation Factsheet

Deputation Guidelines

Model Meeting Procedures (Queensland Government)

Petition Submission Form

Petitions Factsheet

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#### 4 Definitions

To assist in interpretation, the following definitions apply:

Act	<i>Local Government Act 2009</i>
Agenda	Compilation of reports to be discussed at a meeting. The agenda for any meeting must indicate: (a) Business to be conducted at the meeting; (b) Business arising from previous meetings; and (c) Any business for which due notice has been given (Notice of Motion, Questions on Notice). An agenda will not include any matter that is unlawful.
Alternative/ Foreshadowed Motion	A proposed suggestion, usually raised during debate, that there is an alternative proposal should the original motion be lost. Once moved, the same rules of debate as the original motion apply.
Amendment	In relation to a motion, a motion moving an amendment to that motion. An amendment to a motion must retain the identity of the original motion and does not directly negative the motion. Amendment to a motion must be proposed before the debate has been concluded, before the mover of the motion has exercised their right to reply and follows the same rules of debate as the original motion.
Behavioural Standard	As defined in the Act, a standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the Act.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the Act. This includes a person acting in this position.
Chairperson	Person presiding at a meeting.
Committee	A group of Councillors created by a resolution of the Council to undertake functions as determined under the Act or Regulation decided by a Council resolution. A committee may either be a delegated or non-delegated committee.
Conduct Breach	As defined in the Act, the conduct of a Councillor is a conduct breach if the conduct contravenes: (a) A behavioural standard; or (b) A policy, procedure or resolution of Council. Also, the conduct of a Councillor is a conduct breach if: (a) The conduct contravenes an order of the chairperson of a meeting for the Councillor to leave and stay away from the place at which the meeting is being held; or (b) For conduct of a Councillor, including the chairperson, at the meetings - it is part of a course of conduct leading to orders for unsuitable meeting conduct being made against the Councillor on three occasions within a period of one year.
Council	Rockhampton Regional Council
Council Meeting	A meeting of the local government as detailed in Chapter 8, Part 2, Division 1 of the Regulation, other than meetings of its committees.
Councillor	The Mayor and/or Councillors of Council, within the meaning of the Act.
Day	A business day unless specified.

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Delegated Committee	A committee that has the authorisation from the Council to make a decision and therefore a resolution of the Council, excluding matters that require a resolution of a Council meeting.
Deputation	A presentation from a member of the public (which could be on behalf of an organisation or individual) to a meeting.
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the Act.
General Manager	An employee appointed to a position with a corporate band 2 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register, positions include Deputy Chief Executive Officer, general managers and executive managers.
Local Government Principles	As defined in the <i>Local Government Act 2009</i> .
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the Act.
Meeting	Council meeting or committee meeting.
Motion	A proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.
Motion of Dissent	A motion set out in these meeting procedures, the purpose of which is to seek to correct what may have been a mistake of fact or interpretation on the part of the chairperson.
Non-Delegated Committee	A committee that does not have authorisation from the Council to make a decision and therefore must recommend all motions to the next Council meeting for endorsement. Non-delegated committees have the delegation to resolve acceptance of minutes of previous meetings of that committee and to resolve procedural motions.
Petition	A request for action on a matter over which Council has the power to act. The "terms" of a petition consist of the reasons for petitioning Council and a request for action by Council.
Portfolio Councillor	A Councillor who has been allocated responsibility of a portfolio by Council.
Procedural Motion	A set of motions that can be employed in specific ways to control the conduct of meetings.
Record	A document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee and, in particular, includes the minutes of meetings.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Regulation	<i>Local Government Regulation 2012</i>
Report	Documents and information that relate to the business to be dealt with at the meeting. Reports may include personal information only to extent such is necessary to reflect the issue to be discussed without rendering the report meaningless, subject to Council's obligations under the <i>Information Privacy Act 2009</i> .

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Resolution	A motion that has been passed by a majority of Councillors at the meeting. While in practice it means the “Council decision”, the word “resolution” also indicates the process by which the decision was made.
Seriatim	When a motion consists of more than one statement, action or concept a Councillor may request for each statement, action or concept to be voted on separately.
Special Meeting	As defined in the Regulation, a meeting of a local government at which the only business that may be conducted is the business stated in the notice of the meeting.
Unsuitable Meeting Conduct	As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct: (a) Happens during a local government meeting; and (b) Contravenes a behavioural standard.

**5 Policy Statement**

The Act and the Regulation provide core requirements for the conduct of local government meetings.

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

**5.1 Special Meeting**

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

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

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

**5.2 Agenda for Meetings**

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

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

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

**5.3 Order of Business**

The order of business is determined by resolution of a Council meeting, however, a Council or committee meeting may resolve, and without notice, to alter the order in which it proceeds with the business for a particular meeting.

Unless otherwise resolved, the order of business is as follows:

- (a) Opening of Meeting;
- (b) Attendance including Apologies and Leave of Absence;
- (c) Confirmation of Minutes of Previous Meetings;
- (d) Declaration of Interest in Matters on the Agenda;
- (e) Public Forums/Deputations;

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- (f) Presentation of Petitions;
- (g) Reports;
  - (i) Committee (for Council meetings only);
  - (ii) Councillors;
  - (iii) Officers;
- (h) Notice of Motions;
- (i) Questions on Notice;
- (j) Urgent Business/Questions;
- (k) Closed Session; and
- (l) Closure of Meeting.

Meetings deal with items of business on its agenda in accordance with:

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

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

**5.4 Deputations**

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

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

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

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

Details for applying and approving deputations are located on the Council's website.

**5.5 Petitions**

A petition to be considered for presentation to Council must:

- (a) Be on paper in legible writing or typed;
- (b) Be addressed to the CEO;
- (c) Refer to a matter which the Council has the power to act;
- (d) State the reasons for petitioning the Council; and
- (e) Contain a request for action by the Council.

The Petition Submission Form contained on Council's website may be used.

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Submitted petitions must:

- (a) Include the reasons for the petition and the specific action requested (the terms) at the top of the first page of the petition and the action requested also at the top of every subsequent page;
- (b) Include the signature and contact details of the Principal Petitioner on the first page of the petition, and contact details of the Principal Petitioner on every subsequent page;
- (c) Include the name and contact details of the principal petitioner (i.e. the key contact);
- (d) Not have any letters, affidavits or other documents attached to it;
- (e) Include the postcode of all petitioners;
- (f) Contain signatures made by the person signing in their own handwriting, a petitioner who is not able to sign may ask another person to sign on their behalf;
- (g) Have signatures written on a page bearing the request part of the terms of the petition. Signatures must not be:
  - (i) Placed on a blank page or on the reverse of a sheet containing the terms of the petition; or
  - (ii) Be copied, pasted or transferred on to the petition;
- (h) Have at least 10 signatures from people supporting the terms of the petition; and
- (i) Not contain any alterations to the terms of the petition.

When a petition is received by Council an acknowledgement letter is sent to the Principal Petitioner and the petition is tabled for consideration at the next meeting.

A petition may be presented to a meeting by:

- (a) A Councillor;
- (b) CEO; or
- (c) CEO delegate,

who reads and states the nature of the petition, and becomes, as far as practicable, acquainted with the subject matter of the petition before presenting at a meeting.

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

The only motions moved are:

- (a) That the petition be received;
- (b) That the petition be received and referred to a committee or the CEO for consideration and report back to the Council; or
- (c) The petition not be received because it is deemed invalid.

**5.6 Committee Reports**

**5.6.1 Delegated Committees**

Reports and resolutions of a delegated committee do not need to be submitted to a Council meeting for consideration or endorsement, provided there is an absolute majority in favour of the proposal. A casting vote cannot be used by the chairperson to determine a resolution and tied votes must be referred to a Council meeting for determination.

**5.6.2 Non-Delegated Committees**

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

Recommendations to a Council meeting from a committee are to be the same as those resolved by the committee.

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

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

The Council meeting can:

- (a) Adopt;
- (b) Amend and adopt; or
- (c) Reject,

the recommendation.

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

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

**5.7 Mayoral Minute**

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

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

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

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

**5.8 Portfolio Councillor Reports**

Reports to a meeting and relevant to portfolios allocated under Council’s Councillor Portfolio Policy should be introduced by the relevant Portfolio Councillor.

**5.9 Notice of Motion**

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

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

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

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

Notice of motions must:

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

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**5.10 Questions on Notice**

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

Questions on notice must:

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

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

**5.11 Urgent Business/Questions**

A provision in the agenda for Councillors to raise questions or matters of a genuinely urgent or emergent nature that are not a change to Council policy and cannot be delayed until the next scheduled meeting.

**5.12 Closed Meetings**

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

- (a) The appointment, dismissal or discipline of the CEO;
- (b) Industrial matters affecting employees;
- (c) Council's Budget;
- (d) Rating concessions;
- (e) Legal advice obtained by Council, including legal proceedings that may be taken by or against Council;
- (f) Matters that may directly affect the health and safety of an individual or group of individuals;
- (g) Negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council;
- (h) Negotiations relating to the taking of land by Council under the *Acquisition of Land Act 1967*;
- (i) A matter that the Council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State; and/or
- (j) A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the Council under the Act chapter 5A, part 3, division 5.

A 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 prescribed or 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 resolve to:

- (a) Delegate the matter, unless the matter cannot be delegated;
- (b) Defer to a later meeting; or
- (c) Take no further action on the matter unless the Act or another Act provides that Council must decide the matter.

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

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If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the Act).

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

- (a) Pass a resolution to close the meeting;
- (b) 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;
- (c) 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 the Councillors at the meeting may consider it is necessary to take the issue into closed session must be stated; and
- (d) Not make a resolution while in a closed meeting (other than a procedural resolution).

**6 Procedures for Making Determinations**

**6.1 Motions**

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

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

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

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

Only one motion may be put at any one time.

**6.2 Amendment to a Motion**

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

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

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

If an amendment is carried it becomes the motion.

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

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

**6.3 Alternative or Foreshadowed Motions**

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

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

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**6.4 Withdrawal of a Motion**

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

- (a) Before the motion is voted on; or
- (b) Before an amendment to the motion is moved and seconded.

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

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

**6.5 Speaking to Motions and Amendments**

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

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

The order of speakers is:

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

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

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

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

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

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

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

In accordance with section 254H of the Regulation, if a decision made at a meeting is inconsistent with a recommendation or advice given to the Council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

**6.6 Method of Taking Vote**

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

Councillors vote by a show of hands.

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

The chairperson declares the result of a vote as soon as it is determined.

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The minutes of the meeting records the vote. A Councillor may request that their name be recorded for or against the vote.

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

**6.7 Seriatim**

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

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

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

**6.8 Notice to Rescind or Repeal Previous Resolutions**

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

If a Councillor wishes to rescind or repeal a resolution, a notice of intention to move an alternative motion must be provided to each Councillor within the Regulation timeframes, at least five days before the meeting.

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

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

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

**7 Procedural Motions**

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

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

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

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

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

**7.1 That the Motion be Now Put**

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

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

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

**7.2 That the Speaker No Longer Be Heard**

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

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**7.3 That the Debate be Adjourned**

A procedural motion “that the debate on the motion and/or amendment be adjourned” specifies a time or date to which the debate is to be adjourned.

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

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

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

**7.4 That the Meeting Proceed to the Next Item of Business**

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

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

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

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

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

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

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

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

**7.6 That the Matter be Referred to a Committee**

If a procedural motion “that the matter be referred to a committee” is carried, debate on the matter ceases and the next matter on the agenda proceeds.

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

**7.7 That this Report/Document be Tabled**

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

The only motion moved following tabling is that the report/document:

- (a) Be received and referred to a committee or an employee for consideration and report back to the meeting; or
- (b) Not be received.

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

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

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

At the conclusion of the specified period, a procedural motion “to resume a provision of these meeting procedures” are made to reinstate all provisions of the meeting procedures to the meeting.

**7.9 That the Meeting Be Adjourned/Resumed**

A Councillor present at a meeting may at any time move a procedural motion “that the meeting be adjourned”. The procedural motion must specify a time for the resumption of the meeting and, on resumption, continues with the business before the meeting at the point where it was discontinued on the adjournment.

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

**7.10 That the Chairperson’s Ruling be Dissented From**

A Councillor may move “a motion of dissent” in relation to a ruling of the chairperson.

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

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

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

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

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

**8 Attendance at Meetings**

**8.1 Chairperson**

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) presides at Council and Committee meetings.

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

**8.2 Quorum**

Business must not be conducted at a meeting unless a quorum is present in accordance with the Regulation.

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

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

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**8.3 Leave of Absence from Meetings**

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

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

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

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

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

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

Where Councillors are appointed by the Council as a Council representative on a committee or association, a leave of absence is automatically granted for any events or travel associated with the Councillor's fulfilment of that role. Should there be a lack of quorum at a meeting due to the Councillor attending an activity, the CEO will refer the approval for a leave of absence to the Council table.

**8.4 Absence from Meetings**

A request by a Councillor for an apology for not attending a meeting is recorded in the minutes. However, for the purpose of annual reporting, the Councillor is not considered as having attended the meeting. (An apology is not considered a leave of absence request.)

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

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

**8.5 Employee Attendance**

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

**8.6 Attendance of Public and Media at Meetings**

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

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

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

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**8.7 Public Participation at Meetings**

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

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

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

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

**8.8 Teleconferencing**

The Council has delegated to the CEO under section 254K of the Regulation the power to allow a person to take part in a meeting by teleconferencing.

A Councillor or committee member who takes part in a local government meeting by teleconferencing is taken to be present at that meeting if the Councillor or member was simultaneously in audio contact with each other person at the meeting.

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.

**9 Conduct at Meetings**

**9.1 Councillor Conduct**

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

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

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

Councillors, during a meeting, address:

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

Councillors confine their remarks to the matter under consideration.

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

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

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

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

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

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

The chairperson may:

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

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

### 9.2 Points of Order

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

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

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

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

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

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

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

### 9.3 Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

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

- (a) The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- (b) 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, refer to (g) for the steps to be taken.
- (c) If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the Councillor take remedial actions such as:
  - (i) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
  - (ii) Apologising for their conduct; or
  - (iii) Withdrawing their comments.
- (d) If the Councillor complies with the chairperson's request for remedial action, no further action is required.
- (e) If the Councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.

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- (f) If the Councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- (g) If the Councillor still continues to fail to comply with the chairperson's request for remedial actions or the chairperson decided a warning was not appropriate under (e), the chairperson may make one or more of the orders below:
  - (i) An order reprimanding the Councillor for the conduct; or
  - (ii) An order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- (h) If the Councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.
- (i) Following the completion of the meeting, the chairperson must ensure:
  - (i) Details of any order issued is recorded in the minutes of the meeting;
  - (ii) If it is the third or more order within a 12 month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as a conduct breach in accordance with the Act; and
  - (iii) The CEO is advised to ensure details of any order made is updated in the Councillor Conduct Register in accordance with the Act.
- (j) Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts (b), (c), (g) and (h) above.

#### 9.4 Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

If a Councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the Councillor may raise the matter in the meeting by point of order.

The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the Councillor may move a motion that the Chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

The chairperson has a declarable conflict of interest in the matter and must leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the declarable conflict of interest procedures set out below.

For the debate and vote on the motion, a Councillor other than the Councillor that moved the motion, is to act as the chairperson.

If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible Councillors, the chairperson can put forward their reasoning about their conduct, and respond to questions through the chairperson from the eligible Councillors.

The acting chairperson of the meeting will preside over the meeting while the Councillors present at the meeting vote on whether the chairperson has engaged in unsuitable meeting conduct (the acting chairperson will have a casting vote on the resolution if required).

If it is decided that the chairperson has engaged in unsuitable meeting conduct the Councillors can make an order reprimanding the chairperson for the conduct.

Once the Councillors make a decision, the chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.

The chairperson then resumes the role of chairperson, and the meeting continues.

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Details of any reprimand order must be recorded in the minutes of the meeting. The CEO is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register.

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

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

#### 9.5 Prescribed Conflict of Interest

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

- (a) A Councillor who has notified the CEO of a prescribed conflict of interest in a matter to be discussed in a meeting must also give notice during the meeting.
- (b) A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a meeting must immediately inform the meeting of the conflict of interest.
- (c) When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
  - (i) If it arises because of a gift, loan or contract, the value of the gift, loan or contract;
  - (ii) If it arises because of an application or submission, the subject of the application or submission;
  - (iii) The name of any entity, other than the Councillor, that has an interest in the matter;
  - (iv) The nature of the Councillor's relationship with the entity mentioned in paragraph 9.5(c)(iii) that has an interest in the matter; and/or
  - (v) Details of the Councillor's and any other entity's interest in the matter.
- (d) 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.
- (e) Once the Councillor has left the area where the meeting is being conducted, Council can continue discussing and deciding on the matter at hand. However, if the prescribed conflict of interest was reported to the meeting by a Councillor other than the subject Councillor, then the Councillor must disclose their belief or suspicion to the chairperson and the processes, duty to report another Councillor's conflict of interest under section 150EW of the Act, will apply. If more than one Councillor is reported by another Councillor to have a suspected prescribed conflict of interest in a matter, the meeting must deal with each Councillor individually. If the Councillor with the suspected prescribed conflict of interest considers there is no conflict of interest, then the eligible Councillors (those who do not have a conflict of interest in the matter) must make a decision about whether or not the subject Councillor has a prescribed conflict of interest under section 150EX(2) of the Act applies.

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**9.6 Declarable Conflict of Interest**

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at meetings that might lead to a decision that is contrary to the public interest (other than interests prescribed under section 150EO of the Act and ordinary business matters prescribed under section 150EF of the Act).

The following processes must be undertaken:

- (a) 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 Act apply. If more than one Councillor is reported by another Councillor to have a suspected declarable conflict of interest in a matter, the meeting must deal with each Councillor individually. The eligible Councillors must then make a decision under section 150EX(2) of the Act.
- (b) When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:
  - (i) A Councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a meeting must also give notice during the meeting.
  - (ii) A Councillor who first becomes aware of a declarable conflict of interest in a matter during a meeting must inform the meeting of the conflict of interest.
- (c) 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:
  - (i) The nature of the declarable conflict of interest; and
  - (ii) If it arises because of the Councillor's relationship with a related party:
    - (A) The name of the related party to the Councillor;
    - (B) The nature of the relationship of the related party to the Councillor; and
    - (C) The nature of the related party's interests in the matter.
  - (iii) If it arises because of a gift or loan from another person to the Councillor or a related party:
    - (A) The name of the other person;
    - (B) The nature of the relationship of the other person to the Councillor or related party;
    - (C) The nature of the other person's interests in the matter; and
    - (D) The value of the gift or loan, and the date the gift was given or loan was made.
- (d) 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.
- (e) 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.

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- (f) 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 eligible Councillors. The eligible Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting, for example, they may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the eligible Councillors. The Councillor must not participate in the decision unless authorised in compliance with section 150ES of the Act or under an approval by the Minister for Local Government under section 150EV of the Act.
- (g) 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 Act.
- (h) 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.
- (i) When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible Councillors should consider the circumstances of the matter including, but not limited to:
- (i) How does the inclusion of the Councillor in the deliberation affect the public trust;
  - (ii) How close or remote is the Councillor's relationship to the related party;
  - (iii) If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
  - (iv) 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;
  - (v) How does the benefit or detriment the subject Councillor stands to receive compared to others in the community;
  - (vi) 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; and
  - (vii) Whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- (j) If the eligible Councillors cannot decide about the Councillor's participation in the meeting with a declarable conflict of interest of, they are taken to have decided that the Councillor must leave and stay away from the meeting while the eligible Councillors discuss and vote on the matter.
- (k) A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the eligible Councillors decide by resolution 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 meeting about the same matter for example briefing sessions or workshops.
- (l) In making the decision about the Councillor's conflict of interest in a matter it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

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(m) A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the Act.

**9.7 Reporting of Suspected Conflict of Interest**

If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or 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. If more than one Councillor is reported by another Councillor to have suspected personal interest in a matter, the meeting must deal with each Councillor individually.

The chairperson should ask the 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 for prescribed and declarable conflicts of interest.

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.

The eligible Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above. If a Councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible Councillors must make a decision about the Councillor's participation.

If the Councillors cannot reach a decision about the conflict of interest, or the subject Councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the Councillor must leave and stay away from the place where the meeting is being held while the eligible Councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged. If the eligible Councillors decide by resolution that the subject Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of the Council meeting about the same matter for example, workshops.

If the belief or suspicion of a conflict of interest relates to more than one Councillor, the above paragraphs in 9.7 must be complied with in relation to each Councillor separately.

**9.8 Loss of Quorum**

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

- (a) Delegate the consideration and decision on the matter, in accordance with section 257 of the Act unless the matter cannot be delegated;
- (b) Defer the matter to a later meeting; or
- (c) Not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the Council must decide the matter.

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.

The Council may only delegate a power to make a decision about a Councillors conduct under section 150AEA or 150AG of the Act in accordance with section 257(2) of the Act, to:

- (a) The Mayor; or
- (b) A standing committee,
- (c) If it is a decision about the conduct of the Mayor, the decision must be delegated to a standing committee.

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

**9.9 Recording Prescribed and Declarable Conflicts of Interest**

When a Councillor informs the 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:

- (a) The name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest;
- (b) The particulars of the prescribed or declarable conflict of interest provided by the Councillor;
- (c) 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;
- (d) Any decision then made by the eligible Councillors;
- (e) Whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
- (f) The Council’s decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
- (g) The name of each eligible Councillor who voted on the matter and how each voted. The eligible Councillors includes a Councillor who has either been granted approval by the Minister or their fellow Councillors to participate and vote on a matter (ie. all Councillors who were entitled to vote on the matter).

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 paragraph 9.6(f) of this policy, 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.

**9.10 Maintenance of Good Order at Meetings**

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

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

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

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

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#### 10 Meeting Process for Dealing with a Suspected Conduct Breach including those that have been Referred to Council by the Independent Assessor

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

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

Council's investigation must be conducted in a way that is consistent with Council's Councillor Investigation Policy. An investigation report must be prepared to assist the Councillors in deciding on the outcome under section 150AG of the Act. Before debating a matter to decide on an outcome, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the Act on or before the day and time prescribed by the Regulation.

Council must decide in a Council meeting whether the Councillor has engaged in a conduct breach, unless it has delegated responsibility for this decision under section 257 of the Act to the Mayor or to a standing committee.

When dealing with an instance of a suspected conduct breach which has been referred to Council by the Independent Assessor:

- (a) The Council must act in a manner consistent with the local government principle of transparent and accountable decision making in the public interest, by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the Council. However, where the matter requires debate the Council may resolve to go into closed session under section 254J of the Regulation to discuss an investigation report. No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- (b) Where the Council makes a decision about a conduct breach matter at a meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting in accordance with section 254H of the Regulation.
- (c) The subject Councillor has a declarable conflict of interest in the matter and must declare the conflict of interest. The eligible Councillors at the meeting can decide by resolution that the subject Councillor may remain in the meeting (unless they decide otherwise), during the debate about the investigation report and may answer questions put to the subject Councillor through the chairperson in relation to the evidence or written submission provided by the Councillor to the Council.
- (d) The subject Councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the Councillor is found to have engaged in a conduct breach.
- (e) If the complainant is 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 paragraph 9.6. If the complainant Councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible Councillors (do not have a conflict of interest in the matter) must decide how to deal with the conflict of interest under paragraph 9.6. 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.

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- (f) After making a decision under section 150AG of the Act, the Council must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a Councillor or the CEO of the Council if they were complainants, and any Councillor who declared a conflict of interest in the matter.
- (g) If the Council has lost quorum due to the number of conflicted Councillors or another reason, the Council must do one of the following:
  - (i) Delegate deciding the matter under section 257 of the Act to the Mayor or a standing committee;
  - (ii) Decide, by resolution, to defer the matter to a later meeting; or
  - (iii) Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the Council must decide the matter.
- (h) Council cannot decide to take no further action on a decision about a conduct matter because a decision is required under the Act. In order to reach a decision when a loss of quorum has occurred, the matter can be deferred to a later meeting when a quorum can be maintained, or the conflicted Councillors may apply to the Minister for permission to participate in the decision.
- (i) If it is decided that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties from the orders detailed in paragraph 10(i), if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous conduct breach 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.
- (j) The Council may order that no action be taken against the Councillor or make one or more of the following:
  - (i) An order that the Councillor make a public apology, in the way decided by the Council;
  - (ii) An order reprimanding the Councillor for the conduct breach;
  - (iii) An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
  - (iv) An order that the Councillor be excluded from a stated meeting;
  - (v) An order that the Councillor is removed, or must resign, from a position representing the Council, other than the office of Councillor, for example, that the Councillor is ordered to resign from an appointment representing the Council on a state board or committee;
  - (vi) An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; and/or
  - (vii) An order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's conduct breach.

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

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.

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

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**11 Record of Meetings****11.1 Confirmation of Minutes**

The minutes of a meeting must be compliant with the requirements of the Regulation.

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

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

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

No discussion is permitted on the minutes except to confirm or correct their accuracy as a record of proceedings. If the Council needs to make a correction to the confirmed minutes, that can be done by passing a rescinding motion or a new motion that states what the correction is, but the original minutes remain as they are recorded.

**11.2 Live Streaming, Audio and Video Recording of Meetings**

Council may direct that live streaming of meetings occur for members of the public to view the meeting without physically attending. Archival access of these meetings will be available through Council's chosen streaming/hosting provider. Confidential items will not be live streamed. Council also retains a copy of the live streamed meeting for a period of seven years after confirmation of the minutes of the meeting in accordance with the *Public Records Act 2002*.

Council may also direct that an audio or video recording of a meeting be made for the purpose of verifying the accuracy of the minutes of the meeting. An audio or video recording made in accordance with this direction:

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

**12 Exclusions**

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

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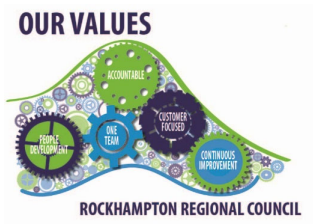
**13 Review Timelines**

This policy is reviewed when any of the following occur:

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

**14 Document Management**

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



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# **REVIEWED COUNCIL POLICIES AND PROCEDURES**

## **Draft Council Meeting Procedures Policy - Tracked**

**Meeting Date: 11 June 2024**

**Attachment No: 6**

## COUNCIL MEETING PROCEDURES POLICY

### STATUTORY POLICY



#### 1 Scope

This policy applies to Councillors and employees during meetings of Rockhampton Regional Council. This policy does not apply to meetings of Council's Audit and Business Improvement Committee.

#### 2 Purpose

The purpose of this policy is to:

- (a) Provide direction for the orderly and proper conduct of meetings, including the post-election meeting;
- (b) Ensure the local government principles are reflected in the conduct of meeting; and
- (a)(c) Strengthen public confidence in Council to deal with the conduct of Councillors, conflicts of interests, loss of quorum and closed meetings.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Acquisition of Land Act 1967*

*Information Privacy Act 2009*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

*Public Records Act 2002*

Code of Conduct for Councillors in Queensland (~~Department of State Development, Infrastructure, Local Queensland Government and Planning~~)

Councillor Conduct Register

Councillor Investigation Policy

Councillor Portfolio Policy

Deputation Factsheet

Deputation Guidelines

Model Meeting Procedures (~~Department of State Development, Infrastructure, Local Queensland Government and Planning~~)

Petition Submission Form

Petitions Factsheet

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#### 4 Definitions

To assist in interpretation, the following definitions apply:

Act	<i>Local Government Act 2009</i>
Agenda	Compilation of reports to be discussed at a meeting. The agenda for any meeting must indicate: (a) Business to be conducted at the meeting; (b) Business arising from previous meetings; and (c) Any business for which due notice has been given (Notice of Motion, Questions on Notice). An agenda will not include any matter that is unlawful.
Alternative/ Foreshadowed Motion	A proposed suggestion, usually raised during debate, that there is an alternative proposal should the original motion be lost. Once moved, the same rules of debate as the original motion apply.
Amendment	In relation to a motion, a motion moving an amendment to that motion. An amendment to a motion must retain the identity of the original motion and does not directly negative the motion. Amendment to a motion must be proposed before the debate has been concluded, before the mover of the motion has exercised their right to reply and follows the same rules of debate as the original motion.
Behavioural Standard	<u>As defined in the Act, The</u> standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150E of the Act.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the Act. This includes a person acting in this position.
Chairperson	Person presiding at a meeting.
Committee	A group of Councillors created by a resolution of the Council to undertake functions as determined under the Act or Regulation decided by a Council resolution. A committee may either be a delegated or non-delegated committee.
<u>Conduct Breach</u>	<u>As defined in the Act, the conduct of a Councillor is a conduct breach if the conduct contravenes:</u> <u>(a) A behavioural standard; or</u> <u>(b) A policy, procedure or resolution of Council.</u> <u>Also, the conduct of a Councillor is a conduct breach if:</u> <u>(a) The conduct contravenes an order of the chairperson of a meeting for the Councillor to leave and stay away from the place at which the meeting is being held; or</u> <u>(b) For conduct of a Councillor, including the chairperson, at the meetings - it is part of a course of conduct leading to orders for unsuitable meeting conduct being made against the Councillor on three occasions within a period of one year.</u>
Council	Rockhampton Regional Council
Council Meeting	A meeting of the local government as detailed in Chapter 8, Part 2, Division 1 of the Regulation, other than meetings of its committees.
Councillor	The Mayor and/or Councillors of Council, within the meaning of the Act.

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Day	A business day unless specified.
Delegated Committee	A committee that has the authorisation from the Council to make a decision and therefore a resolution of the Council, excluding matters that require a resolution of a Council meeting.
Deputation	A presentation from a member of the public (which could be on behalf of an organisation or individual) to a meeting.
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the Act.
General Manager	An employee appointed to a position with a corporate band 2 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register, positions include Deputy Chief Executive Officer, general managers and executive managers.
<u>Local Government Principles</u>	<u>As defined in the <i>Local Government Act 2009</i>.</u>
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the Act.
Meeting	Council meeting or committee meeting.
Motion	A proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council.
<u>Motion of Dissent</u>	<u>A motion set out in these meeting procedures, the purpose of which is to seek to correct what may have been a mistake of fact or interpretation on the part of the Chairperson.</u>
Non-Delegated Committee	A committee that does not have authorisation from the Council to make a decision and therefore must recommend all motions to the next Council meeting for endorsement. Non-delegated committees have the delegation to resolve acceptance of minutes of previous meetings of that committee and to resolve procedural motions.
Petition	A request for action on a matter over which Council has the power to act. The "terms" of a petition consist of the reasons for petitioning Council and a request for action by Council.
Portfolio Councillor	A Councillor who has been allocated responsibility of a portfolio <u>by Council</u> .
Procedural Motion	A set of motions that can be employed in specific ways to control the conduct of meetings.
Record	A document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee and, in particular, includes the minutes of meetings.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Regulation	<i>Local Government Regulation 2012</i>

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Report	Documents and information that relate to the business to be dealt with at the meeting. Reports may include personal information only to extent such is necessary to reflect the issue to be discussed without rendering the report meaningless, subject to Council's obligations under the <i>Information Privacy Act 2009</i> .
Resolution	A motion that has been passed by a majority of Councillors at the meeting. While in practice it means the "Council decision", the word "resolution" also indicates the process by which the decision was made.
Seriatim	When a motion consists of more than one statement, action or concept a Councillor may request for each statement, action or concept to be voted on separately.
Special Meeting	As defined in the Regulation, a meeting of a local government at which the only business that may be conducted is the business stated in the notice of the meeting.
Unsuitable Meeting Conduct	As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct: (a) Happens during a local government meeting; and (b) Contravenes a behavioural standard.

## 5 Policy Statement

The Act and the Regulation provide core requirements for the conduct of local government meetings.

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

### 5.1 Special Meeting

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

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

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

### 5.2 Agenda for Meetings

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

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

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

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### 5.3 Order of Business

The order of business is determined by resolution of a Council meeting, however, a Council or committee meeting may resolve, and without notice, to alter the order in which it proceeds with the business for a particular meeting.

Unless otherwise resolved, the order of business is as follows:

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

Meetings deal with items of business on its agenda in accordance with:

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

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

### 5.4 Deputations

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

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

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

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

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

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**5.5 Petitions**

A petition to be considered for presentation to Council must:

- (a) Be on paper in legible writing or typed;
- (b) Be addressed to the CEO;
- (c) Refer to a matter which the Council has the power to act;
- (d) State the reasons for petitioning the Council; and
- (e) Contain a request for action by the Council.

The Petition Submission Form contained on Council's website may be used.

Submitted petitions must:

- (a) Include the reasons for the petition and the specific action requested (the terms) at the top of the first page of the petition and the action requested also at the top of every subsequent page;
- (b) Include the signature and contact details of the Principal Petitioner on the first page of the petition, and contact details of the Principal Petitioner on every subsequent page;
- (c) Include the name and contact details of the principal petitioner (i.e. the key contact);
- (d) Not have any letters, affidavits or other documents attached to it;
- (e) Include the postcode of all petitioners;
- (f) Contain signatures made by the person signing in their own handwriting, a petitioner who is not able to sign may ask another person to sign on their behalf;
- (g) Have signatures written on a page bearing the request part of the terms of the petition. Signatures must not be:
  - (i) Placed on a blank page or on the reverse of a sheet containing the terms of the petition; or
  - (ii) Be copied, pasted or transferred on to the petition;
- (h) Have at least 10 signatures from people supporting the terms of the petition; and
- (i) Not contain any alterations to the terms of the petition.

When a petition is received by Council an acknowledgement letter is sent to the Principal Petitioner and the petition is tabled for consideration at the next meeting.

A petition may be presented to a meeting by:

- (a) A Councillor;
- (b) CEO; or
- (c) CEO delegate,

who reads and states the nature of the petition, and becomes, as far as practicable, acquainted with the subject matter of the petition before presenting at a meeting.

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

The only motions moved are:

- (a) That the petition be received;
- (b) That the petition be received and referred to a committee or the CEO for consideration and report back to the Council; or
- (c) The petition not be received because it is deemed invalid.

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**5.6 Committee Reports****5.6.1 Delegated Committees**

Reports and resolutions of a delegated committee do not need to be submitted to a Council meeting for consideration or endorsement, provided there is an absolute majority in favour of the proposal. A casting vote cannot be used by the Chairperson to determine a resolution and tied votes must be referred to a Council meeting for determination.

**5.6.2 Non-Delegated Committees**

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

Recommendations to a Council meeting from a committee are to be the same as those resolved by the committee.

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

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

The Council meeting can:

- (a) Adopt;
- (b) Amend and adopt; or
- (c) Reject,

the recommendation.

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

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

**5.7 Mayoral Minute**

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

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

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

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

**5.8 Portfolio Councillor Reports**

Reports to a meeting and relevant to portfolios allocated under Council's Councillor Portfolio Policy should be introduced by the relevant Portfolio Councillor.

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**5.9 Notice of Motion**

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

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

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

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

Notice of motions must:

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

**5.10 Questions on Notice**

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

Questions on notice must:

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

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

**5.11 Urgent Business/Questions**

A provision in the agenda for Councillors to raise questions or matters of a genuinely urgent or emergent nature that are not a change to Council policy and cannot be delayed until the next scheduled meeting.

**5.12 Closed Meetings**

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

- (a) The appointment, dismissal or discipline of the CEO;
- (b) Industrial matters affecting employees;
- (c) Council's Budget;
- (d) Rating concessions;
- (e) Legal advice obtained by Council, including legal proceedings that may be taken by or against Council;
- (f) Matters that may directly affect the health and safety of an individual or group of individuals;
- (g) Negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council;

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(h) Negotiations relating to the taking of land by Council under the *Acquisition of Land Act 1967*; and/or

(i) A matter that the Council is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State;

~~(j)~~ A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the Council under the Act chapter 5A, part 3, division 5.

A 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 prescribed or 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 resolve to:

- (a) Delegate the matter, unless the matter cannot be delegated;
- (b) ~~Decide by resolution to d~~Defer to a later meeting; or
- (c) ~~Decide by resolution to t~~Take no further action on the matter unless the Act or another Act provides that Council must decide the matter.

None of the above are 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 (a failure to do so could be a contravention of section 171(3) of the Act).

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

- (a) Pass a resolution to close the meeting;
- (b) 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;
- (c) 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 the Councillors at the meeting may consider it is deemed~~ necessary to take the issue into closed session must be stated; and
- (d) Not make a resolution while in a closed meeting (other than a procedural resolution).

**6 Procedures for Making Determinations**

**6.1 Motions**

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

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

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

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

Only one motion may be put at any one time.

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**6.2 Amendment to a Motion**

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

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

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

If an amendment is carried it becomes the motion.

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

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

**6.3 Alternative or Foreshadowed Motions**

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

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

**6.4 Withdrawal of a Motion**

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

- (a) Before the motion is voted on; or
- (b) Before an amendment to the motion is moved and seconded.

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

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

**6.5 Speaking to Motions and Amendments**

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

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

The order of speakers is:

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

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

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

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

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

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

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

In accordance with section 254H of the Regulation, if a decision made at a meeting is inconsistent with a recommendation or advice given to the Council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

#### 6.6 Method of Taking Vote

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

Councillors vote by a show of hands.

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

The chairperson declares the result of a vote as soon as it is determined.

The minutes of the meeting records the vote. A Councillor may request that their name be recorded for or against the vote.

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

#### 6.7 Seriatim

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

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

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

#### 6.8 Notice to Rescind or Repeal Previous Resolutions

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

If a Councillor wishes to rescind or repeal a resolution, a notice of intention to move an alternative motion must be provided to each Councillor within the Regulation timeframes, at least five days before the meeting.

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

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

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

### 7 Procedural Motions

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

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

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

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

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

#### 7.1 That the Motion be Now Put

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

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

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

#### 7.2 That the Speaker No Longer Be Heard

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

#### 7.3 That the Debate be Adjourned

A procedural motion “that the debate on the motion and/or amendment be adjourned” specifies a time or date to which the debate is to be adjourned.

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

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

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

#### 7.4 That the Meeting Proceed to the Next Item of Business

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

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

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

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

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

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

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

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

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**7.6 That the Matter be Referred to a Committee**

If a procedural motion “that the matter be referred to a committee” is carried, debate on the matter ceases and the next matter on the agenda proceeds.

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

**7.7 That this Report/Document be Tabled**

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

The only motion moved following tabling is that the report/document:

- (a) Be received and referred to a committee or an employee for consideration and report back to the meeting; or
- (b) Not be received.

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

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

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

At the conclusion of the specified period, a procedural motion “to resume a provision of these meeting procedures” are made to reinstate all provisions of the meeting procedures to the meeting.

**7.9 That the Meeting Be Adjourned/Resumed**

A Councillor present at a meeting may at any time move a procedural motion “that the meeting be adjourned”. The procedural motion must specify a time for the resumption of the meeting and, on resumption, continues with the business before the meeting at the point where it was discontinued on the adjournment.

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

**7.10 That the Chairperson’s Ruling be Dissented From**

A Councillor may move “a motion of dissent” in relation to a ruling of the chairperson.

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

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

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

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

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

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**8 Attendance at Meetings****8.1 Chairperson**

The Mayor (or at the request or in the absence of the Mayor, the Deputy Mayor) presides at Council and Committee meetings.

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

**8.2 Quorum**

Business must not be conducted at a meeting unless a quorum is present in accordance with the Regulation.

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

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

**8.3 Leave of Absence from Meetings**

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

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

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

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

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

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

Where Councillors are appointed by the Council as a Council representative on a committee or association, a leave of absence is automatically granted for any events or travel associated with the Councillor's fulfilment of that role. Should there be a lack of quorum at a meeting due to the Councillor attending an activity, the CEO will refer the approval for a leave of absence to the Council table.

**8.4 Absence from Meetings**

A request by a Councillor for an apology for not attending a meeting is recorded in the minutes. However, for the purpose of annual reporting, the Councillor is not considered as having attended the meeting. (An apology is not considered a leave of absence request.)

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

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

**8.5 Employee Attendance**

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

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**8.6 Attendance of Public and Media at Meetings**

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

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

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

~~When a meeting proposes to close a meeting in accordance with section 254J of the Regulation, the chairperson directs all persons, other than Council or Committee members, to leave the meeting and every person will immediately comply with the direction.~~

**8.7 Public Participation at Meetings**

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

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

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

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

**8.8 Teleconferencing**

The Council has delegated to the CEO under section 254K of the Regulation the power to allow a person to take part in a meeting by teleconferencing.

A Councillor or committee member who takes part in a local government meeting by teleconferencing is taken to be present at that meeting if the Councillor or member was simultaneously in audio contact with each other person at the meeting.

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.

**9 Conduct at Meetings**

**9.1 Councillor Conduct**

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

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

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

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Councillors, during a meeting, address:

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

Councillors confine their remarks to the matter under consideration.

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

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

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

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

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

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

The chairperson may:

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

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

**9.2 Points of Order**

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

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

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

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

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

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

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

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

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

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

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**9.4 Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting**

~~Chairpersons of a meeting are carrying out a statutory responsibility under the Act 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 to be dealt with. However, breaches of trust don't arise because Councillors disagree with the chairperson's decision or ruling during the meeting. If a Councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the Councillor may raise the matter in the meeting by point of order.~~

~~The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the Councillor may move a motion that the Chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.~~

~~The chairperson has a declarable conflict of interest in the matter and must leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the declarable conflict of interest procedures set out below.~~

~~For the debate and vote on the motion, a Councillor other than the Councillor that moved the motion, is to act as the chairperson.~~

~~If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible Councillors, the chairperson can put forward their reasoning about their conduct, and respond to questions through the chairperson from the eligible Councillors.~~

~~The acting chairperson of the meeting will preside over the meeting while the Councillors present at the meeting vote on whether the chairperson has engaged in unsuitable meeting conduct (the acting chairperson will have a casting vote on the resolution if required).~~

~~If it is decided that the chairperson has engaged in unsuitable meeting conduct the Councillors can make an order reprimanding the chairperson for the conduct.~~

~~Once the Councillors make a decision, the chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.~~

~~The chairperson then resumes the role of chairperson, and the meeting continues.~~

~~Details of any reprimand order must be recorded in the minutes of the meeting. The CEO is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register.~~

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

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

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**9.49.5 Prescribed Conflict of Interest**

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

- (a) A Councillor who has notified the CEO of a prescribed conflict of interest in a matter to be discussed in a meeting must also give notice during the meeting.
- (b) A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a meeting must immediately inform the meeting of the conflict of interest.
- (c) When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
  - (i) If it arises because of a gift, loan or contract, the value of the gift, loan or contract;
  - (ii) If it arises because of an application or submission, the subject of the application or submission;
  - (iii) The name of any entity, other than the Councillor, that has an interest in the matter;
  - (iv) The nature of the Councillor's relationship with the entity mentioned in paragraph 9.5(c)(iii) that has an interest in the matter; and/or
  - (v) Details of the Councillor's and any other entity's interest in the matter.
- (d) 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.
- (e) Once the Councillor has left the area where the meeting is being conducted, Council can continue discussing and deciding on the matter at hand. However, if the prescribed conflict of interest was reported to the meeting by a Councillor other than the subject Councillor, then the Councillor must disclose their belief or suspicion to the Chairperson and the processes, duty to report another Councillor's conflict of interest under section 150EW of the Act, will apply. If more than one Councillor is reported by another Councillor to have a suspected prescribed conflict of interest in a matter, the meeting must deal with each Councillor individually. If the Councillor with the suspected prescribed conflict of interest considers there is no conflict of interest, then the eligible Councillors (those who do not have a conflict of interest in the matter) must make a decision about whether or not the subject Councillor has a prescribed conflict of interest under section 150EX(2) of the Act applies.

**9.59.6 Declarable Conflict of Interest**

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at meetings that might lead to a decision that is contrary to the public interest (other than interests prescribed under section 150EO of the Act and ordinary business matters prescribed under section 150EF of the Act).

The following processes must be undertaken:

- (a) 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 Act apply. If more than one Councillor is reported by another Councillor to have a suspected declarable conflict of interest in a matter, the meeting must deal with each Councillor individually. The eligible Councillors must then make a decision under section 150EX(2) of the Act.

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- (b) When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:
- (i) A Councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a meeting must also give notice during the meeting.
  - (ii) A Councillor who first becomes aware of a declarable conflict of interest in a matter during a meeting must inform the meeting of the conflict of interest.
- (c) 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:
- (i) The nature of the declarable conflict of interest; and
  - (ii) If it arises because of the Councillor's relationship with a related party:
    - (A) The name of the related party to the Councillor;
    - (B) The nature of the relationship of the related party to the Councillor; and
    - (C) The nature of the related party's interests in the matter.
  - (iii) If it arises because of a gift or loan from another person to the Councillor or a related party:
    - (A) The name of the other person;
    - (B) The nature of the relationship of the other person to the Councillor or related party;
    - (C) The nature of the other person's interests in the matter; and
    - (D) The value of the gift or loan, and the date the gift was given or loan was made.
- (d) 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.
- (e) 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.
- (f) 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-eligible~~ Councillors. The ~~non-conflicted-eligible~~ Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting, for example, they 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-eligible~~ Councillors. The Councillor must not participate in the decision unless authorised in compliance with section 150ES of the Act or under an approval by the Minister for Local Government under section 150EV of the Act.
- (g) 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 Act.
- (h) 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.

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- (i) 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-eligible~~ Councillors should consider the circumstances of the matter including, but not limited to:
  - (i) How does the inclusion of the Councillor in the deliberation affect the public trust;
  - (ii) How close or remote is the Councillor’s relationship to the related party;
  - (iii) If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
  - (iv) 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;
  - (v) How does the benefit or detriment the subject Councillor stands to receive compared to others in the community;
  - (vi) 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; and
  - (vii) Whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- (j) If the ~~non-conflicted~~~~eligible~~ Councillors cannot decide about the Councillor’s participation in the meeting with a declarable conflict of interest of ~~a Councillor~~, they are taken to have decided that the Councillor must leave and stay away from the meeting while the ~~eligible~~~~non-conflicted~~ Councillors discuss and vote on the matter.
- (k) A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the Councillor’s personal interests and/or the nature of the matter being discussed. If the ~~eligible non-conflicted~~ Councillors decide by resolution 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 for example briefing sessions or workshops.
- (l) In making the decision about the Councillor’s conflict of interest in a matter under paragraph 9-5(f) and 9-5(i), it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- (m) A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the Act.

**9.69.7 Reporting of Suspected Conflict of Interest**

If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or 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. If more than one Councillor is reported by another Councillor to have suspected personal interest in a matter, the meeting must deal with each Councillor individually.

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 for prescribed and declarable conflicts of interest.

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.

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The ~~eligible~~~~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. If a Councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible Councillors must make a decision about the Councillor's participation.

~~If the Councillors cannot reach a majority decision then they are taken to have determined that the Councillor has a declarable conflict of interest. If the Councillors cannot reach a decision about the conflict of interest, or the subject Councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the Councillor must leave and stay away from the place where the meeting is being held while the eligible Councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged. If the eligible Councillors decide by resolution that the subject Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of the Council meeting about the same matter for example, workshops.~~

If the belief or suspicion of a conflict of interest relates to more than one Councillor, the above paragraphs in 9.7 must be complied with in relation to each Councillor separately.

**9.79.8 Loss of Quorum**

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~~all the Councillors including the conflicted Councillors must resolve to:

- (a) Delegate the consideration and decision on the matter, in accordance with section 257 of the Act unless the matter cannot be delegated;
- (b) Defer the matter to a later meeting; or
- (c) Not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the Council must decide the matter.

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

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.

The Council may only delegate a power to make a decision about a Councillors conduct under section 150AEA or 150AG of the Act in accordance with section 257(2) of the Act, to:

- (a) The Mayor; or
- (b) A standing committee,

~~(d)~~(c) If it is a decision about the conduct of the Mayor, the decision must be delegated to a standing committee.

The Minister for Local Government may, by signed notice give approval for a conflicted Councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of quorum and deciding~~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.

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**9.99.9 Recording Prescribed and Declarable Conflicts of Interest**

When a Councillor informs the 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:

- (a) The name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest;
- (b) The particulars of the prescribed or declarable conflict of interest provided by the Councillor;
- (c) 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;
- (d) Any decision then made by the eligible Councillors;
- (e) Whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
- (f) The Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;
- (g) The name of each eligible Councillor who voted on the matter and how each voted. The eligible Councillors includes a Councillor who has either been granted approval by the Minister or their fellow Councillors to participate and vote on a matter (ie. all Councillors who were entitled to vote on the matter);

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. ~~;~~ **and**

Where a decision has been made under paragraph 9.6(f) of this policy, 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.

**9.99.10 Maintenance of Good Orders at Meetings**

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

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

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

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

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**10 Meeting Process for Dealing with a Suspected inappropriate Conduct Breach including those that have which has been Referred to Council by the Independent Assessor**

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

~~In accordance with Chapter 5A, Division 5 of the Act (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 9.3(i)(ii) of this policy.~~

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

~~Council's investigation must be conducted in a way that is consistent with Council's Councillor Investigation Policy. An investigation report must be prepared to assist the Councillors in deciding on the outcome under section 150AG of the Act. Before debating a matter to decide on an outcome, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the Act on or before the day and time prescribed by the Regulation.~~

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

- ~~(a) Consistent with any recommendations from the Independent Assessor; and~~
- ~~(b) Consistent with the Councillor Investigation Policy; or~~
- ~~(c) 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 a conduct breach, unless it has delegated responsibility for this decision under section 257 of the Act to the Mayor or to a standing committee.~~

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

~~(a) The Council must ~~beact in a manner~~ consistent with the local government principle of transparent and accountable decision making in the public interest, by ~~dealing deciding the outcome of an investigation of a~~with suspected inappropriate conduct breach in an open meeting of the Council. However, where the matter ~~requires debate the Council 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 Regulation to discuss the allegation an investigation report. No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.~~

~~(a)(b) Where the Council makes a decision about a conduct breach matter at a meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting in accordance with section 254H of the Regulation.~~

~~(b)(c) The subject Councillor has a declarable conflict of interest in the matter and must declare the conflict of interest. The eligible Councillors at the meeting can decide by resolution that the subject Councillor and is permitted by the Council to may remain in the meeting (unless they decide otherwise), during the debate about the investigation report whether the Councillor engaged in the inappropriate conduct and may answer questions put to the subject Councillor through the Chairperson in relation to the evidence or written submission provided by the Councillor to the Council to assist the other Councillors in making a decision.~~

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- ~~(d) The subject Councillor who has a declarable conflict must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the Councillor is found to have engaged in a conduct breach.~~
- ~~(e) 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.~~
- ~~(e) Should~~ If the complainant ~~be~~ is 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 paragraph 9.56. If the complainant Councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other eligible Councillors ~~(do not have a conflict of interest in the matter)~~ must decide how to deal with the conflict of interest under paragraph 9.56. 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.
- ~~(f) After making a decision under section 150AG of the Act, the Council must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a Councillor or the CEO of the Council if they were complainants, and any Councillor who declared a conflict of interest in the matter.~~
- ~~(g) 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 Council must do one of the following:~~
  - ~~(iii) matter must be d~~ Delegate deciding the matter consistent with ~~under~~ section 257 of the Act to the Mayor or a standing committee; or
  - ~~(iv) Decide, by resolution, to D~~ eferred the matter to another date when a quorum will be present a later meeting; or
  - ~~(v) Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless the Act or another Act provides that the Council must decide the matter.~~
- ~~(d)(h) Council cannot decide to take no further action on a decision about a conduct matter because a decision is required under the Act. In order to reach a decision when a loss of quorum has occurred, the matter can be deferred to a later meeting when a quorum can be maintained, or the conflicted Councillors may apply to the Minister for permission to participate in the decision.~~
- ~~(e)(i) If it is a dec~~ If it is a decision is reached that the subject Councillor has engaged in inappropriate a conduct breach, then the Councillors must decide what penalty or penalties from the orders detailed in paragraph 10(i)(i), if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous inappropriate conduct breach of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Council is reasonably satisfied is true.
- ~~(f)(i)~~ The Council may order that no action be taken against the Councillor or make one or more of the following:
  - (i) An order that the Councillor make a public admission apology, in the way decided by the Council that the Councillor has engaged in inappropriate conduct;
  - (ii) An order reprimanding the Councillor for the conduct breach;
  - (iii) An order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
  - (iv) An order that the Councillor be excluded from a stated meeting;

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- (v) An order that the Councillor is removed, or must resign, from a position representing the ~~local government Council~~, other than the office of Councillor, for example, that the Councillor is ordered to resign from an appointment representing the ~~local government Council~~ on a state board or committee;
- (vi) An order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct; and/or
- (vii) An order that the Councillor reimburse the Council for all or some of the costs arising from the Councillor's ~~inappropriate~~ conduct ~~breach~~.

A local government may not make an order ~~under paragraph 10(f)(iii), (iv), (v) and (vi)~~ in relation to a person who ~~is no longer has vacated their office as~~ a Councillor.

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.

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

**11 Record of Meetings**

**11.1 Confirmation of Minutes**

The minutes of a meeting must be compliant with the requirements of the Regulation.

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

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

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

No discussion is permitted on the minutes except to confirm or correct their accuracy as a record of proceedings. If the Council needs to make a correction to the confirmed minutes, that can be done by passing a rescinding motion or a new motion that states what the correction is, but the original minutes remain as they are recorded.

**11.2 Live Streaming, Audio and Video Recording of Meetings**

Council may direct that live streaming of meetings occur for members of the public to view the meeting without physically attending. ~~Due to social distancing requirements implemented for COVID-19, it is not possible for members of the public to physically attend due to COVID-19.~~ Archival access of these meetings will be available through Council's chosen streaming/hosting provider. Confidential items will not be live streamed. Council also retains a copy of the live streamed meeting for a period of seven years after confirmation of the minutes of the meeting in accordance with the *Public Records Act 2002*.

Council may also direct that an audio or video recording of a meeting be made for the purpose of verifying the accuracy of the minutes of the meeting. An audio or video recording made in accordance with this direction:

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

**12 Exclusions**

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

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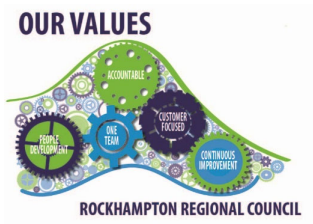
**13 Review Timelines**

This policy is reviewed when any of the following occur:

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

**14 Document Management**

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



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# **REVIEWED COUNCIL POLICIES AND PROCEDURES**

## **Draft Councillor Gifts Benefits and Hospitality Policy - Clean**

**Meeting Date: 11 June 2024**

**Attachment No: 7**

## COUNCILLOR GIFTS, BENEFITS AND HOSPITALITY POLICY

### COUNCILLOR POLICY



#### 1 Scope

This policy applies to Rockhampton Regional Council Councillors who may be offered or may receive gifts and/or benefits whilst undertaking their duties and/or while representing Council.

This policy does not apply to:

- (a) Political donations by prohibited donors as defined by the *Electoral Act 1992*;
- (b) Gifts as defined in the *Electoral Act 1992* or *Local Government Electoral Act 2011*; and
- (c) Gifts and/or benefits received from family members or personal friends in a purely personal capacity.

#### 2 Purpose

The purpose of this policy is to:

- (a) Provide Councillors with guidance on appropriate actions to offers of a gift and/or benefit in connection with their duties while representing Council or otherwise related to their association with Council;
- (b) Provide Councillors with principles to consider when determining the appropriateness of accepting a gift and/or benefit;
- (c) Provide Councillors with a process to be followed where a gift and/or benefit is accepted;
- (d) Support Council's commitment to open and transparent governance; and
- (e) Minimise the risk of Councillors being exposed to an actual or perceived conflict of interest.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Electoral Act 1992*

*Local Government Act 2009*

*Local Government Electoral Act 2011*

*Local Government Regulation 2012*

*Public Sector Ethics Act 1994*

Asset Disposal Policy

Code of Conduct for Councillors in Queensland

Community Assistance Program Policy

Entertainment and Hospitality Policy

Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy

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Gift and Hospitality Register – Councillors  
 Gift and Hospitality Declaration Form – Councillors  
 Major Sponsorship Policy  
 Register of Interests

#### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Conflict of Interest	Involves a conflict between your official duties and responsibilities in serving the public interest and your personal interests. A conflict of interest can arise from gaining personal advantage or avoiding personal losses. This includes advantages to relatives and friends.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Gifts and/or Benefits	Something given voluntarily to show favour toward someone, honour an occasion, or make a gesture of assistance or goodwill, which is offered outside of normal contractual arrangements. This could include, but is not limited to the following examples: (a) Cash or the transfer of money (including items that may be converted to cash for example, vouchers, lottery tickets, scratch-it tickets); (b) Transfer of property of presentational or charitable nature or otherwise; (c) The provision or use of property, equipment or services free of charge, at a reduced rate, for a period of time or unspecified periods; (d) Loans of money, or equipment including provision of overdraft facilities (for example, credit card) or guarantor for a loan; (e) Intangible items that have no enduring value (for example, hospitality benefit/s and/or entertainment or perishable foodstuffs); (f) A prize, for example a lucky door prize; (g) The sale of property with a sale price below proper valuations; (h) Hospitality benefit/s includes entertainment and are generally received in the form of meals and beverages directly related to official Council business and/or fulfilling official duties in relation to the function and activities of Council. These benefits can also include (but are not limited to): travel, accommodation, tickets to school performances or local cultural events which are in support of local community organisations and Council business; (i) Artworks; and (j) Souvenirs.
Nominal Value	A face or estimated value that is equal to or less than \$500.
Official Council	Official business conducted on behalf of Council that should result in a benefit being

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Business	<p>achieved for the local government and/or local government Region (for example opening a school fete) and where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business continuity for the Council including, but not limited to:</p> <ul style="list-style-type: none"> <li>(a) Official Council meetings, Councillor forums and workshops,</li> <li>(b) Meetings and engagements associated with Councillors who have been formally appointed to an external organisation;</li> <li>(c) Attendance at prescribed Local Government training/workshops and conferences;</li> <li>(d) Attendance at civic ceremonies and community events where a formal invitation has been received inviting Councillors in their capacity to undertake official duties;</li> <li>(e) Attending public meetings, annual meetings, community meetings, organised/official events or presentation dinners where invited as a Councillor;</li> <li>(f) Attending meetings of community groups where invited to speak about Council programs or initiatives;</li> <li>(g) Attending private meetings with constituents about Council strategies, programs or initiatives;</li> <li>(h) Attending organised meetings, inspections and community consultations pertaining to Council responsibilities.</li> </ul> <p>Participating in a community group event or being a representative on a board not associated with Council is not regarded as official Council business.</p>
PSA	Partner, spouse or associate.
Supplier	Any supplier/contractor/consultant supplying goods and/or services to Council.

**5 Policy Statement**

The requirements of this policy are in addition to the legislative obligations of Councillors with respect to individual register of interests as prescribed in the *Local Government Regulation 2012* and the legislative obligations of Councillors prescribed by the *Local Government Electoral Act 2011*.

The community expects Councillors to discharge their responsibilities impartially and with integrity. The acceptance of gifts and/or benefits outside of a controlled and transparent process risks creating negative perceptions.

In determining whether acceptance of a gift and/or benefit is appropriate, the two major considerations are the:

- (a) Intent in which the gift and/or benefit is given; and
- (b) Public perception of acceptance of the gift and/or benefit.

Consequently, it is not appropriate for Councillors to accept gifts and/or benefits that affect, or may be seen to affect, the performance of their official duties and responsibilities, or be seen to influence their decision-making.

Councillors must be mindful at all times of their obligation to maintain public confidence in the integrity of Council's administration and must be aware that acceptance of any gifts and/or benefits from an external party may, or may be seen to affect the performance of their official duties, or influence, or be seen to influence their decision-making or behaviour.

Councillors must not ask for, or encourage the giving of any form of gift and/or benefit in connection with the performance of their official duties or their association with Council.

Any gift and/or benefit accepted, regardless of monetary value, implies, or may imply, a relationship which may interfere with objectivity and independence.

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This policy sets out the principles that apply to the offer and acceptance of gifts and/or benefits.

**5.1 Prohibited Gifts and/or Benefits**

**5.1.1 Soliciting Gifts and/or Benefits**

Soliciting gifts and/or benefits is strictly prohibited under all circumstances.

If a Councillor becomes aware of a situation of soliciting gifts and/or benefits, they must report it to the CEO immediately.

The CEO is required to notify the Crime and Corruption Commission of any soliciting of gifts and/or benefits.

**5.1.2 Bribery**

Acceptance of money or any other gifts and/or benefits perceived as bribery is strictly prohibited in all cases and the offer must be reported immediately to the CEO.

The CEO is required to notify the Crime and Corruption Commission of any offer of money or other inducement as soon as practicable after the offer has been made.

**5.1.3 Prizes**

Promotional schemes offered in conjunction with official activities, such as instant scratch-it tickets or lucky door prizes won at official functions should not be accepted.

**5.1.4 Gifts and/or Benefits from Suppliers or Tenderers**

Any offers of gifts and/or benefits from a supplier or tenderer for Council business or services must be immediately reported to the CEO.

**5.1.5 Cash**

Cash or gifts and/or benefits that could be considered substitutes for cash, such as gift cards, betting accounts and vouchers should not be accepted under any circumstances.

**5.2 Principles for Acceptance of Gifts and/or Benefits**

Each type of gift and/or benefit carries a level of risk that should be considered when deciding whether it should be accepted or declined.

In determining whether acceptance of a gift and/or benefit is appropriate, the two major considerations are the:

- (a) Intent in which the gift and/or benefit is given; and
- (b) Public perception of acceptance of the gift and/or benefit.

As gifts and/or benefits can create obligations and expectations, if it can be considered in any way that the gift and/or benefit, irrespective of its value, is given with the intention of influencing or be seen as influencing a decision or action of the recipient, it must be declined.

Acceptance of a gift and/or benefit may be considered only if it complies with the following principles:

- (a) It does not influence, or have the potential or perceived potential to influence, in any way the integrity and impartiality of the recipient;
- (b) It does not, create a conflict of interest, or a perception of a conflict of interest;

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- (c) It does not affect the performance of the recipient's official duties, or be seen to influence the decision-making or behaviour of the recipient, such as but not limited to:
- (i) Granting licences;
  - (ii) Inspecting and regulating businesses;
  - (iii) Giving approvals;
  - (iv) The provision of Council services;
  - (v) The provision of a Council grant; and
  - (vi) Awarding of contracts;
- (d) Council does not incur any costs;
- (e) It is offered openly; and
- (f) It must not involve money or anything easily converted to money such as shares.

#### 5.2.1 Gifts and/or Benefits of Nominal Value

Provided it does not breach any part of this policy or any legislative requirement, where a Councillor is offered a gift and/or benefit of nominal value Council deems it reasonable for the recipient to accept and keep the gift and/or benefit.

This gift and/or benefit is not required to be recorded in the Gift and Hospitality Register – Councillors.

Any gift and/or benefit received by a Councillor as appreciation of a task or service carried out by a group of employees or Councillors should be shared with the members of that respective team.

The following gifts are considered low risk and may (subject to the principles outlined in paragraph 5.2) generally be accepted:

- (a) Gifts of nominal value made in gratitude for specific tasks or performance for example a small personal gift to a Councillor for speaking at an official function;
- (b) Low value corporate gifts made as a marketing/sponsor initiative for example mass produced mementoes at a professional development conference; and
- (c) Ceremonial/symbolic gifts from visiting organisations provided to Council as an organisation (as opposed to an individual Councillor) to be retained by Council for example plaque of appreciation or memento from place of origin.

If unsure, Councillors should decline offers of gifts and/or benefits courteously by explaining that acceptance would be against Council policy.

#### 5.2.2 Gifts and/or Benefits with a Value Greater than \$500

Any gift and/or benefit received with a value greater than \$500 must be reported to the CEO. The gift and/or benefit will become the property of Council in first instance and will be dealt with by the CEO in an appropriate and transparent manner. For example:

- (a) Return the gift and/or benefit to the giver;
- (b) Dispose of the gift and/or benefit in accordance with the Asset Disposal Policy;
- (c) Donate the gift and/or benefit to a charitable or community facility; or
- (d) Ownership passed to Council allowing the gift and/or benefit to go on public display where appropriate.

Gifts and/or benefits with a value greater than \$500 must be entered in the Gift and Hospitality Register – Councillors.

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**5.2.3 Cumulative Gifts and/or Benefits**

Cumulative gifts and/or benefits received from the same giver which when combined exceeds the nominal value in a 12 month period must be entered individually in the Gift and Hospitality Register – Councillors.

Any gift and/or benefit received from the same giver which when combined exceeds \$500 in a 12 month period will become the property of Council in first instance and dealt with by the CEO in accordance with this policy.

**5.2.4 Ceremonial, Historical or Cultural Significance Gifts**

All ceremonial historical or cultural significant gifts, regardless of value, presented to a Councillor on behalf of Council or subject to a gift exchange will be the property of Council and must be passed to the CEO.

**5.2.5 Complimentary Tickets to Performances and Events**

It is recognised that Mayor and Councillors, as part of their role as elected representatives of Council and in recognition of the role they play in advocating for the Region, may be offered invitations/tickets to events.

Council contributes significant sponsorship (financial and in-kind) towards events held in the Region, on the basis of the benefits to the Region. Whilst Council's position is not to seek tickets as part of these arrangements, they may be offered from time to time. Complimentary tickets may also be offered without a sponsorship agreement.

Where the ticket optimises advocacy and/or networking benefit with other stakeholders, meets corporate objectives, supports community initiatives and/or raises the profile of the Region, it may be appropriate to accept such invitations.

Any acceptance of tickets, regardless of the value, must be entered in the Gift and Hospitality Register – Councillors in accordance with this policy.

If tickets are received that are not specifically addressed to a Councillor, the Mayor or CEO allocates to Councillors.

**5.2.5.1 Attendance of Partners, Spouses and Associates**

In instances where there is no cost to Council, PSA's of the Mayor and Councillors may attend upon approval by the Mayor or the CEO.

In all instances of attendance, a PSA of an official representative of Council are expected to act in a manner consistent with the Code of Conduct for Councillors in Queensland.

**5.3 Gift and Hospitality Register**

When gifts and/or benefits are received, it is important they are dealt with in a consistent and appropriate manner. Any Councillor who receives:

- (a) A gift and/or benefit over \$500, including cumulative gifts and/or benefits as detailed in paragraph 5.2.3; or
- (b) An invitation or offer of tickets,

is required to complete a Gift and Hospitality Declaration Form – Councillors and forward to the CEO within 21 days of receipt of the gift and/or benefit (or 21 days from the date of return to Australia if the gift and/or benefit was received overseas) for recording in the Gift and Hospitality Register – Councillors.

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The Gift and Hospitality Register – Councillors is maintained by the Office of the CEO and includes the following information:

- (a) The name of the recipient;
- (b) Date of the offer or date received;
- (c) Description of the gift and/or benefit;
- (d) Estimated value of the gift and/or benefit;
- (e) Details of the person and/or organisation offering the gift and/or benefit;
- (f) Details of any relationship between the Councillor or Council to the person and/or organisation offering the gift and/or benefit;
- (g) Details of any other gift and/or benefit received from the same person and/or organisation in the previous 12 month period;
- (h) Information on how the gift and/or benefit was dealt with; and
- (i) For gifts and/or benefits with a value greater than \$500 or those which cumulatively exceed \$500 as detailed in paragraph 5.2.3, the decision by the CEO regarding the manner in which the gift is to be dealt with.

Whilst not required under this policy, a Councillor may record the acceptance of a gift and/or benefit estimated below the nominal value thresholds on the Gift and Hospitality Register – Councillors should they wish to do so.

Offers of gifts and/or benefits that are not accepted may also be entered on the Gift and Hospitality Register – Councillors for transparency and recording keeping purposes.

**5.4 Gifts that are Unable to be Refused or Returned**

**5.4.1 Authorisation to CEO**

Where a gift and/or benefit is considered inappropriate to accept but is unable to be refused or returned becomes the property of Council in accordance with this policy, the CEO is authorised to deal with it in one of the following ways:

- (a) Displayed in Council offices (for example, plaques, artwork, craftwork, flowers etc);
- (b) In accordance with a resolution of Council;
- (c) Used in Council operations (for example, technical resources, plant and machinery);
- (d) Shared amongst employees (for example, perishable food items);
- (e) Donated to a suitable charity; or
- (f) Conduct a raffle/auction with the proceeds donated to charity.

**5.4.2 Factors to be Taken into Account**

In deciding how a gift and/or benefit may be dealt with, the CEO will take into account factors including but not limited to the following:

- (a) The public value of the gift and/or benefit;
- (b) The perishable nature (if any) of the gift and/or benefit;
- (c) The estimated market value of the gift and/or benefit as reasonably determined by the CEO. If there is difficulty in assessing the value, a valuation must be obtained by Council from an appropriately experienced person or body.

**5.4.3 Reporting and Recording of Dealings**

The method of any dealings of gifts and/or benefits in accordance with paragraph 5.4 and the reasons for the decision are recorded by the CEO and a report provided to Council on an annual basis.

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**6 Review Timelines**

This policy is reviewed when any of the following occur:

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

**7 Document Management**

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



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# **REVIEWED COUNCIL POLICIES AND PROCEDURES**

## **Draft Councillor Gifts Benefits and Hospitality Policy - Tracked**

**Meeting Date: 11 June 2024**

**Attachment No: 8**

## COUNCILLOR GIFTS, BENEFITS AND HOSPITALITY POLICY

### COUNCILLOR POLICY



#### 1 Scope

This policy applies to Rockhampton Regional Council Councillors who may be offered or may receive gifts and/or benefits whilst undertaking their duties and/or while representing Council.

This policy does not apply to:

- (a) Political donations by prohibited donors as defined by the *Electoral Act 1992*;
- (b) Gifts as defined in the *Electoral Act 1992* or *Local Government Electoral Act 2011*; and
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#### 2 Purpose

The purpose of this policy is to:

- (a) Provide Councillors with guidance on appropriate actions to offers of a gift and/or benefit in connection with their duties while representing Council or otherwise related to their association with Council;
- (b) Provide Councillors with principles to consider when determining the appropriateness of accepting a gift and/or benefit;
- (c) Provide Councillors with a process to be followed where a gift and/or benefit is accepted;
- (d) Support Council's commitment to open and transparent governance; and
- (e) Minimise the risk of Councillors being exposed to an actual or perceived conflict of interest.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

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*Local Government Act 2009*

*Local Government Electoral Act 2011*

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Asset Disposal Policy

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Community ~~Grants and Minor Sponsorship~~ Assistance Program Policy

Entertainment and Hospitality Policy

Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy

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Gift and Hospitality Register – Councillors  
 Gift and Hospitality Declaration Form – Councillors  
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Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
<del>Electoral Gifts</del>	<del>Gifts offered to candidates relating to an election and separately governed by the <i>Electoral Act 1992</i>.</del>
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
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Nominal Value	A face or estimated value that is equal to or less than \$500.
Official Council Business	<p>Official business conducted on behalf of Council that should result in a benefit being achieved for the local government and/or local government Region (for example opening a school fete) and where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business continuity for the Council including, but not limited to:</p> <p>(a) Official Council meetings, Councillor forums and workshops,</p> <p>(b) Meetings and engagements associated with Councillors who have been formally appointed to an external organisation;</p> <p>(c) Attendance at prescribed Local Government training/workshops and conferences;</p> <p>(d) Attendance at civic ceremonies and community events where a formal invitation has been received inviting Councillors in their capacity to undertake official duties;</p> <p>(e) Attending public meetings, annual meetings, community meetings, organised/official events or presentation dinners where invited as a Councillor;</p> <p>(f) Attending meetings of community groups where invited to speak about Council programs or initiatives;</p> <p>(g) Attending private meetings with constituents about Council strategies, programs or initiatives;</p> <p>(h) Attending organised meetings, inspections and community consultations pertaining to Council responsibilities.</p> <p>Participating in a community group event or being a representative on a board not associated with Council is not regarded as official Council business.</p>
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In determining whether acceptance of a gift and/or benefit is appropriate, the two major considerations are the:

- (a) Intent in which the gift and/or benefit is given; and
- (b) Public perception of acceptance of the gift and/or benefit.

Consequently, it is not appropriate for Councillors to accept gifts and/or benefits that affect, or may be seen to affect, the performance of their official duties and responsibilities, or be seen to influence their decision-making.

Councillors must be mindful at all times of their obligation to maintain public confidence in the integrity of Council's administration and must be aware that acceptance of any gifts and/or benefits from an external party may, or may be seen to affect the performance of their official duties, or influence, or be seen to influence their decision-making or behaviour.

Councillors must not ask for, or encourage the giving of any form of gift and/or benefit in connection with the performance of their official duties or their association with Council.

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Any gift and/or benefit accepted, regardless of monetary value, implies, or may imply, a relationship which may interfere with objectivity and independence.

This policy sets out the principles that apply to the offer and acceptance of gifts and/or benefits.

**5.1 Prohibited Gifts and/or Benefits**

**5.1.1 Soliciting Gifts and/or Benefits**

Soliciting gifts and/or benefits is strictly prohibited under all circumstances.

If a Councillor becomes aware of a situation of soliciting gifts and/or benefits, they must report it to the CEO immediately.

The CEO is required to notify the Crime and Corruption Commission of any soliciting of gifts and/or benefits.

**5.1.2 Bribery**

Acceptance of money or any other gifts and/or benefits perceived as bribery is strictly prohibited in all cases and the offer must be reported immediately to the CEO.

The CEO is required to notify the Crime and Corruption Commission of any offer of money or other inducement as soon as practicable after the offer has been made.

**5.1.3 Prizes**

Promotional schemes offered in conjunction with official activities, such as instant scratch-it tickets or lucky door prizes won at official functions should not be accepted.

**5.1.4 Gifts and/or Benefits from Suppliers or Tenderers**

Any offers of gifts and/or benefits from a supplier or tenderer for Council business or services must be immediately reported to the CEO.

**5.1.5 Cash**

Cash or gifts and/or benefits that could be considered substitutes for cash, such as gift cards, betting accounts and vouchers should not be accepted under any circumstances.

**5.2 Principles for Acceptance of Gifts and/or Benefits**

Each type of gift and/or benefit carries a level of risk that should be considered when deciding whether it should be accepted or declined.

In determining whether acceptance of a gift and/or benefit is appropriate, the two major considerations are the:

- (a) Intent in which the gift and/or benefit is given; and
- (b) Public perception of acceptance of the gift and/or benefit.

As gifts and/or benefits can create obligations and expectations, if it can be considered in any way that the gift and/or benefit, irrespective of its value, is given with the intention of influencing or be seen as influencing a decision or action of the recipient, it must be declined.

Acceptance of a gift and/or benefit may be considered only if it complies with the following principles:

- (a) It does not influence, or have the potential or perceived potential to influence, in any way the integrity and impartiality of the recipient;
- (b) It does not, create a conflict of interest, or a perception of a conflict of interest;

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- (c) It does not affect the performance of the recipient's official duties, or be seen to influence the decision-making or behaviour of the recipient, such as but not limited to:
  - (i) Granting licences;
  - (ii) Inspecting and regulating businesses;
  - (iii) Giving approvals;
  - (iv) The provision of Council services;
  - (v) The provision of a Council grant; and
  - (vi) Awarding of contracts;
- (d) Council does not incur any costs;
- (e) It is offered openly; and
- (f) It must not involve money or anything easily converted to money such as shares.

**5.2.1 Gifts and/or Benefits of Nominal Value**

Provided it does not breach any part of this policy or any legislative requirement, where a Councillor is offered a gift and/or benefit of nominal value Council deems it reasonable for the recipient to accept and keep the gift and/or benefit.

This gift and/or benefit is not required to be recorded in the Gift and Hospitality Register – Councillors.

Any gift and/or benefit received by a Councillor as appreciation of a task or service carried out by a group of employees or Councillors should be shared with the members of that respective team.

The following gifts are considered low risk and may (subject to the principles outlined in paragraph 5.2) generally be accepted:

- (a) Gifts of nominal value made in gratitude for specific tasks or performance for example a small personal gift to a Councillor for speaking at an official function;
- (b) Low value corporate gifts made as a marketing/sponsor initiative for example mass produced mementoes at a professional development conference; and
- (c) Ceremonial/symbolic gifts from visiting organisations provided to Council as an organisation (as opposed to an individual Councillor) to be retained by Council for example plaque of appreciation or memento from place of origin.

If unsure, Councillors should decline offers of gifts and/or benefits courteously by explaining that acceptance would be against Council policy.

**5.2.2 Gifts and/or Benefits with a Value Greater than \$500**

Any gift and/or benefit received with a value greater than \$500 must be reported to the CEO. The gift and/or benefit will become the property of Council in first instance and will be dealt with by the CEO in an appropriate and transparent manner. For example:

- (a) Return the gift and/or benefit to the giver;
- (b) Dispose of the gift and/or benefit in accordance with the Asset Disposal Policy;
- (c) Donate the gift and/or benefit to a charitable or community facility; or
- (d) Ownership passed to Council allowing the gift and/or benefit to go on public display where appropriate.

Gifts and/or benefits with a value greater than \$500 must be entered in the Gift and Hospitality Register – Councillors.

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**5.2.3 Cumulative Gifts and/or Benefits**

Cumulative gifts and/or benefits received from the same giver which when combined exceeds the nominal value in a 12 month period must be entered individually in the Gift and Hospitality Register – Councillors.

Any gift and/or benefit received from the same giver which when combined exceeds \$500 in a 12 month period will become the property of Council in first instance and dealt with by the CEO in accordance with this policy.

**5.2.4 Ceremonial, Historical or Cultural Significance Gifts**

All ceremonial historical or cultural significant gifts, regardless of value, presented to a Councillor on behalf of Council or subject to a gift exchange will be the property of Council and must be passed to the CEO.

**5.2.5 Complimentary Tickets to Performances and Events**

It is recognised that Mayor and Councillors, as part of their role as elected representatives of Council and in recognition of the role they play in advocating for the Region, may be offered invitations/tickets to events.

Council contributes significant sponsorship (financial and in-kind) towards events held in the Region, on the basis of the benefits to the Region. Whilst Council’s position is not to seek tickets as part of these arrangements, they may be offered from time to time. Complimentary tickets may also be offered without a sponsorship agreement.

Where the ticket optimises advocacy and/or networking benefit with other stakeholders, meets corporate objectives, supports community initiatives and/or raises the profile of the Region, it may be appropriate to accept such invitations.

Any acceptance of tickets, regardless of the value, must be entered in the Gift and Hospitality Register – Councillors in accordance with this policy.

If tickets are received that are not specifically addressed to a Councillor, the Mayor or CEO allocates to Councillors.

**5.2.5.1 Attendance of Partners, Spouses and Associates**

In instances where there is no cost to Council, PSA’s of the Mayor and Councillors may attend upon approval by the Mayor or the CEO.

In all instances of attendance, a PSA of an official representative of Council are expected to act in a manner consistent with the Code of Conduct for Councillors in Queensland.

**5.3 Gift and Hospitality Register**

When gifts and/or benefits are received, it is important they are dealt with in a consistent and appropriate manner. Any Councillor who receives:

- (a) A gift and/or benefit over \$500, including cumulative gifts and/or benefits as detailed in paragraph 5.2.3; or
- (b) An invitation or offer of tickets,

is required to complete a Gift and Hospitality Declaration Form – Councillors and forward to the CEO within 21 days of receipt of the gift and/or benefit (or 21 days from the date of return to Australia if the gift and/or benefit was received overseas) for recording in the Gift and Hospitality Register – Councillors.

The Gift and Hospitality Register – Councillors is maintained by the Office of the CEO and includes the following information:

- (a) The name of the recipient;
- (b) Date of the offer or date received;

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- (c) Description of the gift and/or benefit;
- (d) Estimated value of the gift and/or benefit;
- (e) Details of the person and/or organisation offering the gift and/or benefit;
- (f) Details of any relationship between the Councillor or Council to the person and/or organisation offering the gift and/or benefit;
- (g) Details of any other gift and/or benefit received from the same person and/or organisation in the previous 12 month period;
- (h) Information on how the gift and/or benefit was dealt with; and
- (i) For gifts and/or benefits with a value greater than \$500 or those which cumulatively exceed \$500 as detailed in paragraph 5.2.3, the decision by the CEO regarding the manner in which the gift is to be dealt with.

Whilst not required under this policy, a Councillor may record the acceptance of a gift and/or benefit estimated below the nominal value thresholds on the Gift and Hospitality Register – Councillors should they wish to do so.

Offers of gifts and/or benefits that are not accepted may also be entered on the Gift and Hospitality Register – Councillors for transparency and recording keeping purposes.

#### 5.4 Gifts that are Unable to be Refused or Returned

##### 5.4.1 Authorisation to CEO

Where a gift and/or benefit is considered inappropriate to accept but is unable to be refused or returned becomes the property of Council in accordance with this policy, the CEO is authorised to deal with it in one of the following ways:

- (a) Displayed in Council offices (for example, plaques, artwork, craftwork, flowers etc);
- (b) In accordance with a resolution of Council;
- (c) Used in Council operations (for example, technical resources, plant and machinery);
- (d) Shared amongst employees (for example, perishable food items);
- (e) Donated to a suitable charity; or
- (f) Conduct a raffle/auction with the proceeds donated to charity.

##### 5.4.2 Factors to be Taken into Account

In deciding how a gift and/or benefit may be dealt with, the CEO will take into account factors including but not limited to the following:

- (a) The public value of the gift and/or benefit;
- (b) The perishable nature (if any) of the gift and/or benefit;
- (c) The estimated market value of the gift and/or benefit as reasonably determined by the CEO. If there is difficulty in assessing the value, a valuation must be obtained by Council from an appropriately experienced person or body.

##### 5.4.3 Reporting and Recording of Dealings

The method of any dealings of gifts and/or benefits in accordance with paragraph 5.4 and the reasons for the decision are recorded by the CEO and a report provided to Council on an annual basis.

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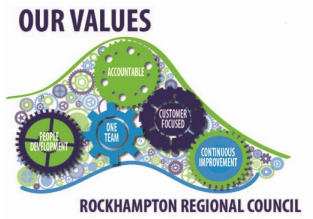
**6 Review Timelines**

This policy is reviewed when any of the following occur:

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

**7 Document Management**

Sponsor	Chief Executive Officer
Business Owner	<del>Chief Executive Officer</del> <del>Manager-Office of the Mayor</del>
Policy Owner	<del>Deputy Chief Executive Officer</del> <del>Manager-Office of the Mayor</del>
Policy Quality Control	Legal and Governance



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**11.4 INTERIM MANAGEMENT REPORT FOR THE ROCKHAMPTON REGIONAL COUNCIL**

**File No:** 8151  
**Attachments:** 1. RRC Management Interim Letter 2023/2024 [↓](#)  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Marnie Taylor - Chief Financial Officer

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**SUMMARY**

*Following the interim audit work performed to 30 April 2024, the Interim Management Letter was received from Thomas Noble & Russell (as delegate of the Auditor-General of Queensland). As required by the Local Government Regulation 2012, this is now presented to the next ordinary meeting of Council.*

**OFFICER'S RECOMMENDATION**

THAT the Interim Management Letter for the 2023/2024 financial audit for the Rockhampton Regional Council be received.

**COMMENTARY**

Interim Audit works performed to 30 April 2024, where assessment of the design and implementation of Council's internal controls and whether they are operating effectively was undertaken.

To date the Interim Management Letter has not identified any significant deficiencies in Council's internal controls.

It is a requirement under s213 of the *Local Government Regulation 2012* that this report be provided to the next ordinary meeting of Council.

This report will be provided to the next Audit and Business Improvement Committee in July as part of the quarterly action progress report.



# **INTERIM MANAGEMENT REPORT FOR THE ROCKHAMPTON REGIONAL COUNCIL**

## **RRC Management Interim Letter 2023/2024**

**Meeting Date: 11 June 2024**

**Attachment No: 1**



2024 INTERIM REPORT

## Rockhampton Regional Council

27 May 2024

Cr Tony Williams  
Mayor  
Rockhampton Regional Council  
PO Box 1860  
ROCKHAMPTON QLD 4700

Dear Cr Williams,

### 2024 Interim report

We present our interim report for the Rockhampton Regional Council for the financial year ending 30 June 2024. This report details the results of our interim work performed to 30 April 2024. Under section 213 of the Local Government Regulation 2012, you must present a copy of this report at your council's next ordinary meeting.

#### Results of our interim audit

In this phase, we assessed the design and implementation of your internal controls relevant to the financial report, and whether they are operating effectively. We assessed the key controls we intend to rely on in auditing your financial statements. Our audit does not assess all controls that management has implemented across the organisation. We have not identified any new matters raised in the current year to date.

#### Significant deficiencies:

- One unresolved from prior years, in relation to the timely capitalisation of capital works in progress.

#### Deficiencies:

- Three unresolved from prior years, in relation to assets not previously recognised, absence of review and update of information technology policies and procedures, and a level of domain administrator access provided to service accounts.

Based on the results of our testing completed to date, we have determined your internal control environment does support an audit strategy where we can rely upon your entity's controls.

Refer to section 1 for further details.

If you have any questions or would like to discuss the audit report, please contact me on 5593 1601.

Yours sincerely,



Richard Watkinson  
Partner

Enc.  
cc.

Mr Evan Pardon, Chief Executive Officer  
Mr Graham Mathews, Chair of the Audit and Business Improvement Committee

# 1. Status of issues

## Internal control issues

The following table identifies the number of deficiencies in internal controls and other matters we have identified. We have not identified any new deficiencies during our interim audit. Refer to section 2 *Matters previously reported* for the status of previously raised issues.

Year and status	Significant deficiencies	Deficiencies	Other matters*
Current year issues	-	-	-
Prior year issues – unresolved	1	3	-
<b>Total issues</b>	<b>1</b>	<b>3</b>	<b>-</b>

Note: \*Queensland Audit Office only tracks resolution of other matters where management has committed to implementing action.

Our ratings are as follows. For more information and detail on our rating definitions, please see the webpage here: [www.qao.qld.gov.au/information-internal-controls](http://www.qao.qld.gov.au/information-internal-controls) or scan the QR code.

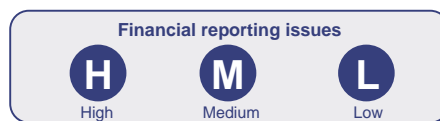


## Financial reporting issues

This table identifies the number of financial reporting issues we raised. We have not identified any new financial reporting issues during our interim audit. Refer to section 2 *Matters previously reported* for the status of previously raised financial reporting issues.

Year and status	High risk	Medium risk	Low risk
Current year issues	-	-	-
Prior year issues – unresolved	-	1	-
<b>Total</b>	<b>-</b>	<b>1</b>	<b>-</b>

Our risk ratings are as follows. For more information and detail on our rating definitions, please see the webpage here: [www.qao.qld.gov.au/information-internal-controls](http://www.qao.qld.gov.au/information-internal-controls) or scan the QR code.



## OFFICIAL

2024 Interim report

## 2. Matters previously reported

The following table summarises the status of deficiencies, financial reporting issues, and other matters previously reported to you.

Ref.	Rating	Issue	Status
20-CR-1	<b>S</b>	<p><b>Capitalisation of capital works in progress</b></p> <p>There have been significant balances of completed projects in work-in-progress (WIP) identified during the 30 June 2021 and 30 June 2022 financial reporting periods not transferred to Infrastructure, Property, Plant and Equipment asset classes. Manual adjustments were processed at each reporting date so that the financial statements were not materially misstated.</p>	<p><b>Work in progress</b></p> <p>Estimated completed work in progress eligible for capitalisation at 30 June 2023 reduced to approximately \$11m which was significantly improved on the prior year (2022 balance of \$68m).</p> <p>To 31 March 2024, approximately \$33m of capitalisations have been processed in the current financial year. Council teams will continue to apply significant effort to reduce the amount of Work in Progress eligible for capitalisation to ensure that the eligible work in progress at the end of the financial year is within acceptable limits.</p> <p>Responsible officer: Coordinator Accounting Services Original action date: 30 June 2021 Revised action date: 30 June 2024</p>
23CR-1	<b>D</b>	<p><b>Assets not previously recognised</b></p> <p>As part of Council's processes for continual improvement of data integrity and completeness relating to asset information, \$1.2 million in errors were identified in opening asset balances as at 1 July 2022. These related to assets not previously recognised, and other adjustments arising from data cleansing activities and matching of asset data to other available asset information.</p> <p>Management should investigate the processes in place to capture accurate asset information and seek any improvements that can provide information in a more timely manner to enable asset transactions to occur in the appropriate financial year.</p>	<p><b>Work in progress</b></p> <p>Council will continue to focus efforts on the timely recognition of assets, to continually identify any potential issues and improve internal processes. Council will continue to utilise geospatial systems and other sources of information to undertake an orderly data cleansing process and to implement changes to processes if appropriate.</p> <p>Responsible officer: Coordinator Accounting Services Action date: 30 June 2024</p>
23CR-2	<b>D</b>	<p><b>Information Technology Policies and Procedure Framework</b></p> <p>A number of Council's policies, procedures and other documents forming part of the overall IT Governance Framework had not been reviewed or updated for a significant period of time. Management noted documents within the IT Governance Framework will be reviewed in the 23/24 Financial Year.</p> <p>Management should review, and update as required, its Information Technology policies, procedures and guidelines to ensure they reflect current requirements or best practice. If significant changes are made, these should be communicated to all staff. The Council should also set target dates for periodic review of policies going forward.</p>	<p><b>Work in progress</b></p> <p>Council has continued to progressively review the policies, procedures and guidelines (documents) within the IT Governance Framework. The remaining documents will be reviewed in this current Financial Year. Documentation will also be prepared to address the requirements for user access reviews.</p> <p>Responsible officer: Coordinator Information Systems Action date: 30 June 2024</p>

OFFICIAL

2024 Interim report

Ref.	Rating	Issue	Status
23CR-3	<b>D</b>	<p><b>Domain Admin Access</b></p> <p>Council has a high number of service accounts at the domain administrator level within Council's network. Management should review the service accounts at the domain administrator level to ensure access is kept to minimum levels required for operational tasks. In addition to this, management should periodically review activity logs for all domain administrator accounts to assess whether activities are within expectations.</p>	<p><b>Work in progress</b></p> <p>Council is continuing to review and follow up vendors for more explicit access requirements so access can be reduced. Documentation will also be prepared to address the requirements for Domain Administrator access reviews.</p> <p>Responsible officer: Coordinator Information Systems Action date: 30 June 2024</p>
23CR-4	<b>M</b>	<p><b>Property, plant and equipment note disclosure</b></p> <p>The property, plant and equipment note disclosure as at 30 June 2022 included a number of unusual items including:</p> <ul style="list-style-type: none"> <li>- Adjustments to opening values of \$1.2 million.</li> <li>- Transfers between asset classes and work in progress have been impacted by reversal of estimated capitalisations from prior years and has resulted in negative additions in certain asset classes.</li> <li>- Significant prior year write offs.</li> </ul> <p>We recommend management review the note disclosure for unusual transactions or movements and ensure that the disclosures appropriately reflect the nature and substance of asset transactions.</p>	<p><b>Work in progress</b></p> <p>Management will review the note disclosure for unusual transactions or movements and ensure that the disclosures appropriately reflect the nature and substance of asset transactions.</p> <p>Responsible officer: Coordinator Accounting Services Action date: 31 October 2024</p>
20-OM1	<b>O</b>	<p><b>General data security</b></p> <p>This observation included various general observations to further strengthen the general data security environment.</p>	<p><b>Resolved</b></p> <p>Management introduced USB encryption effective 1 May 2024, which resolved the remaining general data security observation.</p> <p>Responsible officer: Coordinator Information Systems Original action date: 31 December 2023 Revised action date: N/A</p>



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53 Albert Street, Brisbane Qld 4000  
PO Box 15396, City East Qld 4002



**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS/QUESTIONS**

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

**15 CLOSED SESSION**

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

**RECOMMENDATION**

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

**16.1 2024/2025 Budget Briefing**

In accordance with section 254J(3)(c) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the local government's budget.



## 16 CONFIDENTIAL REPORTS

### 16.1 2024/2025 BUDGET BRIEFING

**File No:** 8785

**Attachments:** Nil

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

**Author:** Marnie Taylor - Chief Financial Officer

In accordance with section 254J(3)(c) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the local government's budget.

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### SUMMARY

*This report will provide an update to Council on the progress of the 2024/2025 Budget.*

**17 CLOSURE OF MEETING**