



General Council Meeting

Meeting of the Central Highlands Regional Council held in the **Council Chambers, 65 Egerton Street, Emerald** on

Tuesday, 27 November 2018
Commenced at 2.30pm

COUNCIL MINUTES

CENTRAL HIGHLANDS REGIONAL COUNCIL

GENERAL MEETING OF COUNCIL

TUESDAY 27 NOVEMBER 2018

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**MINUTES – GENERAL COUNCIL MEETING
HELD AT 2.30PM TUESDAY 27 NOVEMBER 2018 IN THE CENTRAL HIGHLANDS REGIONAL
COUNCIL CHAMBERS, EMERALD OFFICE**

PRESENT

Councillors

Councillor (Crs) K. Hayes (Mayor), G. Godwin-Smith (Deputy Mayor)
Councillors (Crs) P. Bell AM, C. Brimblecombe, A. McIndoe, G. Nixon, C. Rolfe and G. Sypher

Officers

Chief Executive Officer S. Mason, General Manager Communities D. Fletcher, General Manager Corporate Services J. Bradshaw, General Manager Customer and Commercial Services M. Webster, General Manager Infrastructure and Utilities G. Joubert, Coordinator Communications A. Ferris, Minute Secretary M. Wills

APOLOGIES

M. Daniels

Resolution:

Cr McIndoe moved and seconded by Cr Godwin-Smith “That a leave of absence as previously granted for Cr Daniels for today’s meeting be recorded.”

2018 / 11 / 27 / 001

Carried 7-0

LEAVE OF ABSENCE

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

General Council Meeting: 13 November 2018

Resolution:

Cr Rolfe moved and seconded by Cr Brimblecombe “That the minutes of the previous General Council Meeting held on 13 November 2018 be confirmed.”

2018 / 11 / 27 / 002

Carried (7-0)

Business Arising Out Of Minutes

Nil

Outstanding Meeting Actions

Nil

Review of Upcoming Agenda Items

MATERIAL PERSONAL INTEREST, CONFLICT OF INTEREST, PERSONAL GIFTS AND BENEFITS

Cr Sypher declared that she has a conflict of interest in item 11.3 – Game Plan Advisory Committee Meeting (as defined by section 175D of the *Local Government Act 2009*) as follows: -

- (a) President of the Central Highlands Science Centre

Cr Sypher advised that she will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

Attendance

Cr Bell attended the meeting at 2.33pm

Cr Rolfe declared that she has a conflict of interest in item 11.3 – Game Plan Advisory Committee Meeting (as defined by section 175D of the *Local Government Act 2009*) as follows: -

- (a) President of the Springsure Pastoral and Agricultural Show Society

Cr Rolfe advised that she will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.

Cr McIndoe declared that he has a conflict of interest in item 11.3 – Game Plan Advisory Committee Meeting (as defined by section 175D of the *Local Government Act 2009*) as follows: -

- (a) Due to a sporting facility that currently carries Cr McIndoe's name

Cr Hayes declared that he has a perceived conflict of interest in the Development Application RAL 009.1-2018 – Talafa Road, Emerald matter (as defined by section 175D of the *Local Government Act 2009*) as follows: -

- (a) Beneficiary of rural living reconfiguration of a lot previously;

Cr Hayes advised that he will be dealing with this declared perceived conflict of interest by leaving the meeting while this matter is discussed and voted on.

Attendance

Executive Assistant (Chief Executive Officer) K. Love attended the meeting at 2.35pm

Executive Assistant (Chief Executive Officer) K. Love left the meeting at 2.36pm

PETITIONS (IF ANY)

Nil

Conflict of Interest

Cr Hayes confirmed his previous declaration of conflict of interest as due to being a beneficiary of a rural living reconfiguration of a lot and dealt with the conflict of interest by leaving the meeting and did not participate in discussion, debate and voting on the matter.

Cr Hayes left the meeting at 2.36pm

Cr Godwin-Smith assumed the Chair

Attendance

Manager Planning and Environment K. Byrne, Principal Planner Development Assessment S. Ronnfeldt and Senior Planner R. Tait attended the meeting at 2.36pm

COMMUNITIES

Development Application - RAL009.1-2018 - Reconfiguring a lot (2 lots into 2 lots) - Talafa Road, Emerald - Lot 1 SP261441 & Lot 5 SP243870

Executive summary:

Development Application RAL009.1-2018 seeking a development permit for reconfiguring a lot: two (2) lots into three (3) lots at 469 and 505 Talafa Road, Emerald on land more formally known as Lot 5 SP243870 and Lot 1 SP261441. On 30 August 2018, the application was lodged with Council for assessment and considered 'properly made' on 10 September 2018. The subject site is approximately 24.23 hectares in area, approximately 8.5km south-southeast from the centre of Emerald and located within the Rural zone under the Central Highlands Regional Council Planning Scheme 2016 – Amendment No.3 (the Planning Scheme).

The applicant proposes a reconfiguring a lot that will result in less than the minimum prescribed allotment size under the Planning Scheme. As such, the application triggered Impact assessment under the *Planning Act 2016* requiring 'public notification'. Between 12 October 2018 and 2 November 2018, public notification was undertaken by the applicant, during which time nil submissions were received.

The following assessment outlines the proposal's non-compliance with the relevant assessment benchmarks of the Planning Scheme. Overall, it concludes that the development in its proposed form conflicts with the Planning Scheme provisions and cannot be supported.

Resolution:

Cr Bell moved and seconded by Cr Nixon "That Central Highlands Regional Council pursuant with Section 60 of the *Planning Act 2016*, **refuse** development application RAL009.1-2018 for reconfiguring a lot (2 lots into 3 lots) at Talafa Road, Emerald, on land more formally described as Lot 5 SP243870 and Lot 1 SP261441, on the following grounds:

1. The proposed development proposes the creation of a new lot to be specifically for residential purposes and is therefore in conflict with Overall outcome (a) of the Rural zone code;
2. The proposed development results in the further fragmentation of existing rural zoned and agricultural land and is therefore in conflict with Overall outcomes (e) and (h) of the Rural zone code, and Overall outcome (c) of the Agriculture overlay code;
3. The proposed development results in an irregular lot layout and is in conflict with Overall outcomes (c) and (d) of the Reconfiguring a lot code;
4. The proposed development is less than the minimum lot size prescribed for lots in the Rural zone, and is therefore in conflict with Overall outcome (a) of the Reconfiguring a lot code;
5. The proposed development increases the potential number of people or property (including buildings and structures) at future risk due to natural hazards, and is in conflict with the State Planning Policy - July 2017, Overall outcome (l) of the Rural zone code, and Overall outcome (d) of the Reconfiguring a lot code; and
6. The development intends to utilise ALC Class A land for residential purposes and is therefore in conflict with Overall outcome (a) of the Agriculture overlay code."

2018 / 11 / 27 / 003

Carried (7-0)

Attendance

Cr Hayes returned to the meeting and resumed the Chair at 2.46pm

MCU025.1-2018: Rural Industry - 3-7 Wills Road Emerald - Rixgrove Pty Ltd

Executive summary:

This application seeks to use and redevelop land for a Rural industry at 3-7 Wills Road, Emerald. The proposal involves the construction of six (6) silo structures behind an existing storage shed. The facility is intended to be operated as a short-term storage and distribution point for manufactured stockfeed and planting seed.

Public notification was undertaken and eight (8) submissions were received. The main planning and environmental issues raised relate to the potential impacts on air quality, noise disturbance, use of chemicals, traffic movements and suitability of location.

The Central Highlands Planning Scheme 2016 (Amendment No. 3) (the Planning Scheme) zone and development codes seek to mitigate potential impacts through the use of appropriate setbacks and buffers from sensitive receptors. Additionally, conditions have been drafted to ensure the facility can operate efficiently and sustainably in support of value-adding primary industries. It is considered that the proposed development is generally compliant with the Planning Scheme and as such, the applicant should be provided with a development approval containing the conditions detailed in this report.

Resolution:

Cr McIndoe moved and seconded by Cr Rolfe “That the application for Material Change of Use: Rural industry on land located at 3, 5 and 7 Wills Road, Emerald, described as Lots 2, 3 and 4 on SP233368, is **approved** subject to the following conditions:

1. APPROVED PLANS AND DOCUMENTS

The development must be carried out generally in accordance with the stamped approved plans and documentation as detailed in the following schedule and any amendments arising through conditions of this approval:

| Document Name | Number | Date | Prepared by |
|---|----------|---------|----------------------------|
| Site Plan (Plan to accompany MCU Application) | 218034-1 | 17.7.18 | SMK Consultants Pty Ltd |
| Plan View | NA | 14.5.18 | Denny’s Engineering Allora |
| Front Elevation View | NA | 14.5.18 | Denny’s Engineering Allora |

Timing: Prior to the issue of final inspection certificate or certificate of classification.

2. DECISION NOTICE AND APPROVED PLANS TO BE SUBMITTED WITH SUBSEQUENT APPLICATION

A copy of this decision notice and accompanying stamped approved plans must be submitted with any building development application relating to or arising from this development approval.

Timing: At the time of making building works application.

3. DECISION NOTICE AND APPROVED PLANS TO BE RETAINED ON-SITE

A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

Timing: At all times during building works and after commencement of use.

4. AMENITY – HOURS OF CONSTRUCTION

Construction work that makes or causes audible noise must only be carried out on site on Mondays through to Saturdays between the hours of 6:30 am and 6:30 pm.

Any construction work outside of these hours, including Sundays and public holidays must have the prior written approval of the Chief Executive Officer, or delegate.

Advisory Note: excludes regulated devices (i.e. equipment and tools) in accordance with section 440B of the *Environmental Protection Act 1994*.

Timing: At all times during construction works.

5. AMENITY – EMISSIONS

The use must be operated so that there is no interference with the amenity of the area or detrimental effect on any person by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, wastewater, waste products, grit, oil and otherwise.

Timing: At all times.

6. AMENITY – NOISE

Noise emissions must not be audible or cause nuisance in any way to sensitive land uses outside of the following hours:

- (a) 7.00am to 6.00pm on any business day (Monday to Friday) or Saturday; and
- (b) 8.00am to 6.00pm on any other day (Sunday or public holidays).

It is the responsibility of the applicant to ensure that any potential noise-related nuisance or adverse impacts to sensitive land uses are reduced and managed at all times, including during the hours mentioned in this condition.

Advisory Note: Sensitive land uses include any nearby residential premises.

Timing: At all times

7. AMENITY – LIGHTING

Lighting must not directly illuminate or cause any environmental nuisance (e.g. glare) to nearby premises or roads. Lighting must be in accordance with *AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting* and Crime Prevention through Environmental Design Guidelines (CPTED) and the standards specified in the CASA guidelines "Lighting Near Aerodromes: Advice to Lighting Designers."

Timing: Prior to the issue of final inspection certificate or certificate of classification.

8. HOURS OF OPERATION

The land use is permitted to operate between the hours of 6:00am and 6:00pm Monday to Sunday only.

Timing: To be maintained at all times after commencement of use.

9. ACCESS

All accesses are to be maintained in accordance with Council policy and with the Capricorn Municipal Development Guidelines standard drawing CMDG-R-042.

Access is to be provided only via the existing constructed crossovers and driveways to Wills Road and Union Drive.

Timing: Prior to the issue of final inspection certificate or certificate of classification, whichever is applicable, and at all times thereafter.

10. INTERNAL MANOEUVRING

Provide and maintain adequate vehicle manoeuvring areas so that all vehicles can enter and exit the site in a forward direction in accordance with the approved plans.

Timing: Prior to the issue of final inspection certificate or certificate of classification, whichever is applicable, and at all times thereafter.

11. CAR PARKING PROVISION

All car parking spaces are to be designed, line marked and maintained in accordance with *AS2890.1: Parking Facilities - Off Street Car Parking*, except that the minimum width of a car space be 2.75 metres in accordance with Council standards. All car parking must be contained on-site with a total of five (5) car parking spaces provided.

Timing: Prior to the issue of final inspection certificate or certificate of classification, whichever is applicable, and at all times thereafter.

12. PAVEMENT DESIGN

All paved areas are to be designed by a suitably qualified professional and constructed in accordance with Council policy and good engineering practice.

Timing: Prior to the issue of final inspection certificate or certificate of classification, whichever is applicable, and at all times thereafter.

13. STORMWATER DRAINAGE

All stormwater, with the exception of rainwater captured onsite in rainwater tanks, is to be drained from the site and carried without causing nuisance or annoyance to any person. The lawful point of discharge for stormwater is the kerb and channel in Union Drive and Wills Road and/or the stormwater easement at the rear of the property.

Timing: Prior to the issue of final inspection certificate or certificate of classification, whichever is applicable, and at all times thereafter.

14. WATER SUPPLY CONNECTION - RETICULATED

Water supply reticulation must be provided to the proposed development, including a metered connection to the existing system. All works must be carried out in accordance with the Council's standards. The applicant is responsible for all construction associated with the connection and inspection of the proposed works.

Timing: Prior to the issue of final inspection certificate or certificate of classification, whichever is applicable, and at all times thereafter.

15. SEWERAGE CONNECTION— RETICULATION

Sewerage reticulation must be provided to the proposed development. All works must be carried out in accordance with Council's standards. The applicant is responsible for all costs associated with the connection and inspection of the proposed works.

Timing: Prior to the issue of final inspection certificate or certificate of classification, whichever is applicable, and at all times thereafter.

16. EROSION AND SEDIMENTATION CONTROL

No construction shall take place unless and until appropriate erosion control and silt collection measures are in place.

Timing: While site and/or building works are occurring.

17. PROVISION OF UTILITIES

Provide documentary evidence to the Chief Executive Officer or delegate from relevant electrical and telecommunication service providers confirming that satisfactory arrangements have been made for the provision of such services to the approved development.

Timing: Prior to the issue of final inspection certificate or certificate of classification, whichever is applicable, and at all times thereafter.

18. DEVELOPMENT STANDARDS-CIVIL WORKS CONSTRUCTION

All works, services, facilities and/or public utility alterations required by this approval or stated condition/s, whether carried out by Council or otherwise, are to be at the developer's expense, unless otherwise specified. The construction of all works shall be undertaken in accordance with good engineering practice and workmanship and generally in accordance with the provisions of the Capricorn Municipal Development Guidelines.

Timing: At all times.

19. DAMAGE TO COUNCIL SERVICES AND ASSETS

The developer must meet any costs to repair damage to any Council asset during construction where the damage is a result of the development works. Damage to assets must be repaired immediately where it creates a hazard to the community. In circumstances where the damage does not create a hazard to the community, it must be repaired immediately on completion of the works associated with the development.

Timing: At all times.

20. WASTE MANAGEMENT

Council's Communities Department must be approached regarding a commercial waste agreement. If it is deemed by Council that the development requires a commercial waste agreement, the agreement must be obtained and complied with at all times.

Maintenance and cleaning of waste containers must be carried out by a cleaning contractor or in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, water or onto unsealed ground. All spilt produce must be cleaned up as soon as practicable.

Waste containers may only be located in the Council road reserve whilst they are being collected. Permanent storage of these containers in Council road reserve is prohibited. Waste containers must not be located in vehicle manoeuvring areas or occupy parking spaces. Waste containers must be screened from Wills Road and Union Drive.

Timing: At the time of making a building works application.

21. LOADING AND UNLOADING OF VEHICLES

All loading and unloading of vehicles removing or delivering goods must be contained to the property boundary. Load and unloading of vehicles in Council's road reserve is prohibited.

Timing: At all times

22. LANDSCAPING

The perimeter beds established along both road frontages and the landscaped areas surrounding the administration building must be maintained in perpetuity.

Timing: At all times.

23. AMALGAMATION OF LOTS

Lots 2, 3 and 4 on SP233368 shall be amalgamated into one lot on one Certificate of Title prior to the commencement of use.

Timing: Prior to the commencement of use.

2018 / 11 / 27 / 004

Carried (8-0)

Attendance

Manager Planning and Environment K. Byrne, Coordinator Planning and Development J. Kirkwood and Principal Planner Development Assessment S. Ronnfeldt left the meeting at 2.51pm

Conflict of Interest

Cr Rolfe confirmed her previous declaration of interest as President of the Springsure Show Society and dealt with the conflict of interest by leaving the meeting and did not participate in discussion, debate and voting on the matter.

Cr Rolfe left the meeting at 2.51pm

Conflict of Interest

Cr Sypher confirmed her previous declaration of interest as President of the Central Highlands Science Centre and dealt with the conflict of interest by leaving the meeting and did not participate in discussion, debate and voting on the matter.

Cr Sypher left the meeting at 2.51pm

Conflict of Interest

Cr McIndoe confirmed his previous declaration of interest due to a sporting facility that currently carries Cr McIndoe's name.

Cr McIndoe determined that this personal interest is not of sufficient significance that it will lead him to making a decision on the matter that is contrary to the public interest. Cr McIndoe indicated he will best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on this matter.

However, Cr McIndoe acknowledged that the remaining councillors, entitled to vote, must now determine, pursuant to section 175E(4) of the *Local Government Act 2009*: -

- (a) Whether he has a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) If so, whether: -
 - a. He must leave the meeting while this matter is discussed or voted on; or
 - b. If he may participate in the meeting in relation to the matter, including by voting on the matter.

Cr McIndoe left the meeting at 2.51pm

Resolution:

Cr Godwin-Smith moved and seconded by Cr Brimblecombe "That Cr McIndoe has a perceived conflict of interest in the matter and notwithstanding the conflict, Cr McIndoe may participate in the matter, discuss and vote upon it."

2018 / 11 / 27 / 005

Carried (5-0)

Attendance

General Manager Corporate Services J. Bradshaw left the room at 2.53pm and returned at 2.53pm
Cr McIndoe was invited to returned to the meeting at 2.53pm

Game Plan Advisory Committee - Meeting 13 Minutes - 5 November 2018

Executive summary:

The Game Plan Advisory Committee is an advisory committee of Council, with representation from Councillors, senior staff and community members appointed for the period of development and implementation of the Game Plan. The committee met on 5th November 2018 to conduct their 13th meeting.

Resolution:

Cr McIndoe moved and seconded by Cr Godwin-Smith “That Central Highlands Regional Council receive the minutes for the *Game Plan Advisory Committee* meetings held 5 November 2018 and adopt the following recommendations:

1. Council review all current caretaker arrangements and work towards a more consistent approach;
2. Council re-assess the responsibilities of each facility and ensure new contract aligns with the need of the facility; and
3. After completion of this review process, tender the caretaker positions out for application.

And further, in response to a request from the Springsure Pastoral and Agricultural Society Inc. to resume a lease area on Lot 11CP 896640:

4. Postpone any decision on the resumption of the lease area until the Tenure Framework is adopted and implemented by Council; and
5. In the interim, retain responsibility for the maintenance of the proposed area and contribute funds to address the non-compliant facility elements.”

2018 / 11 / 27 / 006

Carried (6-0)

Attendance

Cr Rolfe and Cr Sypher were invited to returned to the meeting at 2.58pm

LEAVE OF ABSENCE

Resolution:

Cr Godwin-Smith moved and seconded by Cr Nixon “That a leave of absence be granted for Cr Paul Bell for the meeting of 11 December 2018.”

2018 / 11 / 27 / 007

Carried (6-0)

Attendance

Consultant Corporate Services W. Jensen and Coordinator Asset Accounting A. Dias attended the meeting at 2.59pm

CORPORATE SERVICES

Monthly Financial Report - October 2018

Executive summary:

Operating activities are generally in accordance with forecasts, though there have been some delays in rural roads maintenance, recoverable works, and work on the Yamala grant-funded project.

Capital works delivery continues to run behind original forecasts, though Managers have expressed confidence that the works will be substantially completed within the budget year.

Resolution:

Cr Brimblecombe moved and seconded by Cr Rolfe “That Central Highlands Regional Council receive the Monthly Financial Report for the period ended 31 October 2018.”

2018 / 11 / 27 / 008

Carried (8-0)

Attendance

Consultant Corporate Services W. Jensen and Coordinator Asset Accounting A. Dias left the meeting at 3.24pm

Manager Governance (Fixed Term) C. Joosen attended the meeting at 3.24pm

LATE AGENDA ITEMS

Amendment and adoptions - Standing Orders Policy, Investigation Policy and Repeal of Local Law No. 2 (Meetings) 2008

Executive summary:

The State Government has made several amendments to the Local Government Act which require Councils to review or develop certain policies and procedures. The current imperatives generally derive from the Crime and Corruption Commission (CCC) Operation Belcarra report. The current Standing Orders of Council are comprehensive and are tested at a practical level. Model Standing Orders recently distributed by the Department of Local Government are similar, but not as encompassing as the current Standing Orders of Council. This report identifies areas for review and/or consolidation based on the content of the Model Standing Orders, Council’s obligation to adopt, by resolution, specified meeting procedures, after previous workshop discussions.

Resolution:

Cr Brimblecombe moved and seconded by Cr Rolfe “That Central Highlands Regional Council resolves:

1. To adopt, by resolution, the Standing Orders and Meeting Procedures in the form comprising (***Annexure A to this resolution***), subject to amendments and in particular: -
 - (a) the Standing Orders and Meeting Procedures, parts 2 and 3 to regulate the conduct of meetings of Council and meetings of the committees of Council; and
 - (b) the Standing Orders and Meeting Procedures, part 4 state, for the purposes of the *Local Government Act 2009*, section 150G, procedures for the conduct of meetings of Council and meetings of the committees of Council including: -
 - i. how the chairperson of a Council meeting may deal with a councillor’s unsuitable meeting conduct; and

- ii. how the suspected inappropriate conduct of a councillor referred to Council by the assessor must be dealt with at a Council meeting.
2. For the purposes of the *Local Government Act 2009*, section 150AE (Local government must adopt investigation policy), Council adopts, by resolution, in the form comprising (***Annexure B to this resolution***), a policy (an investigation policy) about how it deals with the suspected inappropriate conduct of councillors referred, by the assessor, to Council to be dealt with.
3. Council resolves to propose to make Local Law (Repealing) Local Law (No. 1) 2018 which repeals *Local Law No. 2 (Meetings) 2008* (***Annexure C to this resolution***).

Standing Orders and Meeting Procedures

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Part 1 – Preliminary

1 Background

The *Local Government Act 2009*, chapter 5A and chapter 6, and the *Local Government Regulation 2012*, chapter 8 part 2 provide core requirements for the conduct of meetings of the local government and the committees of the local government, including the conduct of councillors at meetings of the local government and the committees of the local government.

2 Object

- (1) These standing orders and meeting procedures supplement the statutory requirements by providing standard processes to be observed at such meetings.
- (2) The standing orders—
 - (a) comprise part 2 and part 3; and
 - (b) may be suspended at any time by resolution.
- (3) The meeting procedures—
 - (a) comprise part 4; and
 - (b) must, pursuant to the Act, section 150G, be adopted for the conduct of meetings of the local government and the committees of the local government; and
 - (c) must be consistent with the model procedures and if there is an inconsistency, the local government is taken to have adopted the model procedures to the extent of the inconsistency.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in these standing orders and meeting procedures.

Part 2 – Meetings of the local government

Division 1 – Time of meetings of the local government

4 Times of ordinary meetings

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

5 Special meetings

- (1) The chief executive officer must call a special meeting of the local government if —
 - (a) the special meeting is required by a resolution of the local government; or
 - (b) a written request for the special meeting is lodged with the chief executive officer under subsection (2).
- (2) A written request for a special meetingⁱⁱ of the local government must —

ⁱ See Section 257 (Frequency and place of meetings) of the *Local Government Regulation 2012* and section 175 (Post- election meetings) of the *Local Government Act 2009*.

ⁱⁱ See Section 258 (Notice of meetings) of the *Local Government Regulation 2012*.

- (a) be signed by the mayor or 5 or more councillors; and
 - (b) specify the business to be conducted at the special meeting; and
 - (c) propose a day and time for the holding of the special meeting.
- (3) A special meeting is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.

Division 2 – Agenda and notice for meetings of the local government

6 Agenda and notice for meetings

- (1) A list of the items to be discussed at a meeting of the local government must be available for inspection at the time the agenda for the meeting is made available to councillors.ⁱⁱⁱ
- (2) The agenda for a meeting must include —
- (a) items required under the Act or a local law to be included on the agenda; and
 - (b) items required under the standing orders, part 3, to be included on the agenda; and
 - (c) items that are by resolution of the local government to be included on the agenda; and
 - (d) each item whose inclusion on the agenda is requested by a councillor.
- (3) A councillor who wants an item of business included on the agenda for a particular meeting must give written notice of the nature of the business to the chief executive officer at least 2 days before the notice of meeting is given.
- (4) Written notice of each meeting or special meeting of a local government must be given to each councillor at least two (2) days before the day of the meeting unless it is impracticable to give notice. The written notice must state —
- (a) the day and time of the meeting; and
 - (b) for a special meeting – the business to be conducted at the meeting.
- (5) The written notice may be given to a councillor by sending the notice to the councillor.
- (6) The local government must immediately make public notification of any change to the days and times of any general and standing committee meeting, using its general method of meeting notifications, unless it is impracticable to do so.
- (7) The local government must immediately make public notification of any special meetings which may be called from time to time, using its general method of meeting notifications, unless it is impracticable to do so.

Division 3 – Time of meetings of local government committees

7 Times and places of committee meetings

- (1) A committee may, by resolution, fix dates, times and places for its meetings.^{iv}
- (2) If there is no resolution fixing the date, time and place for a committee meeting, the chief executive officer may fix the date, time and place for the meeting.
- (3) Before the chief executive officer fixes the date, time and place for a committee meeting, the chief executive officer must, if practicable, consult with the chairperson of the committee.

8 Special meetings

- (1) The chief executive officer must call a special meeting of a committee if —
- (a) the special meeting is required by a resolution of the local government; or

ⁱⁱⁱ See Section 277 (Public notice of meetings) of the *Local Government Regulation 2012*.

^{iv} See Section 268 (Frequency of meetings) of the *Local Government Regulation 2012*.

- (b) a written request for the special meeting is lodged with the chief executive officer under subsection (2).
- (2) A written request for a special meeting of a committee must —
 - (a) be signed by the chairperson or 3 or more members of the committee; and
 - (b) specify the business to be conducted at the special meeting; and
 - (c) propose a day, time and place for the holding of the special meeting.

Division 4 – Notice of meetings of local government committees

9 Notice of meetings

- (1) The chief executive officer must give written notice of a committee meeting setting out the date, time and place of the meeting, and the business to be considered at the meeting, to each member of the committee.
- (2) The notice must be given, if practicable, at least 4 days before the day of the meeting.
- (3) A list of the items to be discussed at a meeting of a committee must be available for inspection at the time the agenda for the meeting is made available to the members of the committee.^v

Division 5 – Conduct of committee meetings

10 Chairperson

The chairperson of a committee must preside at a meeting of a local government committee.

The mayor is an ex officio member of each committee. Should the chairperson not be present at a meeting, then the meeting shall elect a chairperson.

11 Quorum

- (1) A quorum of a committee is a majority of its members.
- (2) However, if the number of members is an even number, one-half of the number is a quorum.^{vi}

12 Procedure at meetings

- (1) The procedure of a committee for dealing with business must be in accordance with —
 - (a) procedural directions given to the committee by resolution of the local government; or
 - (b) if there is no procedural direction governing a particular matter, the standing orders in part 2 and part 3.
- (2) However, a committee may, by resolution, overrule a decision on a procedural question made by the chairperson.

Division 6 – Terms of reference for standing committees

13 Background

The terms of reference will supplement the statutory requirements which regulate the conduct of meetings of local government by providing detailed procedures for the conduct of the standing committee meetings in order to provide open and transparent decision making.

14 Purpose

The standing committees provide direction and leadership on the areas of interest listed below.

^v See Section 277 (Public notice of meetings) of the *Local Government Regulation 2012*.

^{vi} See Section 269 (Quorum) of the *Local Government Regulation 2012*.

| Finance and Infrastructure | Communities | Leadership and Governance |
|--|---|--|
| <ul style="list-style-type: none"> • Applicable Advisory Committees • Asset Management • Drainage • Emerald Airport • Emerald Saleyards • Emergency Management • Finance • Fleet • Information Services • Land Development • Procurement • Roads • Shepton Quarry • Water and Sewerage | <ul style="list-style-type: none"> • Applicable Advisory Committees • Arts and Culture • Community Development • Community Engagement • Corporate Communications • Customer Service • Environmental and Health and Regulatory • Libraries • Parks and Gardens • Sport and Recreation • Sustainability • Waste and Recycling | <ul style="list-style-type: none"> • Applicable Advisory Committees • Compliance • Corporate Governance • Human Resources • Internal Audit • Performance Benchmarking • Risk Management • Strategy • WH&S |
| <p><i>Monthly reports will be presented to each committee by management on key activities and performance.</i></p> | | |

15 Membership

The local government at its meeting of 27 November 2018 resolved that the membership of each standing committee be:

| Finance and Infrastructure Committee | Communities Committee | Leadership and Governance Committee |
|--|--|--|
| Five (5) Councillors, One (1) as Chair | Five (5) Councillors, One (1) as Chair | Five (5) Councillors, One (1) as Chair |
| <p><i>The mayor is an ex officio member of each committee. Should the chairperson not be present at a meeting, then the meeting shall elect a chairperson.</i></p> | | |

16 Scope and limitations

The main functions of the committee are to—

- (1) receive reports from the chief executive officer, executive leadership team, manager and/or appropriately delegated officers related to the areas of interest;
- (2) adopt the reports from the chief executive officer, executive leadership team, manager and/or appropriately delegated officers related to the areas of interest;
- (3) make decisions in line with the delegated authority; and
- (4) where necessary, formulate recommendations to the ordinary local government meeting.

17 Delegated authority

- (1) In accordance with section 257 of the Local Government Act 2009, the local government has delegated to the standing committees, all powers referred to in the document titled “Central Highlands Regional Council – Council to standing committee delegations register”
- (2) To the extent that powers delegated to one committee have also been delegated to another committee or have previously been delegated to the chief executive officer, those powers can be exercised by each committee and the chief executive officer, severally.

- (3) All decisions of each standing committee must be decided by a majority of the votes of the committee members present.^{vii}
- (4) The application of delegations by standing committees should be restricted to the areas of interest as detailed in section 14 of this document. The intent of the delegation of decision-making power by the local government is to allow for passing of resolutions, and the provision of leadership and direction within these documented areas only.

18 Frequency

The schedule adopted by the local government for meetings for each standing committee and general and strategy meeting is in accordance with the Regulation, section 257.

Division 7 – Standing orders

19 Standing orders

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

Part 3 – Standing Orders

Division 1 – Application of standing orders

20 Application

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

Division 2 – Procedures for meetings of the local government

21 Order of business

- (1) The order of business must be determined by resolution of the local government from time to time.
- (2) Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the local government.
- (3) The order of business may be altered for a particular meeting where the councillors at the meeting pass a procedural motion to that effect.

^{vii} See Section 270(2)(b) (Procedure at meetings) of the *Local Government Regulation 2012*.

- (4) A motion to alter the order of business may be moved without notice.
- (5) Unless otherwise altered pursuant to subsection (3), the order of business and agenda will be—
 - (a) for ordinary meetings—
 - Attendance
 - Apologies and granting of leave of absence
 - Confirmation of Minutes
 - Business Arising from Previous Minutes
 - Reception of Deputations by Appointment
 - Reception and Consideration of Committee Reports
 - Reception and Consideration of Officers' Reports
 - Miscellaneous Business
 - Any other business Council determines by resolution be included in the business paper
 - (b) for special meetings and committee meetings—
 - Attendance
 - Apologies
 - Reception of Deputations by Appointment
 - Reception and Consideration of Officers' Reports
- (6) The minutes^{viii} of previous meeting (*previous minutes*) not previously confirmed may be taken into consideration as the first business of an ordinary meeting, in order that the previous minutes may be confirmed, and no discussion shall be permitted with respect to the previous minutes except with respect of the accuracy of the previous minutes as a record of the proceedings.
- (7) Admission of deputations, invitees and visitors shall be at the discretion of either of —
 - (a) the mayor; or
 - (b) the local government.
- (8) The time for receipt of petitions shall be at the discretion of the local government.

22 Petitions

- (1) The rules for petitions to the local government are available on the Central Highlands Regional Council website.
- (2) Any petition presented to a meeting of the local government must be in legible writing or typewritten and contain a minimum of 10 signatures (clearly stating the name and address of each person), contain a cover page detailing the request, suggestion or grievance and the name of the principal petitioner.^{ix}
- (3) The petition should be addressed to the chief executive officer and can be emailed, mailed or physically handed in at a Customer Service Centre of Central Highlands Regional Council.
- (4) The details of the specific request/matter must appear on each page of the petition.

^{viii} See Section 272 (Minutes) of the *Local Government Regulation 2012*.

^{ix} See "What are the rules for petitions" on Central Highlands Regional Council website for further information on rules for submitting petitions to Council.

- (5) The chief executive officer will present the petition to a general meeting of the local government. In accordance with the local government's general meeting procedure, the chief executive officer may move the petition be received and referred to the relevant area of the local government for investigation and report back to the local government, if required.
- (6) The principal petitioner will be advised in writing of the local government's decision, following the relevant general meeting.
- (7) A petition may be presented to a meeting by a councillor who, before presenting the petition, must, as far as practicable, become acquainted with the subject matter of the petition.
- (8) On presenting a petition to a meeting, a councillor must —
 - (a) state the nature of the petition; and
 - (b) read the petition.
- (9) Where a councillor presents a petition to a meeting, no debate on or in relation to the petition shall be allowed, and the only motion which may be moved is that—
 - (a) the petition be received, and consideration stand as an order of the day for —
 - (i) the meeting; or
 - (ii) a future meeting; or
 - (b) the petition be received and referred to a committee or the chief executive officer for consideration and a report to the local government; or
 - (c) the petition not be received.

23 Deputations

- (1) A deputation wishing to attend and address a meeting of the local government shall apply in writing to the chief executive officer not less than seven (7) clear days before the meeting.
 - (2) The chief executive officer, on receiving an application for a deputation shall notify the chairperson who shall determine whether the deputation shall be heard.
 - (3) The chief executive officer must inform the deputation of the determination.
 - (4) Where it has been determined that the deputation may be heard, a convenient time must be arranged for that purpose, and a time period allowed.
 - (5) For deputations comprising 3 or more persons, only 3 persons may be heard unless the local government determines otherwise by resolution.
 - (6) A deputation must be given an adequate opportunity to explain the purpose of the deputation.
 - (7) The chairperson of a meeting may terminate an address by a person in a deputation at any time if —
 - (a) the chairperson has allotted a specific period of time for a person's address and the period of time has elapsed; or
 - (b) the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting; or
 - (c) the person uses insulting or offensive language.
 - (8) If a member of the deputation other than an appointed speaker interjects or attempts to address the local government, the chairperson may finalise the deputation.
 - (9) A suitable designated officer will be identified and will assume responsibility for the deputation including that the appointed speaker/s is notified in writing of developments or future actions as appropriate.
 - (10) A rolling report on the status and outcome of all deputations will be presented to the local government on a quarterly basis.
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Division 3 – Motions

24 Motions

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

25 Absence of mover of motion

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

26 Motion to be seconded

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

27 Amendment of motion

- (1) An amendment to a motion must —
 - (a) be in terms which retain the identity of the motion; and
 - (b) not negative the motion.
- (2) Not more than 1 motion or 1 proposed amendment to a motion may be put before a meeting at any one time.
- (3) Where an amendment to a motion is before a meeting, no other amendment to the motion can be considered until after the first amendment has been put.
- (4) Where a motion (the *original motion*) is amended by another motion (the *other motion*), the original motion must not be put as a subsequent motion to amend the other motion.
- (5) A councillor who proposes or seconds a motion must not propose or second an amendment to the motion.

28 Speaking to motions and amendments

- (1) Subject to section 26(2), the mover of an amendment to a motion must read the amendment and state that the amendment is so moved, and —
 - (a) may only speak in support of the amendment before it is seconded with the permission of
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the chairperson; and

- (b) may speak in support of the amendment after it is seconded.
- (2) A councillor may request further information from the chairperson before or after the motion or the amendment to the motion is seconded.
- (3) Following the seconding of a motion or an amendment of a motion, the first speaker must be in favour of the motion or the amendment and each subsequent speaker alternatively against and in favour of the motion or amendment, unless the chairperson in his or her discretion rules otherwise.
- (4) The mover of a motion has the right of reply.
- (5) The mover of an amendment to a motion has no right of reply.
- (6) Each councillor must speak not more than once to the same motion or the same amendment except as a right of reply unless the chairperson in his or her discretion rules otherwise.
- (7) Each speaker is restricted to not more than 5 minutes unless the chairperson in his or her discretion rules otherwise.
- (8) Where 2 or more councillors attempt to speak at the same time, the chairperson is to determine who is entitled to priority.
- (9) The minutes of a meeting must include a statement of the reasons for not adopting a recommendation or advice if a decision is made at the meeting and the *Local Government Regulation 2012*, section 273, applies.

29 Method of taking vote^x

- (1) Before any matter is put to the vote, the chairperson may direct that the motion or amendment be read again by the chief executive officer.
- (2) The chairperson must, in taking the vote on a motion or an amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or negative has the majority vote.
- (3) The local government must vote by a show of hands or as otherwise directed by the chairperson.
- (4) If, in relation to a question/motion put to a committee meeting, the question/motion does not have the unanimous support of the committee members present, the chairperson must—
 - (a) not declare the result of the vote; and
 - (b) direct that the question/motion be referred to the next local government meeting.
- (5) Any councillor may call for a division or a question in relation to the taking of a vote immediately following the chairperson declaring the result of the vote.
- (6) If a division is taken, the chief executive officer must record —
 - (a) the names of the councillors voting in the affirmative; and
 - (b) the names of the councillors voting in the negative.
- (7) The chairperson must declare the result of a vote or a division as soon as it has been determined.
- (8) Councillors have the right to request that their names and how they voted be recorded in the minutes for voting other than by division.
- (9) Councillors who remain in the chamber and abstain from voting are deemed to have voted in the negative.^{xi}
- (10) Except upon a motion to rescind or alter it, the resolution shall not be discussed after the vote has been declared.

^x See Section 260 (Procedure at meetings) of the *Local Government Regulation 2012*.

^{xi} See Section 260(2)(d) of the *Local Government Regulation 2012*.

- (11) If a report contains distinct recommendations, the decision of the local government may be taken separately on each recommendation.

30 Repealing or amending resolutions

- (1) A resolution of the local government must not be repealed or amended unless notice of motion is given in accordance with the requirements of the *Local Government Act 2009* or the *Local Government Regulation 2012*.
- (2) Where a motion (a relevant motion) to repeal or amend a resolution is defeated, a motion to the same, or like effect, must not be moved until at least 3 months after the date on which the relevant motion was defeated.
- (3) Councillors present at the meeting at which a relevant motion is put may defer consideration of the relevant motion, however, consideration of the relevant motion must not be deferred for more than 3 months.
- (4) Where a resolution (a later resolution) of the local government relates to a matter the subject of a previous resolution (a previous resolution) passed more than 3 months previous, the previous resolution is amended or repealed to the extent that it is inconsistent with the later resolution.

31 Procedural motions

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

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

32 Motion that the question be put

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

33 Motion that debate be adjourned

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

34 Motion to proceed to next item of business

- (1) Where a procedural motion that the meeting proceed to the next item is carried, debate on the
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matter the subject of the motion must cease.

- (2) However, debate on the matter the subject of the motion may be considered again on the giving of notice in accordance with the standing orders, part 3.

35 Motion that the motion lie on the table

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

36 Points of order

- (1) A councillor may ask the chairperson to decide a point of order where it is believed that another councillor —
 - (a) has failed to comply with proper procedures; or
 - (b) is in contravention of the standing orders, part 3 or the Act^{xii}; or
 - (c) is beyond the jurisdictional power of the local government.
- (2) A point of order cannot be used as a means of contradicting a statement made by a councillor speaking about a matter.
- (3) Where a point of order is raised, consideration of the matter about which the councillor was speaking may be suspended subject to section 20(3).
- (4) The chairperson must determine whether the point of order is upheld.
- (5) Upon a point of order arising during the process of a debate, the councillor raising the point of order may speak to the point of order.
- (6) Despite anything to the contrary in the standing orders, part 3, a point of order arising at any time must, until decided, suspend the consideration of every other motion or matter.

37 Motion of dissent

- (1) A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order.
- (2) Where a motion is moved under subsection (1), further consideration of any matter must be suspended until after a ruling is made on the motion of dissent.
- (3) Where a motion of dissent is carried —
 - (a) the matter to which the ruling of the chairperson was made must proceed as though that ruling had not been made; and
 - (b) where, as a result of a ruling of the chairperson on a point of order, a matter was discharged as out of order – the matter must be restored to the meeting agenda and be dealt with in the normal course of business.

38 Motion that a report be tabled

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

^{xii} See Chapter 5A (Councillor conduct) of the *Local Government Act 2009*.

39 Motion to suspend requirements of a rule

- (1) A procedural motion to suspend the requirements of a rule may be made by a councillor in order to permit some action that otherwise would be prevented by the standing orders, part 3.
- (2) A motion under subsection (1) must specify the duration of the suspension.

40 Motion that the question/motion be referred to the next meeting of the local government (committee meetings only)

- (1) A procedural motion that the question/motion be referred to the next meeting of the local government may only be moved —
 - (a) at a committee meeting; and
 - (b) after a councillor has spoken against the question/motion; and
 - (c) when a councillor reasonably believes that the question/motion is unlikely to have the unanimous support of committee members present.
- (2) Where a motion under subsection (1) is carried, the chairperson must direct that the substantive question/motion be referred to the next meeting of the local government.

41 Motion that meeting stands adjourned^{xiii}

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

Division 4 – Mayoral minutes

42 Mayoral minutes

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

Division 5 – Conduct during meetings

43 Conduct during meetings

- (1) Councillors must conduct themselves in accordance with the principles of the Act and the standards of behaviour set out in the code of conduct. The chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- (2) After a meeting of the local government has been formally constituted and the business

^{xiii} See Section 261 (Adjournment of meetings) of the *Local Government Regulation 2012*.

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

Division 6 – Questions

44 Questions

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

Division 7 – Maintenance of good order

45 Disorder

- (1) Where disorder arises at a meeting, and the disorder does not arise as a result of unsuitable meeting conduct or inappropriate conduct of a councillor at the meeting, the meeting may be adjourned in accordance with section 261 (Adjournment of meetings) of the *Local Government Regulation 2012*.
 - (2) On resumption of the meeting, the chairperson must move a motion, which shall be put without debate, to determine whether the meeting shall proceed.
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- (3) Where a motion under subsection (2) is lost, the chairperson must declare the meeting closed, and any outstanding matters must be referred to a future meeting.

46 Business of objectionable nature

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

Division 8 – Attendance and non-attendance at meetings

47 Attendance by elected members

- (1) A local government may allow a councillor to take part in a meeting by teleconferencing.
- (2) Where the local government has approved the teleconferencing arrangement, the councillor must be able to hear and be heard by each other person at the same time throughout the meeting.^{xiv}
- (3) The circumstances in which teleconferencing may be considered are to be determined by the local government but may be along the lines of natural disaster, severe weather or other circumstances preventing a councillor from attending the place of the meeting.
- (4) Attendance is not permitted by teleconference for closed session items if the chairperson of the meeting is unable to physically verify that the conditions of the closed meeting are being satisfied by the person taking part in the teleconference.
- (5) In considering a request for attendance at a local government meeting by teleconferencing, confidentiality and privacy matters need to be considered as this may pose a risk to the local government due to the nature of the discussions.
- (6) Mobile telephones shall not be used to participate in teleconferenced meetings.
- (7) A councillor may participate in all aspects of a general council meeting and standing committee meeting via teleconference (e.g. by video link, face time, landline or computer) provided a quorum is physically present at the official noticed location of the meeting, and the councillor can be heard by all persons attending the meeting, including the public present in the notified location. It is the responsibility of the caller to be on the line in advance of the time of the meeting; calls received after the meeting has begun may not be accepted at the discretion of the chairperson. Any councillor participating in such fashion shall identify any and all persons present in the location from which the councillor is participating.
- (8) Should the chairperson attend by teleconferencing, he/she shall appoint a quorum member as temporary chair or postpone the meeting to another date. (If the latter situation is known more than forty-eight (48) hours in advance, the meeting should be postponed).
- (9) A councillor planning an extended (more than seven (7) consecutive meetings with teleconferences included) absence must receive the agreement of five (5) of the remaining councillors in advance of the absence.
- (10) A register of attendance at local government meetings by teleconference will be recorded in the minutes of the meeting.

48 Attendance of public and media at meetings

- (1) An area must be made available at the place where a meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as can reasonably be accommodated in the area must be permitted to attend the meeting.
- (2) If the local government resolves that a meeting be closed to the public, the public and representatives of the media must be excluded from the meeting.
- (3) After a meeting has commenced, members of the public and media representatives must switch

^{xiv} See Section 276 (Teleconferencing) of the *Local Government Regulation 2012*.

all electronic/communication devices to silent.

- (4) If a person fails to comply with subsection (3), the mayor or chairperson may direct that person immediately leave the meeting room.
- (5) Failure to comply with a direction under subsection (4) may be considered an act or disorder.

49 Public participation at meetings

- (1) The chairperson may invite a member of the public to take part in the proceedings of a meeting.
- (2) Except when invited to do so by the chairperson pursuant to subsection (1), a member of the public must not take or attempt to take part in the proceedings of a meeting.
- (3) During debate on a motion, the chairperson may invite submissions, comments or questions from members of the public.
- (4) If any submission or comment of a member of the public is irrelevant, offensive or unduly long, the chairperson may require the member of the public to cease making the submission or comment.
- (5) For any matter arising from a submission or comment from a member of the public, the local government may —
 - (a) refer the matter to a committee; or
 - (b) deal with the matter immediately; or
 - (c) place the matter on notice for discussion at a future meeting; or
 - (d) note the matter and take no further action.
- (6) Any person invited to address a meeting must —
 - (a) stand, act and speak with decorum; and
 - (b) frame any remarks in respectful and courteous language.
- (7) If a person is considered by the local government, mayor or chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting. Failure to comply with a direction may be considered an act of disorder.

50 Council officer's participation at meetings

- (1) In addition to the chief executive officer and minute's secretary, meetings of the local government are attended by—
 - (a) the Executive Leadership Team members of—
 - (i) Corporate Services;
 - (ii) Communities;
 - (iii) Infrastructure and Utilities;
 - (iv) Customer and Commercial Services and
 - (b) the Manager Governance.
 - (2) If the local government resolves that a meeting be closed to the public, the above officers may remain in the meeting unless determined otherwise by the chairperson. Any other officers shall be required to leave the meeting unless determined otherwise by the chairperson.
 - (3) After a meeting has commenced, all attending local government staff must switch any electronic devices to silent whilst in the meeting room.
 - (4) If a person fails to comply with subsection (3), the mayor or chairperson may direct that the person immediately leave the meeting room.
-

Division 9 – Committees

51 Reports by committees

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

52 Attendance at committee meetings

- (1) Any councillor may attend a meeting of a committee and may address the committee in accordance with the procedures established by the chairperson of the committee.
- (2) An area must be made available at the place where a committee meeting is to take place for members of the public and representatives of the media to attend the meeting and as many people as reasonably can be accommodated in the area must be permitted to attend the meeting.

53 Public participation at statutory committee meetings

- (1) At a statutory committee meeting, a person who is not a councillor or a member of the committee must not take part in the meeting.
- (2) However, the chairperson of the committee may invite any person to address the committee upon the matter before it.
- (3) Any person wishing to be heard personally or as a deputation on any matter relevant to a committee, may make an appointment with the chief executive officer.
- (4) Where subsection (3) applies, the committee must determine whether the matter shall be heard.
- (5) A deputation or personal address must not exceed 10 minutes unless otherwise agreed by the chairperson of the committee.
- (6) No more than 2 members of a deputation may address the committee except in reply to questions from members of the committee.

Division 10 – Procedure not provided for

54 Procedure not provided for

Subject to part 4, if an appropriate or adequate method of dealing with a matter is not provided for in the standing orders, part 2 or part 3, the method of dealing with the matter may be determined by resolution of the local government upon a motion which may be put without notice in conformity with the standing orders, part 3.

Part 4 Meeting procedures

Division 1 Preliminary

55 Purpose of the meeting procedures

- (1) The purpose of the meeting procedures in this part 4 is to set out certain procedures to ensure the local government principles are reflected in the conduct of local government meetings and local government committee meetings.
 - (2) It is not intended that the meeting procedures in this part 4 would deal with all aspects of meeting conduct but only those required to strengthen public confidence in local government to deal with the conduct of councillors in meetings.
-

56 Background

In particular, as required under section 150F of the Local Government Act 2009, the meeting procedures in part 4 set out—

- (1) the process for how a chairperson of a local government meeting may deal with instances of unsuitable meeting conduct by councillors; and
- (2) the process for how suspected inappropriate conduct of a councillor referred to the local government by the Independent Assessor (the Assessor) is to be dealt with at a local government meeting.

57 Application

A local government must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its meetings and meetings of its committees that are consistent with the model meeting procedures.

Division 2 Processes

58 Process for dealing with unsuitable meeting conduct by a councillor in a meeting

- (1) When dealing with an instance of unsuitable conduct by a councillor in a meeting, the following procedures must be followed—
 - (a) The chairperson must decide whether or not unsuitable meeting conduct has been displayed by a councillor.
 - (b) If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson must consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature, refer to section 58(1)(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;
 - (iii) withdrawing their comments.
 - (d) If the councillor complies with the chairperson's request for remedial action, no further action is required.
 - (e) If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request may result in an order being issued.
 - (f) If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
 - (g) If the councillor still continues to fail to comply with the chairperson's request for remedial actions, the chairperson may make one or more of the orders below—
 - (i) an order reprimanding the councillor for the conduct;
 - (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^{xv}.
 - (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^{xvi}.

^{xv} Section 150I(2) of the *Local Government Act 2009*.

^{xvi} Section 150I(2)(c) of the *Local Government Act 2009*.

- (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;^{xvii}.
 - (ii) if it is the third (3rd) or more order within a 12-month period made against a councillor or the councillor has refused to leave the meeting, these matters are to be dealt with at the next meeting of the local government and treated as inappropriate conduct pursuant to the Act;^{xviii}
 - (iii) the local government's chief executive officer is advised to ensure details of any order made must be updated in the local government's councillor conduct register pursuant to the Act.
- (2) Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for section 58(1) (a), (g) and (h) above.

59 Meeting process for dealing with suspected inappropriate conduct which has been referred to a local government

- (1) Pursuant to section 150AF of the Act, after receiving a referral by the Independent Assessor or under section 58(1)(i)(ii) of an instance of suspected inappropriate conduct, the local government must complete an investigation into the alleged conduct.
- (2) After the completion of the investigation, the local government must decide whether the councillor has engaged in inappropriate conduct in a local government meeting, unless it has delegated responsibility for this decision under section 257 of the Act.
- (3) When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the Independent Assessor, the local government must—
 - (a) Be consistent with the local government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the local government. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the local government may resolve to go into closed session under section 275 of the Regulation.
 - (b) When deliberating on the issue the subject councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a councillor, that councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in section 61.
 - (c) The local government should then debate the issue and decide whether the accused councillor engaged in inappropriate conduct.
 - (d) If the local government decides that the subject councillor has engaged in inappropriate conduct, the local government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject councillor—
 - (i) an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
 - (ii) an order reprimanding the councillor for the conduct;
 - (iii) an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
 - (iv) an order that the councillor be excluded from a stated local government meeting;
 - (v) an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, for example, the councillor is ordered to resign from an appointment representing the local government on a State board or committee;

^{xvii} Section 150I(3) of the *Local Government Act 2009*.

^{xviii} Section 150J of the *Local Government Act 2009*.

- (vi) an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
- (vii) an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's inappropriate conduct.
- (e) When making an order, the local government can take into consideration any previous inappropriate conduct of the councillor, and any allegation made in the investigation that was admitted, or not challenged and that the local government is reasonably satisfied is true.
- (f) The subject councillor and where relevant the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made.
- (g) The local government must ensure the meeting minutes reflect the resolution made.

60 Material personal interest

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

- (a) A councillor with a material personal interest must inform the meeting of the local government of their material personal interest and set out the nature of the interest, including—
 - (i) the name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting;
 - (ii) how a person or other entity stands to gain the benefit or suffer the loss;
 - (iii) if the person or other entity who stands to gain the benefit or suffer the loss is not the councillor – the nature of the councillor's relationship to the person or entity.
- (b) The councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject councillor has Ministerial approval to participate in the matter. The councillor must not influence or attempt to influence the remaining councillors to vote on the matter in a particular way.
- (c) Once the councillor has left the area where the meeting is being conducted, the local government can continue discussing and deciding on the matter at hand.
- (d) If a councillor at a meeting reasonably believes, or reasonably suspects that another councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the councillor must advise the chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- (e) The chairperson then should ask the councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the councillor must follow the above procedures from section 60(a).
- (f) In the event the majority of councillors inform a meeting of a material personal interest regarding a matter—
 - (i) the local government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the Act; or
 - (ii) if the matter cannot be delegated under section 257 of the Act, the local government should seek Ministerial approval for the councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- (g) Where a councillor informs a meeting of a material personal interest in a matter, the chairperson must ensure the minutes of the meeting (to be posted on the local government's website) record—

- (i) the name of the councillor who has a material personal interest in the matter;
- (ii) the material personal interest, including the particulars mentioned by the councillor regarding the material personal interest;
- (iii) whether the councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

61 Conflict of interest

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

- (a) A councillor with a real or perceived conflict of interest must inform the meeting of the local government of their personal interest and set out the nature of the interest, including—
 - (i) the nature of the interest;
 - (ii) if the councillor’s personal interest arises because of the councillor’s relationship with, or receipt of a gift or benefit from, another person—
 - the name of the other person;
 - the nature of the relationship or value and date of receipt of the gift or benefit received; and
 - the nature of the other person’s interests in the matter.
- (b) The subject councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the councillor does not leave the meeting, they may advise the other councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
- (c) The other councillors entitled to vote at the meeting must then decide whether the subject councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) of the Act as to whether another councillor may stay in the meeting.
- (d) If the other councillors decide there is no conflict of interest or a perceived conflict of interest, the subject councillor may remain in the meeting and the meeting may continue.
- (e) If the other councillors decide there is a conflict of interest they must then decide whether the subject councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the councillor must leave the place of the meeting the councillor must not influence or attempt to influence the remaining councillors to vote on the matter in a particular way.
- (f) When deciding whether a councillor may stay in a meeting and vote following the decision of a conflict of interest, the other councillors must consider significant variables including, but not limited to—
 - (i) the size or significance of the benefit the subject councillor stands to receive or benefit;
 - (ii) the benefit the subject councillor stands to receive versus the benefit the community stands to receive from the potential decision;
 - (iii) the closeness of any relationship the subject councillor may have with a given person or group.
- (g) In making the decision under section 61(f), it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- (h) If a councillor at a meeting reasonably believes, or reasonably suspects that another

councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the councillor must advise the chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.

- (i) The chairperson then should ask the councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from section 61(a).
- (j) In the event the majority of councillors inform of a personal interest in a matter—
 - (i) the local government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the Act; or
 - (ii) if the matter cannot be delegated under the section 257 of the Act, the local government should seek Ministerial approval for the councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- (k) Where a councillor informs a meeting of a personal interest in a matter, the chairperson must ensure the minutes of the meeting (to be posted on the local government’s website) record—
 - (i) the name of the councillor who has declared the conflict of interest;
 - (ii) the nature of the personal interest, as described by the councillor;
 - (iii) the decisions made under section 61(c) and (e) above;
 - (iv) whether the councillor participated in the meeting under an approval by the Minister;
 - (v) if the councillor voted on the matter, how they voted;
 - (vi) how the majority of councillors voted on the matter.

62 Closed meetings

- (1) The local government and standing committees may resolve that a meeting be closed to the public if its councillors or members consider it necessary to discuss any of the following matters—
 - (a) appointment, dismissal or discipline of employees;
 - (b) industrial matters affecting employees;
 - (c) local government’s budget;
 - (d) rating concessions or contracts proposed to be made by the local government or starting or defending legal proceedings involving the local government;
 - (e) any action to be taken by the local government under the *Planning Act 2016* (PA), including applications made to it under the PA;
 - (f) business for which a public discussion would be likely to prejudice the interests of the local government or someone else or enable a person to gain a financial advantage.
 - (2) A local government or committee must not make a resolution (other than procedural) in a closed session meeting. 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.
 - (3) To take an issue into a closed session, the local government must first pass a resolution to do so.
 - (4) In the interests of accountability and transparency, the local government must specify the nature of the matter to be discussed and the reasoning of the councillors for going into closed session.
 - (5) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
-

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

Schedule 1 Dictionary

section 3

Act means the *Local Government Act 2009*.

assessor see section 150C of the Act.

chairperson—

(a) of a meeting of the local government, means the person presiding at the meeting of the local government;

(b) of a meeting of a committee, means the person presiding at the meeting of the committee.

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

code of conduct—

(a) see section 150E of the Act;

(b) see schedule 2.

committee means a committee of the local government appointed under section 264 of the Regulation.

councillor see schedule 4 of the Act.

councillor conduct register see section 150DX(1) of the Act.

inappropriate conduct see section 150K of the Act.

later resolution see section 30(4).

local government means Central Highlands Regional Council.

mayoral minute see section 42(1).

meeting procedures see part 1 and part 4.

model meeting procedures see section 150F of the Act.

model procedures see section 150F of the Act.

original motion see section 27(4).

other motion see section 27(4).

post-election meeting see section 175 of the Act.

previous minutes see section 21(6).

previous resolution see section 30(4).

procedural motion see section 31.

quorum, of a committee meeting see section 269 of the Regulation.

quorum, of a local government meeting see section 259 of the Regulation.

Regulation means the *Local Government Regulation 2012*.

relevant motion see section 30(2).

standing committee means a standing committee of the local government appointed under section 264(1)(a) of the Regulation.

standing orders see parts 1 to 3 inclusive.

unsuitable meeting conduct see section 150H of the Act.

Schedule 2 Code of conduct

section 43(1)

Department of Local Government, Racing and Multicultural Affairs



Code of Conduct for Councillors in Queensland

September 2018

Working towards White Ribbon accreditation





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Purpose of the Code of Conduct

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

Background

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

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



The Local Government Principles and Values

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

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

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

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

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

Each standard of behaviour is not intended to cover every possible scenario. However, they provide general guidance about the manner in which Councillors are expected to conduct themselves.

It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.



Standards of behaviour

This Code of Conduct sets out the standards of behaviour applying to all Councillors (excluding Councillors who are governed under the *City of Brisbane Act 2010*) in Queensland. The behavioural standards relate to, and are consistent with, the Local Government principles and their associated values.

The standards of behaviour are summarised as the three R's, being:

1. **RESPONSIBILITIES**
2. **RESPECT**
3. **REPUTATION**

Each standard of behaviour includes, but is not limited to, several examples to guide Councillors in complying with the Code of Conduct when carrying out their role as elected officials. Councillors are to understand and comply with the following standards of behaviour as set out in the Code of Conduct listed below.

1. Carry out **RESPONSIBILITIES** conscientiously and in the best interests of the Council and the community

For example, Councillors will, at a minimum:

- 1.1 Attend and participate meaningfully in all Council meetings, briefings, relevant workshops and training opportunities to assist Councillors in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given
- 1.2 Respect and comply with all policies, procedures and resolutions of Council
- 1.3 Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business
- 1.4 Report any suspected wrongdoing to the appropriate entity in a timely manner
- 1.5 Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
- 1.6 Cooperate with any investigation being undertaken by the Local Government or other entity.

2. Treat people in a reasonable, just, **RESPECTFUL** and non-discriminatory way

For example, Councillors will, at a minimum:

- 2.1 Show respect for fellow Councillors, Council employees and members of the public
- 2.2 Not bully, harass, intimidate or act in a way that the public would reasonably perceive a Councillor's behavior to be derogatory towards other Councillors, Council employees and members of the public
- 2.3 Be respectful of other people's rights, views and opinions.



3. Ensure conduct does not reflect adversely on the *REPUTATION* of Council

For example, Councillors will, at a minimum:

- 3.1 When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the Council decision represents the majority view of the Council
- 3.2 When making public comment, clearly state whether they are speaking on behalf of Council or expressing their personal views
- 3.3 Avoid making unnecessary or irrelevant comments or accusations about Councillors or Council employees in order to undermine them or their position
- 3.4 Ensure behaviour and presentation is appropriate to maintain the dignity of the office of the Councillor.

Consequences of failing to comply with the Code of Conduct

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this Code of Conduct may give rise to a complaint against a Councillor's conduct and subsequent disciplinary action under the Act.

A complaint about the conduct of a Councillor must be submitted to the Independent Assessor who will assess the complaint and determine the category of the allegation. In order of most to least serious, the categories of complaint are *corrupt conduct*, *misconduct*, *inappropriate conduct* and then *unsuitable meeting conduct*.

Unsuitable meeting conduct

Under section 150H of the Act, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct that occurs within a meeting of Council (including standing committee meetings), is dealt with as *unsuitable meeting conduct*.

Unsuitable meeting conduct by a Councillor is dealt by the Chairperson of the meeting. It is important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest.

Note: Chairpersons of meetings 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 serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct (see below).



Inappropriate conduct

Under section 150K of the Act, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct or a policy, procedure or resolution of a Council, and is not unsuitable meeting conduct, misconduct or corrupt conduct (i.e. occurs outside of a meeting of Council) is dealt with as ***inappropriate conduct***.

The conduct of a Councillor is also inappropriate conduct if the conduct contravenes an order by the Chairperson of a meeting of Council for the Councillor to leave the meeting, or is conduct at Council meetings that leads to orders for the Councillor's unsuitable meeting conduct being made on three occasions within a period of one year.

The Independent Assessor is responsible for assessing allegations of suspected inappropriate conduct. If the Independent Assessor chooses to refer the matter to the Council to deal with, the Council must deal with the matter as quickly and effectively as possible.

Misconduct

Councillors are required to comply with all laws that apply to Local Governments. This includes refraining from engaging in ***misconduct***.

The Independent Assessor is responsible for assessing and investigating instances of suspected misconduct. The Independent Assessor may then refer the matter to the Councillor Conduct Tribunal to be heard and determined.

The conduct of a Councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions or exercise of powers, or
- is, or involves:
 - a breach of trust placed in the Councillor
 - misuse of information or material acquired by the Councillor, whether the misuse is for the benefit of the Councillor or for the benefit or to the detriment of another person
 - a Councillor giving a direction to any Council employee (other than the Mayor giving direction to the Chief Executive Officer and senior executive employees)
 - a release of confidential information outside of the Council
 - failure by a Councillor to report a suspected material personal interest, conflict of interest or perceived conflict of interest of another Councillor, or
- is a failure by the Councillor to comply with:
 - an order made by the Council or Tribunal
 - any acceptable request guidelines of the Council made under section 170A of the Act
 - the reimbursement of expenses policy of the Council.

The conduct of a Councillor is also misconduct if the conduct leads to the Councillor being disciplined for inappropriate conduct on three occasions within a period of one year, or is conduct that is identified in an order of Council that will be dealt with as misconduct if the Councillor engages in the conduct again.



Corrupt conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001* and must be referred to the Crime and Corruption Commission. For a Councillor, corrupt conduct involves behaviour that:

- adversely affects or could adversely affect the performance of the Councillors responsibilities, and
- involves the performance of the Councillors responsibilities in a way that:
 - is not honest or impartial, or
 - involves a breach of the trust placed in the Councillor, or
 - involves the misuse of information acquired by the Councillor, and
- is engaged in for the purpose of providing a benefit or a detriment to a person, and
- if proven would be a criminal offence.

More information

The Department's website provides further information and resources for Councillors.

The Department also provides and facilitates training for Councillors and Council employees to assist them to develop the knowledge, skills and understanding necessary to undertake their roles and responsibilities effectively and in the best interests of their communities.

For more information, please contact your regional office within Local Government and Regional Services in the Department on:

Telephone: 13 QGOV (13 74 68)

Post: PO Box 15009, City East, Queensland 4002

Website: www.dlgrma.qld.gov.au

Department of Local Government, Racing and Multicultural Affairs
Level 12, 1 William Street, Brisbane, Queensland 4000
tel 13 QGOV (13 74 68)
www.dlgrma.qld.gov.au

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|--|--------------------------------|--|
|  Central Highlands Regional Council | POLICY | |
| | Investigation Policy | |
| POLICY NUMBER: TBC | DEPARTMENT: Corporate Services | |
| EFFECTIVE DATE: 27 November 2018 | UNIT: Governance | |

1.0 Purpose and Scope

This is Central Highland Regional Council's investigation policy for how complaints about the inappropriate conduct of Councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009* (the LGA). However, this policy does not relate to more serious Councillor conduct.

This investigation policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

2.0 Reference

Model Councillor Code of Conduct
Local Government Act 2009

3.0 Definitions

Behavioural Standard means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA

CEO refers to Chief Executive Officer

Conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

Council refers to Central Highlands Regional Council

Councillor Conduct Register means the register required to be kept by Council as set out in section 150DX of the LGA

Inappropriate Conduct see section 150K of the LGA

Investigation Policy, refers to this policy, as required by section 150AE of the LGA

Investigator means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor

LGA means the *Local Government Act 2009*

Local Government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

Misconduct see section 150L of the LGA

Model Procedures see section 150F of the LGA

Natural Justice – a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

Referral Notice see section 150AC of the LGA

The Act shall mean the *Local Government Act 2009* (as amended).

The Regulation shall mean the *Local Government Regulation 2012* (as amended).

Tribunal means the Councillor Conduct Tribunal as established under section 150DK of the LGA

Unsuitable Meeting Conduct see section 150H of the LGA

4.0 Policy Statement

4.1 Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the Local Government. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to the local government may be contrary to section 171(3) of the LGA and dealt with as misconduct.

4.2 Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

"Natural justice" or procedural fairness, refers to three key principles:

- the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing)
- the investigator(s) should be objective and impartial (absence of bias), and
- any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

4.3 Assessor's referral

The Council may receive from the Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s. Council may also receive referrals directly.

4.4 Receipt of Assessor's referral

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Council's Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors as a confidential document.

Should the Mayor or a Councillor/s (other than the subject of the complaint or the complainant) disagree with any recommendation accompanying the Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council's meeting procedure requirements.

4.5 Investigator

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct that in the circumstances, the Mayor believes, it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves:

- an allegation about the conduct of the Mayor, or
- the Mayor as the complainant, then

the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

4.6 Early resolution

Before beginning an investigation, the investigator must consider whether the matter is appropriate for resolution prior to the investigation. This consideration includes any recommendation made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter agree to explore early resolution.

The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.

4.7 Timeliness

The investigator will make all reasonable endeavors to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

Note: If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.

4.8 Assistance for investigator

If the Mayor is the investigator of a matter of suspected inappropriate conduct, the Mayor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

4.9 Possible misconduct or corrupt conduct

If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.

4.10 Completion of investigation

On the completion of an investigation, the investigator will provide a report to the Council outlining the investigation process, the investigation findings, any recommendations about dealing with the conduct and a record of the investigation costs.

The Council will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

Provisions for internal and external review of decisions are set out in sections 150CO to 150CS of the LGA.

4.11 Notice about the outcome of investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation.

4.12 Councillor conduct register

The Chief Executive Officer of the respective Council must ensure decisions about suspected inappropriate conduct of a Councillor/s must be entered into the Councillor conduct register.

Where a complaint has been resolved under section 4.10 of this policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

4.13 Expenses

Council must pay any reasonable expenses of Council associated with the informal early resolution or investigation of suspected inappropriate conduct of a Councillor including any costs of:

- the president of the Tribunal in undertaking an investigation for Council
- a mediator engaged under this investigation policy
- a private investigator engaged on behalf of or by the investigator
- travel where the investigator needed to travel to undertake the investigation or to interview witnesses
- seeking legal advice
- engaging an expert.

Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.

Any costs incurred by complainants or the subject Councillors will not be met by Council.

5.0 Policy Review

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

1. As required by Legislation.
2. The related documents are amended or replaced.
3. Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.”

2018 / 11 / 27 / 009

Carried (8-0)

Attendance

Manager Governance (Fixed Term) C. Joosen left the meeting at 3.45pm

DEPARTMENTAL UPDATES

Chief Executive Officer

Executive summary:

The following report provides an update on key activities for the Office of the Chief Executive Officer.

- ❖ Local Government Association of Queensland – Annual Conference

Resolution:

Cr Godwin-Smith moved and seconded by Cr Nixon “That Central Highlands Regional Council receive the Office of the Chief Executive Officer update report, highlighting key activities for the month of October 2018.”

2018 / 11 / 27 / 010

Carried (8-0)

GENERAL BUSINESS

(Verbal matters raised by Councillors either as a question, acknowledgement and or additional follow-up by officers)

Mayor announced that Central Highlands Regional Council has been awarded the following awards for the 2018 Tidy Towns:

- Emerald has been awarded for Energy Innovation;
- Edison's Burger Bar has been awarded the "Waste Warrior Award" in the business category;
- Springsure has been awarded the inaugural "Destination Award" for 2018, so many other awards could have been given to the township of Springsure. This award is a new award, which encompasses the true meaning of destination of choice to live work and play;
- Shannon Bleakley / Doing it for Dolly has been awarded the "Bush Spirit Award";
- Capella has been awarded a Highly Commended for Heritage and Culture.

And congratulated everyone associated with this year's Tidy Towns awards and judging.

Cr Nixon

- Harisia cactus is growing in the Capricorn Highway road reserve north of the Fairbairn Dam Access Road and requires treatment (between the railway crossing and the access road);
- Springsure Rich Memorial Park, what is happening with playground equipment that is being removed. Can it be donated to a local kindergarten at all? *General Manager Communities will look into the condition of the asset and report back to Councillor Nixon*
- Queried if Council will be holding any auction for the sale of chattels or plant? *General Manager Corporate Services advised that plans are in place for a plant auction for early in the new year.*

Cr Bell

- Requested a report with regards to the defects for the Blackwater Aquatic Centre and progress regarding same during the defect liability period– *General Manager Communities advised that a report is scheduled for the next meeting.*

CLOSED SESSION

Into Closed Session

Resolution:

Cr Godwin-Smith moved and seconded by Cr Nixon "That Council close its meeting to the public in accordance with Section 275 (1) (a) (d) (e) (h) of the Local Government Regulation 2012 and that Council staff involved in the closed discussions remain in the room."

2018 / 11 / 27 / 011

Carried (8-0)

The meeting was closed at 4.27pm

Attendance

General Manager Commercial Services M. Webster and Coordinator Communications A. Ferris left the meeting at 4.27pm

Manager Planning and Environment K. Byrne, Manager Infrastructure J. Hoolihan, Coordinator Planning and Development J. Kirkwood, Principal Planner Development Assessment S. Ronfeldt and Coordinator Strategic Planning M. McIntyre attended the meeting at 4.27pm

General Manager Corporate Services J. Bradshaw left the meeting at 4.30pm

General Manager Corporate Services J. Bradshaw returned to the meeting at 4.33pm

Rectification of matters on Lot 163 SP 210551 - Rifle Range Road

Attendance

General Manager Infrastructure and Utilities G. Joubert, Manager Planning and Environment K. Byrne, Manager Infrastructure J. Hoolihan, Coordinator Planning and Development J. Kirkwood, Principal Planner Development Assessment S. Ronnfeldt and Coordinator Strategic Planning M. McIntyre left the meeting at 5.10pm

General Manager Communities D Fletcher left the meeting at 5.11pm

Rates Concession - Assessment 795

Attendance

General Manager Customer and Commercial Services M. Webster and Manager Airport S. Kloppers attended the meeting at 5.12pm

Airport Runway Project

Attendance

General Manager General Manager Customer and Commercial Services M. Webster and Manager Airport S. Kloppers, Chief Executive Officer S. Mason and Minute Secretary M. Wills left the meeting at 5.14pm

Chief Executive Officers Contract

Attendance

Chief Executive Officer S. Mason and Minute Secretary M. Wills returned 5.17pm

Out of Closed Session

Resolution:

Cr Nixon moved and seconded by Cr Rolfe "That the meeting now be re-opened to the public."

2018 / 11 / 27 / 012

Carried (8-0)

The meeting was opened at 5.17pm

Attendance

General Manager Communities D. Fletcher, General Manager Customer and Commercial Services, M. Webster and General Manager Infrastructure and Utilities G. Joubert returned the meeting at 5.18pm

Rectification of matters on Lot 163 SP 210551 - Rifle Range Road

Executive Summary:

Broadmeadows Pty Ltd has requested clarification regarding the land use zoning, both current and historical, of Lot 163 SP210551. Informal discussions have previously been raised many years ago with no further action being required. Since July 2018, the matters were raised by the owner Jason Campbell and since then there have been numerous meetings, phone conversations, briefing notes and correspondence occurring between Council Officers, the CEO and Elected members.

Broadmeadows Pty Ltd has raised other matters than planning including the contention about the rating category of the property and concerns relating to stormwater discharge and the potential requirement of Council to undertake remedial works.

For simplicity, this report is split into three (3) sections to adequately address the assessments undertaken by Town Planning, Rating and Engineering.

Resolution:

Cr McIndoe moved and seconded by Cr Sypher “That Central Highlands Regional Council receives and notes the report and request it’s Chief Executive Officer to undertake further negotiations with the landowner and report back to Council.”

2018 / 11 / 27 / 013

Carried (8-0)

Rates Concession - Assessment 795

Executive summary:

The local government legislation and Council's adopted rating and revenue policies provide the ability for Council to provide rebates and concessions to non-profit, sporting and charitable organisations. The purpose of these concessions is to provide general rates relief to those organisations who conduct activities which are of benefit to the community. Council recognises the value of sporting organisations operating in the region and has received a request from a local sporting club seeking a general rate remission of 50%.

Resolution:

Cr Rolfe moved and seconded by Cr Godwin-Smith “That the Central Highlands Regional Council, in accordance with section 122 of the *Local Government Regulation 2012* and Council’s Revenue Policy, with respect to Assessment 795:

1. Approve a concession of 50% of the general rate levied, with the concession effective from 1 July 2018; and
2. Approve that the concession remains in place for the duration of the use of the property as a non-profit sporting organisation.”

2018 / 11 / 27 / 014

Carried (8-0)

Airport Runway Project

Executive summary:

The following report provides an update regarding the Emerald Airport Pavement Strengthening Project at Emerald Airport. The report also notes options that Council could consider in moving the matter forward.

Resolution:

Cr Nixon moved and seconded by Cr Brimblecombe “That Central Highlands Regional Council:

1. Accept the Airport Pavement Engineering Specialists (APES) recommended methodology of Option 4 of this report; and
2. Progress this project as a 2-stage procurement, being an expression of interest (EOI) followed by a selected Tender.”

2018 / 11 / 27 / 015

Carried (8-0)

Chief Executive Officers Contract

That the report be received and noted.

CLOSURE OF MEETING

There being no further business, the Mayor closed the meeting at 5.21pm

CONFIRMED

MAYOR

DATE