

# **Wujal Wujal Aboriginal Shire Council**

## **Ordinary Council | Meeting Agenda**

Date: Tuesday 15 August 2023  
Time: 9.00am  
Venue: Council Chambers, 1 Hartwig Street, Wujal Wujal

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## 1. Opening of Meeting

### 1.1 Welcome | Opening of Meeting

Declaration of opening of meeting by Mayor Bradley Creek

### 1.2 Acknowledgement of Traditional Owners

## 2. Attendance, Leave of Absence and Apologies

### 2.1 Attendance

Councillors:

Councillor Bradley Creek, Mayor

Councillor Regan Kulka, Deputy Mayor

Councillor Robert Bloomfield

Councillor Vanessa Tayley

WWASC Staff Representatives

Chief Executive Officer, Kiley Hanslow

Manger of Works and Building Services, Perry Gould

Manger of Finance. Micah Nkiwane (attending on behalf of Joanne Gowans)

Executive Assistant, Tania Edwards

Presenters

No presentation

### 2.2 Leave of Absence | Apologies

Councillor Vincent Tayley

### 2.3 Visitors | Presenters

11.30am, 10 min presentation | Trent Gorrie, Catholic Education | Bus to Cooktown

## 3. Condolences | Congratulations

## 4. Mayoral Motion

*This is business which the Mayor wishes to have considered at that meeting without notice.*

## 5. Confirmation of minutes of the Previous Meeting

### Minutes of the Special Council Meeting | 28 February 2023

Minutes of the Special Mid-Year Budget Meeting held 28 February 2023 as tabled here

[Resolution: Confirmation of Minutes of Special Council meeting held on 28 February 2023](#)

Resolution:	That the minutes of the Special Council Meeting held on 28 February 2023 accepted as a true and correct record of that meeting.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## Minutes of the Special Council Meeting | 22 March 2023

Minutes of the Special Council Meeting held 22 March as tabled here.

Resolution: Confirmation of Minutes of Special Council meeting held on Wednesday 22 March 2023

<b>Resolution:</b>	That the minutes of the Special Council Meeting held on Wed 22 March be accepted as a true and correct record of that meeting.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## Minutes of the Ordinary Council Meeting held 11 July 2023

Minutes of the Ordinary Council Meeting held 11 July 2023 as tabled here.

Resolution: Confirmation of Minutes of Ordinary Council meeting held on Tuesday 11 July 2023.

<b>Resolution:</b>	That the minutes of the Ordinary Council Meeting held on Tuesday 13 June be accepted as a true and correct record of that meeting.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## Minutes of the Special Council Meeting | Budget Adoption held 27 July 2023

Minutes of the Special Budget Adoption Council Meeting held 27 July 2023 as tabled here.

Resolution: Confirmation of Minutes of Ordinary Council meeting held on Thursday 27 July 2023.

<b>Resolution:</b>	That the minutes of the Ordinary Council Meeting held on Tuesday 13 June be accepted as a true and correct record of that meeting.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 6. Declarations of Interest in the matters on the Agenda

- Declaration of Prescribed Conflict of Interest of any Item of Business
- Declaration of Declarable Conflict of Interest of any Item of Business
- Councillors to review existing Registers of Interest and Related Parties Disclosures

## 7. Business Arising or Outstanding Matters from Previous Meeting

## 8. Items for Consideration and Decision

### 8.1 Primary access route for the Wujal Wujal Community – safety of access

<b>Report to:</b>	CEO, Mayor and Councillors
<b>Subject:</b>	Primary access route for the Wujal Wujal Community
<b>Reporting Officer:</b>	Chief Executive Officer
<b>Status:</b>	Decision

The safety of travellers using the primary route south is at risk due to several dangerous sections of the road. Six sections have been identified as the primary areas of risk to travellers.

Council is concerned for the risk to community who use this route as their primary route out of Wujal Wujal to access the shops and services of the large towns south of Cape Tribulation.

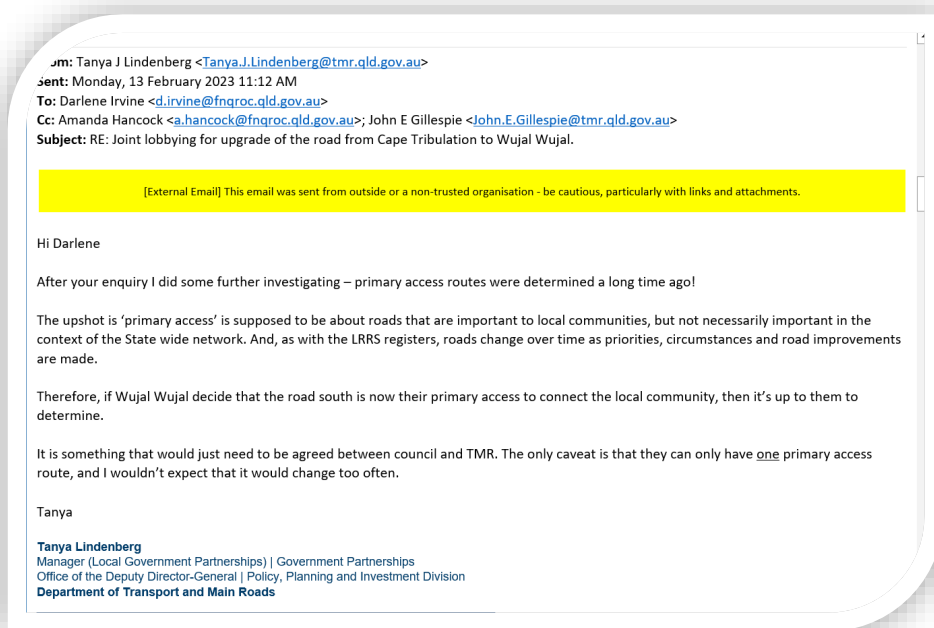
The route is heavily used by not only residents from Wujal Wujal, Ayton, Rossville and Cooktown, but is heavily used by tourists, who often tow caravans through the track (despite the signed advice not to). As a result the track even in the dry season experience heavy use by significant numbers of travellers.

As this route is located wholly within the Douglas Shire Council, WWASC is unable to apply for funding to remediate the condition of the track.

Council has learned however that if the track is designated formally as our 'primary access route', then Douglas Shire will be able to access funding under ATSI TIDS to fix those six dangerous sections of road.

Determining which route is the primary access route into the Wujal Wujal Community is a decision that can be made by Council on behalf of the community itself.

The screenshot below is from an email conversation between FNQROC Executive Officer Darleen Irvine and TMR representative Tanya Lindenberg which indicates that also that there can only be 'one primary access route'.



Additional correspondence shown in the screenshot below between Douglas Shire Council's Manager of Infrastructure Natasha Murray and former WWASC Manager John Kelly indicates that Douglas Shire Council are in support of the decision.

**From:** Natasha Murray <[natasha.murray@douglas.qld.gov.au](mailto:natasha.murray@douglas.qld.gov.au)>  
**Sent:** Monday, April 3, 2023 12:27 PM  
**To:** John Kelly <[johnk@wujal.qld.gov.au](mailto:johnk@wujal.qld.gov.au)>  
**Subject:** RE: Primary Access Road to Wujal Wujal Aboriginal Shire Council

Hi John,

I have had discussions with Victor Mills regarding this matter and am supportive of the change. See attached email trail. Given the importance of this track by the Wujal Wujal community to access key services to the south it is acknowledged that it functions as a primary route.

Thanks,

**Natasha Murray**  
**Manager Infrastructure**  
 Douglas Shire Council  
**P:** 07 4099 9435 | **M:** 0448 157 813  
**E:** [Natasha.Murray@douglas.qld.gov.au](mailto:Natasha.Murray@douglas.qld.gov.au) | **W:** douglas.qld.gov.au  
**Mail:** PO Box 723, Mossman Q 4873 | **Office:** 96 Alchera Dr, Mossman Q 4873

It recommended that Council consider identifying the Bloomfield Track as the primary access route for the Wujal Wujal Community.

#### Resolution: Wujal Wujal primary access route

<b>Resolution:</b>	That the Council identify the Bloomfield Track as the primary access route for the Wujal Wujal Community.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 8.2 2024 Special Holiday Request

Report to: CEO, Mayor and Councillors  
 Subject: Special Holiday's 2024  
 Reporting Officer: Chief Executive Officer  
 Status: Decision

Setting the dates in 2024 will be considered as Special Holidays needs to be determined by Council.

As council is aware there is a difference between a 'Show' holiday and a 'Bank' holiday. The following screenshot highlights the key differences.

A local council requested special holiday is a public holiday only if it is in respect of an agricultural, horticultural or industrial show. Under federal industrial relations legislation, on a public holiday employees are, without loss of ordinary pay, entitled to be absent from work or refuse to work in reasonable circumstances. Employees who work on a public holiday are entitled to penalty rates in accordance with their award or agreement.

A special holiday for any other reason is not a public holiday but is a bank holiday only and under the *Trading (Allowable Hours) Act 1990*, is only a holiday for banks and insurance offices and under a directive of the *Public Service Act 2008*, a holiday for public service employees unless otherwise determined by a chief executive.

Upon receiving Ministerial approval, the holidays will be published in the Queensland Government Gazette. Confirmation of the approved special holidays together with a link to the Queensland Government Gazette will be emailed to your office.

In summary a 'show' holiday applies to an agricultural or industrial show only.

A special holiday for any other reason is not a public holiday, but rather a 'bank' holiday and applies only to those employed under the Public Service Act.

For the calendar year 2024, council is proposing the following dates be recognised, these dates are here for your consideration and decision.

24 October 2024	Bank Holiday	Wujal Wujal Foundation Day
Date to be advised	Show Holiday	Cairns Show Holiday

The dates for the 2024 Cairns Show have not been confirmed by the Queensland Chamber of Agricultural Societies Inc. Future Show Dates are not confirmed until the end of each year<sup>1</sup>. However, the 2023 Cairns Show was held from Wednesday 19th, Thursday 20th and Friday 21st of July at the Cairns Showgrounds<sup>1</sup><sup>2</sup>.

Learn more: [1. cairnsshow.com.au](https://1.cairnsshow.com.au) [2. cairnsshow.com.au](https://2.cairnsshow.com.au) [3. cairnsexpo.com.au](https://3.cairnsexpo.com.au) +2 more

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## Rodeo Event Management

The Rodeo is a large event that requires a lot of time and people to manage it.

I would like to propose that should the community be in favour of hosting a rodeo in the future, that the organisation of the event is fully managed by the community, not by Council.

This could be through the Local Thriving Communities or the Local Decision Making Board. This would include not only the sourcing funding, but all elements of event management.

I would also like to propose that one of the Councillors undertakes the Rodeo as part of their portfolio.

To cut down the amount of work required one option is to do so every second or third year, rather than annually.

## Funding/costs

We estimate the total funding required to host the 2023 Rodeo will be approximately \$100,000.

Estimate the financial return on investment is challenging, however based on the following ticket prices we estimate a potential return of \$8,000.

Adult	\$30
Pensioner	\$10
Children 13yr-17yr	\$10

Therefore, in addition to the council staff hours donated at no cost to organise the event, the cost of hosting the event may be a loss of approximately \$32,000 if funding to the value of \$60,000 is received.

**Resolution:** That council support the following dates as special holidays for 2024.

Bank holiday on 24.10.2024 Wujal Wujal Foundation Day

Cairns Show Holiday: date to be advised

<b>Resolution:</b>	That council support the following dates as special holidays for 2024:	
	1. Bank holiday on 24.10.2024 Wujal Wujal Foundation Day	
	2. Cairns Show Holiday: once the date has been advised	
Moved:		Lost/Carried
Seconded:		
Resolution No		

### 8.3 Code of Conduct for Queensland Councillors – repealing/replacing formally approved policy

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Report to:	CEO, Mayor and Councillors
Subject:	Repealing policy, adopting Queensland Standard
Reporting Officer:	Chief Executive Officer
Status:	Decision

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#### Summary

On the 11 July councillors formally adopted the Code of Conduct – Councillors via resolution 20230711-11.

We have received advice from LGMA Governance Advisor Liza Perret since that date, that:

- the Queensland Government has model Code of Conduct Policy
- that we should repeal the WWASC Code of Conduct adopted on 11 July and that we should
- adopt the 'Code of Conduct for Councillors in Queensland' to replace this policy.

#### The model Code of Conduct for Councillors in Queensland

##### [Information about the Code of conduct for Councillors in Queensland](#)

The Code of Conduct for Councillors in Queensland (262.2 KB) sets out the values that describe the types of conduct councillors should demonstrate under each of the five local government principles, and standards of behaviour expected of councillors and mayors when carrying out their role as elected representatives.

By following the behaviours set out in the code of conduct, councillors increase public confidence in local government and council decisions.

On 4 August 2020, the then Minister for Local Government approved amendments to the code of conduct to reflect legislation changes in effect on 12 October 2020 for conflicts of interests and councillor advisors.

#### Key resource

[Download the Code of Conduct for Councillors in Queensland \( 262.2 KB\)](#)

#### Background

The Local Government Act 2009 (LGA) and the City of Brisbane Act 2010 (COBA) provide processes for dealing with councillors who do not comply with their obligations under legislation.

This helps ensure that we maintain appropriate standards of councillor conduct and performance.

Legislation states that the Minister for Local Government must make a code of conduct that sets out the standards of behaviour for councillors in performing their official functions as elected representatives consistent with the local government principles.

#### Local government principles

The LGA and COBA are founded on five local government principles with which councillors must comply while performing their roles as elected representatives and is important to note that all principles are of equal importance. These principles are:

- transparent and effective processes, and decision-making in the public interest

- sustainable development and management of assets and infrastructure, and delivery of effective services
- democratic representation social inclusion and meaningful community engagement
- good governance of, and by, local government
- ethical and legal behaviour of councillors, local government employees and councillor advisors.

### Standards of behaviour

All councillors and mayors must comply with the three 'R's standards of behaviour set out in the code of conduct. These are:

#### **1. Responsibility - carry out responsibilities conscientiously and in the best interests of the council and the community.**

- attend and participate meaningfully in all council meetings, committee meetings, informal meetings, briefings, relevant workshops and training opportunities to assist them in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given
- respect and comply with all policies, procedures and resolutions of council
- use only official council electronic communication accounts (e.g. email accounts) when conducting council business
- report any suspected wrongdoing to the appropriate entity in a timely manner
- 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)
- cooperate with any investigation being undertaken by the local government or other entity
- ensure that the councillor's advisor is aware of their obligations to comply with the standards of behaviour in the Code of Conduct for Councillor Advisors in Queensland ( 335.3 KB).

#### **2. Respect - treat people in a reasonable, just, respectful and non-discriminatory way. For example, councillors will, at a minimum, act in the following ways:**

- treat fellow councillors, council employees and members of the public with courtesy, honesty and fairness
- not use abusive, obscene or threatening language (either oral or written) or behaviour towards other councillors, council employees or members of the public
- have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.

#### **3. Reputation - ensure conduct does not reflect adversely on the reputation of council. For example, councillors will, at a minimum, conduct themselves in the following manner:**

- 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
- when making public comment, clearly state whether they are speaking on behalf of council or expressing their personal views
- at all times strive to maintain and strengthen the public's trust and confidence in the integrity of council and avoid any action which may diminish its standing, authority or dignity.

### Consequences of failing to comply

Failure to comply with the standards of behaviour in the code of conduct, or other conduct prescribed in the code of conduct, may give rise to a complaint against a councillor's conduct and subsequent disciplinary action under the LGA or COBA.

A complaint about the conduct of a councillor must be submitted to the Office of the Independent Assessor (OIA), 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.

#### Use of information

In addition to the above information in the code of conduct, it is important to note that as a councillor you will be in possession of information that is confidential to the local government or may be information containing personal information about members of the community. Therefore, you must take care to ensure that you do not misuse any of the information you gain access to as a councillor.

Councillors must not release any information confidential to the local government they acquire in their role as a councillor including the substance of any discussions held in a closed meeting. Councillors must also respect the privacy of individuals and ensure they do not publicly disclose private information.

Likewise, councillors cannot use information they acquire as councillors to gain a financial advantage for themselves or someone else, or to cause a financial damage to the local government.

In addition, councillors are prohibited from buying or selling assets if they possess inside information acquired in their role as councillors that would be likely to influence the decision to buy or sell the asset.

Serious penalties apply to councillors that misuse the information they acquire as a council representative, including hefty fines and imprisonment.

The Model Code of Conduct Queensland is included here in the following pages:

# Code of Conduct for Councillors in Queensland

Approved on 4 August 2020

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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 LGA), the Minister for Local Government (the Minister) 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 LGA and 169 of the *City of Brisbane Act 2010* (CoBA), 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 the applicable legislation. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.

## The Local Government Principles and Values

The legislation 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 to ensure their compliance with the local government principles. 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 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 Rs, 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, have the following responsibilities:

- 1.1 Attend and participate meaningfully in all Council meetings, committee meetings, informal meetings, briefings, relevant workshops and training opportunities to assist them 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
- 1.7 Ensure that the Councillor's Advisor is aware of their obligations to comply with the standards of behaviour in the Code of Conduct for Councillor Advisors in Queensland.

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

For example, Councillors will, at a minimum, act in the following ways:

- 2.1 Treat fellow Councillors, Council employees and members of the public with courtesy, honesty and fairness
- 2.2 Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other Councillors, Council employees or members of the public
- 2.3 Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.

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

For example, Councillors will, at a minimum, conduct themselves in the following manner:

- 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 At all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity.

## 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 legislation.

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

### Unsuitable Meeting Conduct

Under the legislation, any conduct by a Councillor that is contrary to the standards of behaviour 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 with 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 legislation 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.

### Inappropriate Conduct

Under the legislation, any conduct by a Councillor that is contrary to the standards of behaviour in the Code of Conduct or a policy, procedure or resolution of a Council, and is not unsuitable meeting conduct, misconduct or corrupt conduct 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 a series of 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 local government is not required to notify the OIA and may deal with the conduct under section 150AG of the LGA (including Brisbane City Council).

The OIA is responsible for assessing allegations of suspected inappropriate conduct other than those arising from unsuitable meeting conduct. If the OIA 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 OIA is responsible for assessing and investigating instances of suspected

misconduct. The OIA may make an application 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 the Councillor's powers, or
- is, or involves:
  - a breach of trust placed in the Councillor, either knowingly or recklessly
  - 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, or for Brisbane City Council, the Lord Mayor giving direction to the Chief Executive Officer and senior contract officers)
  - a release of confidential information outside of the Council
  - failure to declare a conflict of interest or appropriately deal with a conflict of interest in a meeting
  - attempting to influence a decision maker about a matter in which the Councillor has a conflict of interest
  - failure by a Councillor to report a suspected prescribed conflict of interest of another Councillor
  - failure to submit, update or review your registers of interests, or

- is a failure by the Councillor to comply with:
  - an order made by the Council or the Councillor Conduct Tribunal
  - any acceptable request guidelines of the Council made under the legislation
  - 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.

The conduct of a Councillor may also be misconduct if a Councillor purports to direct the Chief Executive Officer in relation to disciplinary action regarding the conduct of a Councillor Advisor.

### Corrupt Conduct

**Corrupt conduct** is defined by, and dealt with, under the *Crime and Corruption Act 2001*<sup>1</sup> and must be referred to the Crime and Corruption Commission (CCC). For a Councillor, corrupt conduct involves behaviour that:

- adversely affects or could adversely affect the performance of the Councillor's responsibilities, and
- involves the performance of the Councillor's 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

<sup>1</sup> Section 15, Crime and Corruption Act 2001

- is engaged in for the purpose of providing a benefit or a detriment to a person, and
- if proven would be a criminal offence.

Councillors are reminded of their obligations under section 38 of the *Crime and Corruption Act 2001* to report suspected corrupt conduct.

The OIA has entered into a section 40<sup>2</sup> arrangement with the CCC which allows the OIA to commence investigation into some allegations of corrupt conduct and report the matters to the CCC on a monthly basis, to provide the CCC with the opportunity to assume responsibility for or monitor an

investigation, should the CCC consider that appropriate.

Further information about the CCC's jurisdiction and other topics in relation to local government is available at

<https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Corruption-in-focus-Guide-2020.pdf> (Chapter 4).

## More Information

For any further enquiries on this matter please contact the department.

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<sup>2</sup> Section 40, Crime and Corruption Act 2001

## Recommendation

Council recommends the following two steps:

1. Councillors to repeal the previously adopted WWASC Code of Conduct – Councillors
2. Adopt the Code of Conduct for Queensland Councillors

### Resolution: Repeal formally adopted WWASC Code of Conduct - Councillors

<b>Resolution:</b>	That Council repeal the WWASC Code of Conduct – Councillors adopted by resolution 20230711-11 adopted on 11 July 2023.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 8.4 Debt Policy

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<b>Report to:</b>	CEO, Mayor and Councillors
<b>Subject:</b>	Debt policy
<b>Reporting Officer:</b>	Chief Executive Officer
<b>Status:</b>	Decision

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### Purpose

This Policy aims to provide Council with robust financial management principles associated with borrowings / loans.

To establish a framework for:

- (a) the new borrowings planned for the current financial year and the next nine (9) financial years; and
- (b) the time over which the local government plans to repay existing and new borrowings.

### Policy Statement

Council aims to finance capital works and new assets to the greatest extent possible from revenue, grants and subsidies or any specific reserves primarily established to fund capital works.

Borrowings will only be made for:

- (a) Capital expenditure; or
- (b) Short-term working capital; or
- (c) A genuine emergency or hardship.

Borrowing will be undertaken in accordance with Queensland Treasury Corporation guidelines.

Long-term debt is only to be used for income producing assets or those assets that can be matched with a revenue stream.

Debt is not to be used to finance recurrent/operating budget activities.

Capital projects are to have undergone a thorough process of evaluation (including risk assessment), prioritisation and review.

The maximum term of any new debt is to be ten (10) years or matched with the useful life of the asset, whichever is shorter.

Council shall monitor its capacity to pay, to ensure the Community is not burdened with unnecessary risk.

### Existing and Planned Borrowings

Council had a working capital facility (WCF) with the Queensland Treasury Corporation which was subsequently converted to a 10-year loan borrowing at 31 January 2022. Council intends to repay that loan over the next 10 years.

The balance of that loan at 30 June 2022 was \$3,620,000.00

The balance of that loan at 30 June 2023 was \$3,286,217.62

Council's long-term financial plan does not identify any further borrowings for the next ten years.

## Authorisation

This policy supersedes any previous policies of the same intent.

Reviewed and Adopted by Council      15 August 2023

Next review due      July 2024

Kiley Hanslow

**Chief Executive Officer**

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### Recommendation that Council adopt the Debt Policy as presented

<b>Resolution:</b>	Recommendation that Council adopt the Debt Policy as presented.	
Moved:		<b>Lost/Carried</b>
Seconded:		
Resolution No		





## 8.5 Revenue Policy

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<b>Report to:</b>	CEO, Mayor and Councillors
<b>Subject:</b>	Revenue Policy
<b>Reporting Officer:</b>	Chief Executive Officer
<b>Status:</b>	Decision

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### Purpose:

To adopt and implement an equitable system for the levying and collection of rates and charges by the Council.

### This policy encompasses principles applied by the Council for:

- The making of rates and charges
- The levying of rates and charges
- The recovery of overdue rates and charges
- Granting concessions for rates and charges
- Cost recovery fees and charges

As Council is unable to levy rates on properties in the Wujal Wujal LGA all reference to “rates and charges” in this policy shall mean the provision of utility charges only.

### Principles used in Making Charges:

In the making of rates and charges council will be guided by the principles of user pays so as to minimise the impact of rating on the efficiency of the local economy.

### Council will also have regard to the principles of:

- transparency in the making of rates and charges
- having in place a rating system that is simple and inexpensive to administer
- equity by taking account of the different levels of capacity to pay within the local community; and
- flexibility to take account of changes in the local community

### Principles used in Levying Charges:

To ensure there is a clear understanding on what is the Council’s and each ratepayer’s responsibility to the rating system, the following principles will be applied:

- the levying system will be simple and inexpensive to administer
- the timing for levying of rates must consider the financial cycle of the local economy
- allowing for a flexible payment arrangement for ratepayers with a lower capacity to pay

### Principles used in the Recovery of Overdue Rates and Charges:

In exercising its rate recovery powers and to reduce the overall burden on ratepayers, Council will be guided by the following principles:

- ensuring there is transparency in the processes used by council to meet financial obligations
- ratepayers are clear on their obligations
- ensuring processes used to recover outstanding rates and charges are clear, simple to administer and cost effective
- ensuring capacity of ratepayers is considered in determining arrangements for payment
- ensuring there is equity in arrangements for ratepayers with similar circumstance
- ensuring flexibility to respond to local economic issues Rebates and Concessions for Charges:

In considering the application of concessions, Council will be guided by the following principles:

- ensuring equity by having regard to the different levels of capacity to pay within the local community
- ensuring the same treatment for ratepayers with similar circumstances
- ensuring transparency by clearly setting out the requirements necessary to receive concessions
- ensuring flexibility to respond to local economic issues Cost Recovery Fees and Charges:
- In considering the application of cost recovery methods, Council will be guided by the following principles:
- ensuring that when setting the fee levels that Council has due regard for the need to ensure that they have not exceeded the cost of providing the service
- ensuring equity by having regard to the different levels of capacity to pay within the local community

#### Physical and Social Infrastructure Costs for New Development:

Mechanisms for the planning and funding of infrastructure for urban growth are contained within the Planning Act 2016.

Pursuant to the provisions of this Act, developers are required to pay the costs associated with the following: -

- Any increase demanded on the available capacity of the existing infrastructure due to any new development; and/or
- Any additional infrastructure required due to any new development; and

Where appropriate, a contribution towards social infrastructure changes required to cater for the increase or changes in population caused by new development.

All new developments will be funded from Government Grants

#### Reserves:

It is not intended to establish reserves to fund projects unless they have been specifically identified in the Corporate or Operational Plan.

#### Delegation:

Authority in respect of this Policy is hereby delegated to the Chief Executive Officer.

Kiley Hanslow  
Chief Executive Officer

#### Recommendation that Council adopt the Revenue Policy as presented

<b>Resolution:</b>	Recommendation that Council adopt the Revenue Policy as presented.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 8.7 Volunteer Policy

**Report to:** CEO, Mayor and Councillors  
**Subject:** Volunteer Policy  
**Reporting Officer:** Chief Executive Kiley Hanslow  
**Status:** Decision

### Purpose

To guide the co-ordination of volunteers undertaking a role on behalf of Wujal Wujal Aboriginal Shire Council (WWASC) and to provide a supportive and coordinated approach so that the volunteer experience is safe, enjoyable and rewarding for all council volunteers and staff.

### Commencement of Policy

This policy will commence from the date of adoption 15 August 2023. It replaces all other Volunteer Policies (whether written or not).

### Application of Policy

This policy applies to all members of the community who wish to perform voluntary work directly for WWASC and all Council employees who engage volunteers.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products.

As a result of this review, changes may be made to this policy from time to time and any volunteers are required to comply with those changes.

### Definitions

TERM	DEFINITION
<b>Volunteering</b>	The commitment of time and energy willingly given for the common good of the community and the volunteer and without financial gain. It is undertaken freely and by choice and in designated volunteer positions only.
<b>Volunteer</b>	Any person, who willingly offers to undertake unpaid work for Council and is accepted as a Volunteer by the Chief Executive Officer and/or their authorised delegates. Unpaid members of council-endorsed committees, project teams and reference groups that are established by Council and/or that are under the auspice of Council are volunteers.
<b>Project Manager</b>	A Project Manager is a member of Council's staff delegated to engage and manage volunteers to undertake unpaid work for Council in accordance with Council's Volunteer Policy and any associated guidelines and handbooks.
<b>Employee</b>	Local government employee of Wujal Wujal Aboriginal Shire Council
<b>Community</b>	Residents, businesses, organisations and groups who have an interest in the area served by Council.

## Policy Statement

Wujal Wujal Aboriginal Shire Council (WWASC) volunteers are valued for providing customer focused services and enhancing established council programs.

Volunteer programs form a strong bond between Council and the local community by encouraging community participation and access to resources and information.

Volunteering facilitates social interaction and satisfaction and enables community members to participate in established Council services and events.

Council is committed to meeting best practice standards for the community volunteer program and providing a collaborative, supportive and safe working environment for volunteers.

In addition, Council aspires to make the volunteer experience an enjoyable and rewarding one and to encourage personal and professional growth for volunteers.

This policy clarifies WWASC 's role in the recruitment and management of council volunteers and outlines council's commitment to and expectations of volunteers.

Council's human resources management policies apply to volunteers, these include workplace health and safety policies and procedures.

### Council commits to:

- Involve volunteers in relevant and appropriate work and ensure that volunteer work is meaningful.
- Provide a safe and healthy work environment to all volunteers.
- Provide adequate training, resources and support to allow volunteers to undertake their role.
- Provide volunteers with clear and appropriate management structure and administrative systems.
- Comply with all relevant legislative requirements.
- Recognise volunteer's contributions through appropriate reward and recognition.

### Questions

If a volunteer is unsure about any matter covered by this Policy, the worker should seek the assistance of their manager.

### Variations

Council reserves the right to vary, replace or terminate this policy from time to time

### Implementation and Communication

This policy will take effect from the date Council adopts the policy and will be displayed on the Council website. Council staff will communicate this policy to volunteers as required

### Associated documents

- Anti Discrimination, Workplace Bullying and Harassment Policy
- Code of Conduct for Employees
- Performance and Misconduct Policy /Disciplinary Procedure
- Work Health & Safety Policy

Legislations and related guidelines

[Local Government Act 2009](#)

[Local Government Regulation 2012](#)

[Information Privacy Act 2009](#)

[Commission for Children and Young People and Child Guardian Act 2000 Workplace Health and Safety Act 2011](#)

[Workplace Health and Safety Regulations 2011](#)

[Anti-Discrimination Act 1991](#)

Kiley Hanslow  
Chief Executive Officer

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It is recommended that Council adopt the Volunteer Policy as presented.

Resolution: Adoption the Volunteer Policy as presented.

<b>Resolution:</b>	That Council adopt the Volunteer Policy as presented.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 8.8.1 Standing Orders – new standards to be adopted

Report to: CEO, Mayor and Councillors  
 Subject: Standing Orders  
 Reporting Officer: Chief Executive Kiley Hanslow  
 Status: Decision

Council has received notification that the model meeting procedures (MMP) have been updated by the Queensland Government.

30194 FW: Amendments to the model meeting procedures (MMP) and best practice example - Standing Orders

Micah Nkiwane  
 To: Kiley Hanslow  
 Cc: Tania Edwards

Best Practice Standing Orders - revised June 2023.docx 131 KB  
 Amended model meeting procedures June 2023.docx 101 KB

From: DDG LGD Mailbox <DDGLGDMailbox@dsdilgp.qld.gov.au>  
 Sent: Wednesday, August 9, 2023 7:15 AM  
 Subject: Amendments to the model meeting procedures (MMP) and best practice example - Standing Orders

Good morning


As you are aware, the *Local Government Act 2009* (LGA) prescribes that all councils must adopt the model meeting procedures (MMP) or incorporate them into the existing standing orders for meeting procedures. The MMP document is published on the Department of State Development, Infrastructure, Local Government and Planning's (the department) website where all councils can access it. In addition, the department has a best practice example - Standing Orders document published on the website that demonstrates how the MMP can be incorporated into existing standing orders.

I am writing to advise you that recently these documents were reviewed, and amendments were made to the MMP and the best practise example - Standing Orders. These updated documents are now published on the department's website.

Amendments made are of a minor nature, designed to ensure better consistency with the LGA. A copy of the MMP document in track changes and the updated best practice example – Standing Orders document are enclosed for your information.

If you require any further information, please contact Ms Louisa Lynch, Director, Governance and Capability in the department, by telephone on 0499 833 689 or by email at [Louisa.Lynch@dsdilgp.qld.gov.au](mailto:Louisa.Lynch@dsdilgp.qld.gov.au), who will be pleased to assist.

Kind Regards

 Joshua Hannan  
 Deputy Director-General  
 Local Government Division  
 Department of State Development, Infrastructure,  
 Local Government and Planning  
 Microsoft teams – meet now

These document are provided here for your consideration to inform your decision to formally adopt these model documents.

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

June 2023

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

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



## **Intent**

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

### **1. Standing orders**

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

## **Procedures for meetings of local government**

### **2. Presiding officer**

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

### 3. Order of business

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

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

### 4. Agendas

- 4.1. The agenda may contain:
- notice of meeting
  - minutes of the previous meetings
  - business arising out of previous meetings
  - business which the mayor wishes to have considered at that meeting without notice
  - matters of which notice has been given
  - committees' reports referred to the meeting by the chief executive officer (CEO)
  - officers' reports referred to the meeting by the CEO
  - deputations and delegations from the community that are approved to attend
  - any other business the council determines by resolution be included in the agenda.
- 4.2. Business not on the agenda, or not fairly arising from the agenda, will not be considered at any council meeting unless permission for that purpose is given by the local government at the meeting. Business must be in accordance with the adopted terms of reference for each committee.
- 4.3. The notice of the meeting and the agenda must be given to each councillor at least 2 days before the meeting and in the case of Indigenous regional councillors, being Torres Strait Regional Council and Northern Peninsula Area Regional Council, at least four days prior to the meeting unless it is impracticable to give the notice before that time. The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the councillors. Any related reports for the local government meeting must also be included and available to the public when the agenda for the meeting is made publicly available, excluding confidential reports. If the related report is made available to councillors or committee members during the period starting

immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the councillors or committee members.

- 4.4. Matters on the agenda that will require the meeting to be in a closed session consistent with the provisions under section 254J LGR, will be clearly identified on the agenda including the reasons why the session will be closed.

## 5. Quorum

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

## 6. Petitions

- 6.1. Any petition presented to a meeting of the local government will:
- be in legible writing or typewritten and contain a minimum of ten (10) signatures
  - include the name and contact details of the principal petitioner (i.e., the key contact)
  - include the postcode of all petitioners, and
  - have the details of the specific request/matter appear on each page of the petition.
- 6.2. Where a councillor presents a petition to a meeting of the local government, no debate in relation to it will be allowed, and the only motion which may be moved is:
- that the petition be received
  - received and referred to a committee or officer for consideration and a report to the council, or
  - not be received because it is deemed invalid.
- 6.3. The local government will respond to the principal petitioner in relation to all petitions deemed valid.

## 7. Deputations

- 7.1. A deputation wishing to attend and address a meeting of the council shall apply in writing to the CEO not less than seven (7) business days before the meeting.
- 7.2. The CEO, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).
- 7.3. For deputations comprising three or more persons, only three persons shall be at liberty to address the council meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 7.4. If a member of the deputation other than the appointed speakers interjects or attempts to address the council meeting, the chairperson may terminate the deputation.
- 7.5. The chairperson may terminate an address by a person in a deputation at any time where:

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

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

## 8. Public participation at meetings

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

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

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

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

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

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

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

## 9. Prescribed conflict of interest

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

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

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

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

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

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

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

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

## 10. Declarable conflict of interest

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

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

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

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

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

10.6. The other eligible councillors or councillor at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors. The eligible councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the eligible councillors.

10.7. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.

10.8. When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible councillors should consider the particular circumstances of the matter including, but not limited to;

- how does the inclusion of the councillor in the deliberation affect public trust,
- how close or remote is the councillor's relationship to the related party,
- if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received,
- will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them,
- how the benefit or detriment the subject councillor stands to receive compares to others in the community,
- how this compares with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting,
- whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

10.9. If the eligible councillors cannot decide about the declarable conflict of interest of a councillor, they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter as prescribed in section 150ET(3) of the LGA or section 177Q (3) of the COBA.

10.10. A decision about a councillor who has a declarable conflict of interest in a matter will apply to participating in the decision and all subsequent decisions about the same matter as prescribed in section 150ET(4) of the LGA section 177Q (4) of the COBA, unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors

decide the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. briefing sessions or workshops.

10.11. In making the decision, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).

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

## **11. Reporting a suspected conflict of interest**

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

11.1. The chairperson then should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the relevant councillor agrees they have a conflict of interest, the councillor must follow the relevant meeting procedures above for prescribed and declarable conflicts of interest.

11.2. If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.

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

11.4. If the eligible councillors at the meeting cannot make a decision about, whether a councillor has a declarable conflict of interest under section 150ER of the LGA or section 177Q of the COBA, or whether the councillor may or may not participate in the decision despite the subject councillor's declarable conflict of interest under section 150ES of the LGA or section 177P of the COBA, then they are taken to have determined that the councillor must leave the meeting and stay away while the matter is being decided under section 150ET(3) of the LGA or section 177Q(3) of the COBA. A decision under these provisions about a councillor participating in the meeting applies to the matter and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the subject councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. workshops.



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

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

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

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

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

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

## 12. Loss of quorum

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

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

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

- The mayor or chief executive officer, or
- A standing committee, or joint committee of council, or

- The chairperson of a standing committee or joint standing committee of council – does not apply to Brisbane City Council, or
  - Another local government for a joint government activity.
  - The Establishment and Coordination Committee – only applies to Brisbane City Council
- 12.3. The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 12.4. The council may only delegate a power to make a decision about a councillors conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to:
- The mayor or
  - A standing committee.
- 12.5. A council may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:
- The mayor, or
  - The Establishment and Coordination Committee, or
  - A standing committee of the council.
- 12.6. If the matter cannot be delegated under an Act, The Minister for Local Government may, by signed notice give approval for a conflicted councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose.

## **Motions**

### **13 Motion to be moved**

- 13.1 A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion. When a motion has been moved and seconded, it will become subject to the control of the council and cannot be withdrawn without the consent of the council meeting.
- 13.3 Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion:
- A motion brought before a meeting of the local government in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
  - The chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
  - The chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.
- 13.4 The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote can occur.

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

#### 14 Absence of mover of motion

- 14.1 Where a councillor who has given notice of a motion is absent from the meeting of the local government at which the motion is to be considered, the motion may be:

- moved by another councillor at the meeting, or
- deferred to the next meeting.

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

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

#### 16 Amendment of motion

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

#### 17 Speaking to motions and amendments

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

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

## **18 Method of taking vote**

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

## **19 Withdrawing a motion**

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

## **20 Repealing or amending resolutions**

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

## **21 Procedural motions**

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

- 21.3 A procedural motion that the motion or amendment now before the meeting be adjourned, may specify a time or date to which the debate will be adjourned. Where no date or time is specified:
- a further motion may be moved to specify a time or date; or
  - the matter about which the debate is to be adjourned, will be included in the business paper for the next meeting.
- 21.4 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion will cease and may be considered again by the local government on the giving of notice in accordance with the standing orders.
- 21.5 A procedural motion that the question lie on the table will only be moved where the chairperson or a councillor requires additional information on the matter before the meeting (or the result of some other action of the council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the council will proceed with the next matter on the business paper. A motion that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 21.6 Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:
- has failed to comply with proper procedures;
  - is in contravention of the legislation; or
  - is beyond the jurisdiction power of the council meeting.

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

- 21.7 Upon the question of order suddenly arising during the process of a debate, a councillor may raise a point of order, and then the councillor against whom the point of order is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.
- 21.8 A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. For example:
- 21.9 Where a motion of dissent is carried, the matter to which the ruling of the chairperson was made will proceed as though that ruling had not been made. Where the opposite ruling is made, that the matter was discharged as out of order, it will be restored to the business paper and be dealt with in the normal course of business.
- 21.10 The motion that a report/document be tabled may be used by a councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

21.11 A procedural motion ‘to suspend the rule requiring that.’, may be made by any councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.

21.12 A procedural motion that the meeting stands adjourned, may be moved by a councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a councillor’s time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the council meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

## **22 Questions**

22.1 At a local government meeting, a councillor may ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting.

22.2 Questions will be asked categorically and without argument and no discussion will be permitted at the council meeting in relation to a reply or a refusal to reply to the question.

22.3 A councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.

22.4 A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.

22.5 The chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a councillor may move a motion that the chairperson’s ruling be disagreed with, and if carried the chairperson will allow the question.

## **Meeting Conduct**

### **23 Process for dealing with Unsuitable Meeting Conduct**

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

23.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.

23.2 If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under section 23.7 below.

23.3 If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial actions such as:

- ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
- apologising for their conduct
- withdrawing their comments.

23.4 If the councillor complies with the chairperson’s request for remedial action, no further action is required.

- 23.5 If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order for unsuitable meeting conduct being issued.
- 23.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 23.7 If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 23.2 the chairperson may make one or more of the orders below:
- an order reprimanding the councillor for the conduct
  - an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 23.8 If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 23.9 Following the completion of the meeting, the chairperson must ensure:
- details of any order issued is recorded in the minutes of the meeting
  - if it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council as suspected inappropriate conduct
  - The council's chief executive officer (CEO) is advised to ensure details of any order made is updated in the council's councillor conduct register.
  - If the conduct of a councillor at the meeting becomes inappropriate conduct; in accordance with section 150J of the LGA, it is not required to be notified to the independent assessor and may be dealt with under section 150AG of the LGA at the next council meeting.
- 23.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 23.2, 23.3, 23.7 and 23.8 above.

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

## **24 General conduct during meetings**

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

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

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

- 25.1 The investigation must be conducted in a way that is consistent with the local government's investigation policy including:
- consistent with any recommendations from the IA, or
  - In another way decided by resolution of the council.
- 25.2 After the completion of the investigation, the council must decide in a council meeting, whether the councillor has engaged in inappropriate conduct. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a) or to a standing committee section 257(2)(b) of the LGA or for the Brisbane City Council section 238(2)(a),(b) or ( c) of the COBA.
- 25.3 When dealing with an instance of suspected inappropriate conduct which has been referred to a council by the IA:
- 25.3.1 The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under section 254J(3)(f) of the LGR or section 242J(3)(f) of the COBR to discuss the allegation. No resolution for a decision can be made in the closed session.
- 25.3.2 The subject councillor has a declarable conflict of interest in the matter but is permitted to remain in the meeting (unless council decides otherwise), during the debate about whether the councillor engaged in the inappropriate conduct and answer questions from the chairperson to assist the other councillors in making a decision. This permission to remain in the meeting for the debate is conditional



on the subject councillor leaving the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.

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

25.3.4 The council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the local government must do one of the following:

- delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or
- decide, by resolution, to defer the matter to a later meeting when a quorum will be present, or
- decide, by resolution, not to decide the matter and take no further action in relation to the matter.

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

25.3.6 The council may order that no action be taken against the councillor or make one or more of the following:

- an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
- an order reprimanding the councillor for the conduct;
- an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
- an order that the councillor be excluded from a stated council meeting;
- an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (e.g. that the councillor is ordered

to resign from an appointment representing the local government on a state board or committee);

- an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
- an order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.

25.4 In relation to a person who is no longer a councillor, a local government may not make an order that the former councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future.

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

25.6 The minutes of the meeting must reflect the decision made.

## **26 Disorder**

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

26.2 On resumption of the meeting, the chairperson will move a motion, to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

## **Attendance and non-attendance**

### **27 Attendance of public and the media at meeting**

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

27.2 When the local government is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

### **28 Closed session**

28.1 A local government council meeting, standing committee meeting and advisory committee meeting may resolve that a meeting be closed to the public if its councillors and members consider it necessary to discuss any of the following matters pursuant to section 254J(3) of the LGR or section 242J(3) of the COBR:

- Appointment, dismissal or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees;
- industrial matters affecting employees;
- the council's budget which does not include the monthly financial statements;
- rating concessions;

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

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

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

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

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

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

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
- no resolution can be made while in a closed meeting (other than a procedural resolution).

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

## 29 Teleconferencing of meetings

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

**Note:** *There is no legislative requirement for a resolution by council to allow a councillor to participate by audio link or audio visual link. This means the council may delegate the matter. For example, council may*

*delegate to the chairperson of the council or a committee meeting the ability to decide whether a councillor can attend a meeting by audio link or audio-visual link.*

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

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

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**Recommendation:** That Council adopt the Best Practice Example for Standing Orders as presented

Resolution:	That Council adopt the Best Practice Example for Standing Orders as presented	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 8.8.2 Model Meeting Procedures– new standards to be adopted

**Report to:** CEO, Mayor and Councillors  
**Subject:** Model Meeting Procedures  
**Reporting Officer:** Chief Executive Kiley Hanslow  
**Status:** Decision

Conduct of local government meetings and its committee meeting

Revised June 2023

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## Purpose of the Model Meeting Procedures

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

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

### Meeting Principles

Local government meetings must adhere to the following principles:

- Transparent and effective processes and decision making in the public interest
- Sustainable development management and delivery of effective services
- Democratic representation, social inclusion and community engagement

- Good governance of, and by the local government
- Ethical and legal behaviour of councillors, local government employees and councillor advisors.

## Background

As required under section 150F of the LGA this document sets out:

- the process for how a chairperson of a local government meeting may deal with instances of unsuitable meeting conduct by councillors
- the process for how suspected inappropriate conduct of a councillor referred to the local government by the Independent Assessor (IA) is to be dealt with at a council meeting
- the processes for dealing with conflicts of interests and recording them
- the process for dealing with a loss of quorum
- procedures for closed meetings.

## Application

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

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

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

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

### 1. Processes

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

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

- 1.1. The chairperson must reasonably believe that the conduct of a councillor during a meeting is unsuitable meeting conduct.
- 1.2. If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under 1.7 below.

- 1.3. If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial action such as:
  - 1.3.1. Ceasing and refraining from exhibiting unsuitable meeting conduct
  - 1.3.2. Apologising for their conduct
  - 1.3.3. Withdrawing their comments.
- 1.4. If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 1.5. If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order being issued.
- 1.6. If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 1.7. If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 1.5, the chairperson may make one or more of the orders below:
  - 1.7.1. An order reprimanding the councillor for the conduct
  - 1.7.2. An order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 1.8. If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 1.9. Following the completion of the meeting, the chairperson must ensure:
  - 1.9.1. Details of any order issued is recorded in the minutes of the meeting
  - 1.9.2. If it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council as suspected inappropriate conduct
  - 1.9.3. The council's chief executive officer (CEO) is advised to ensure details of any order made is updated in the council's councillor conduct register.
- 1.10. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.
- 1.11. If the conduct of a councillor at the meeting becomes inappropriate conduct; in accordance with section 150J of the LGA, it is not required to be notified to the independent assessor and may be dealt with under section 150AG of the LGA at the next council meeting.



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

2. Meeting Procedures for Dealing with Suspected Inappropriate Conduct including that which has been Referred to a Local Government by the Independent Assessor  
Pursuant to Chapter 5A, Part 3, Division 5 of the LGA (Referral of suspected inappropriate conduct to local government) a referral from the Independent Assessor (IA) of suspected inappropriate conduct or an instance of suspected inappropriate conduct that may arise from circumstances under paragraph 1.9.2 of this document, requires that the local government must complete an investigation into the alleged conduct.
  - 2.1. The investigation must be conducted in a way that is consistent with the local government's investigation policy including:
    - 2.1.1. consistent with any recommendations from the IA, or
    - 2.1.2. In another way decided by resolution of the council.
  - 2.2. After the completion of the investigation, the council must decide in a council meeting, whether the councillor has engaged in inappropriate conduct. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a) or to a standing committee section 257(2)(b) of the LGA or for the Brisbane City Council section 238(2)(a),(b) or ( c) of the COBA.
  - 2.3. When dealing with an instance of suspected inappropriate conduct which has been referred to a council by the IA:
    - 2.3.1. The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under section 254J(3)(f) of the LGR or section 242J(3)(f) of the COBR to discuss the allegation. No resolution for a decision can be made in the closed session.
    - 2.3.2. The subject councillor has a declarable conflict of interest in the matter but may remain in the meeting (unless council decides otherwise), during the debate about whether the councillor engaged in the inappropriate conduct and answer questions put to the subject councillor through the chairperson to assist the other councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in inappropriate conduct and what, if any, penalty to impose if the councillor is found to have engaged in inappropriate conduct.

- 2.3.3. If the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 4. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 4. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied.
- 2.4. The council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the local government must do 1 of the following:
- 2.4.1. Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or
- 2.4.2. Decide, by resolution, to defer the matter to a later meeting or
- 2.4.3. Decide, by resolution, not to decide the matter and take no further action in relation to the matter.
- 2.5. If a decision is reached that the subject councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed in 2.6, if any, to impose on the councillor. In deciding what penalty to impose the council may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true.
- 2.6. The council may order that no action be taken against the councillor or make one or more of the following:
- 2.6.1. An order that the councillor make a public admission that the councillor has engaged in inappropriate conduct
- 2.6.2. An order reprimanding the councillor for the conduct
- 2.6.3. An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
- 2.6.4. An order that the councillor be excluded from a stated council meeting
- 2.6.5. An order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee)

- 2.6.6. An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
- 2.6.7. An order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.
- 2.6.8. A council may not make an order under 2.6.3; 2.6.4; 2.6.5; 2.6.6 in relation to a person who is no longer a councillor.
- 2.7. The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by council and if relevant any orders they have made.
- 2.8. The minutes of the meeting must reflect the decision made.
3. Prescribed Conflict of Interest
- Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business matters prescribed in section 150EF of the LGA or section 177C of the COBA. When dealing with a prescribed conflict of interest, councillors must abide by the following procedures,
- 3.1. A councillor who has notified the chief executive officer in writing of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting at the time when the matter is to be discussed.
- 3.2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.
- 3.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum, be provided:
- 3.3.1. If it arises because of a gift, loan or contract, the value of the gift, loan or contract
  - 3.3.2. If it arises because of an application for which a submission has been made, the matters the subject of the application and submission
  - 3.3.3. The name of any entity, other than the councillor, that has an interest in the matter
  - 3.3.4. The nature of the councillor's relationship with the entity mentioned in 3.3.3 that has an interest in a matter
  - 3.3.5. Details of the councillor's and any other entity's interest in the matter.
- 3.4. The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice of approval from the Minister to participate in the matter.

3.5. Once the councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

#### 4. Declarable Conflict of Interest

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

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

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

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

4.2.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.

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

4.3.1. The nature of the declarable conflict of interest

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

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

4.3.3. if it arises because of a gift or loan from another person to the councillor or a related party:

- the name of the other person and
- the nature of the relationship of the other person to the councillor or related party and
- the nature of the other person's interest in the matter and
- the value of the gift or loan and the date the gift or loan was made.

4.4. After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.

- 4.4.1. If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.
- 4.4.2. The other eligible councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether the councillor should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors. The eligible councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the eligible councillors.
- 4.4.3. In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or do not form a quorum for the meeting consistent with section 150ET of the LGA and section 177Q of COBA.
- 4.5. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.
- 4.6. When deciding whether a councillor may participate in the decision making on a matter in which the councillor has a declarable conflict of interest, the eligible councillors should consider the circumstances of the matter including, but not limited to:
  - 4.6.1. How does the inclusion of the councillor in the deliberation affect the public trust
  - 4.6.2. How close or remote is the councillor's relationship to the related party
  - 4.6.3. If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
  - 4.6.4. Will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
  - 4.6.5. How does the benefit or detriment the subject councillor stands to receive compare to others in the community
  - 4.6.6. How does this compare with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting

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

- 4.7. If the eligible councillors cannot decide whether the subject councillor has a declarable conflict of interest, then they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter.
- 4.8. A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. workshops.
- 4.9. In making the decision about the councillor's conflict of interest in a matter, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 4.10. A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA or section 177S of the COBA.

## 5. Reporting a Suspected Conflict of Interest

- 5.1. If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor who believes or suspects this, must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
- 5.2. The chairperson should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures above.
- 5.3. If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 5.4. The eligible councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.

- 5.5. If the councillors cannot reach a decision about the conflict of interest, or the subject councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the councillor must leave and stay away from the place where the meeting is being held while the eligible councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.
6. Loss of Quorum
- 6.1. In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, all the councillors including the conflicted councillors must resolve to:
- 6.1.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated
  - 6.1.2. Defer the matter to a later meeting
  - 6.1.3. Not to decide the matter and take no further action in relation to the matter.
- 6.2. The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 6.3. The council must not delegate a power that an Act says must be decided by resolution of the council under section 257(3) of the LGA or section 238(3) of the COBA.
- 6.4. The council may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:
- 6.4.1. The mayor or chief executive officer, or
  - 6.4.2. A standing committee, or joint committee of council, or
  - 6.4.3. The chairperson of a standing committee or joint standing committee of council – does not apply to Brisbane City Council, or
  - 6.4.4. Another local government for a joint government activity.
  - 6.4.5. The Establishment and Coordination Committee – only applies to Brisbane City Council
- 6.5. The council may only delegate a power to make a decision about a councillors conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to:
- 6.5.1. The mayor or
  - 6.5.2. A standing committee.
- 6.6. A council may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:

- 6.6.1. The mayor, or
  - 6.6.2. The Establishment and Coordination Committee, or
  - 6.6.3. A standing committee of the council.
- 6.7. The Minister for Local Government may, by signed notice give approval for a conflicted councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose.
7. Recording Prescribed and Declarable Conflicts of Interest
- 7.1. When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details of how the conflict of interest was dealt with, being (see section 150FA of the LGA or section 177X of the COBA):
- 7.1.1. The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest
  - 7.1.2. The particulars of the prescribed or declarable conflict of interest provided by the councillor
  - 7.1.3. The actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest
  - 7.1.4. Any decision then made by the eligible councillors
  - 7.1.5. Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
  - 7.1.6. The council's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision
  - 7.1.7. The name of each eligible councillor who voted on the matter and how each voted.
- 7.2. If the councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the councillor:
- 7.2.1. The name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.
- 7.3. Where a decision has been made under section 4 above – the minutes must include:
- 7.3.1. The decision and reasons for the decision, and
  - 7.3.2. The name of each eligible councillor who voted, and how each eligible councillor voted.



## 8. Closed Meetings

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

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

8.1.2. Industrial matters affecting employees

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

8.1.4. Rating concessions

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

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

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

8.1.8. Negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*

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

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

8.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the council meeting and the council must resolve to:

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

8.3.2. Defer the matter to a later meeting when a quorum may be available

8.3.3. Not to decide the matter and take no further action in relation to the matter.

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

8.5. If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the

closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA or section 173(3) of the COBA).

8.6. To take a matter into a closed session the council must abide by the following:

8.6.1. Pass a resolution to close all or part of the meeting

8.6.2. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered (see section 8.1)

8.6.3. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated

8.6.4. Not make a resolution while in a closed meeting (other than a procedural resolution).

Resolution: That Council adopt the Model Meeting Procedures as presented

Resolution:	That Council adopt the Model Meeting Procedures as presented.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 8.9 LGAQ Annual Conference - Attendance by Elected Members

<b>Report to:</b>	CEO, Mayor and Councillors
<b>Subject:</b>	LGAQ Annual Conference – attendance by elected members
<b>Reporting Officer:</b>	Chief Executive Kiley Hanslow
<b>Status:</b>	Decision

The LGAQ Annual Conference is scheduled to be held in Gladstone on 16-18 October.

### Opportunity.

This is a real opportunity to advocate for Wujal Wujal.

To maximise on every moment of our attendance at this conference, we need to prepare a work plan well in advance, establishing in advance meetings with key stakeholders.

For example, after the initial registration on the day 1 of the event it is proposed that our representatives meet with council networks and stakeholder in the evening, such as Cherbourg Aboriginal Shire Council.

Our representatives will be able to formally report back to the following WWASC ordinary meeting on the outcome of their advocacy discussions.

### Costs

WWASC is charged for the attendance of two delegates as part of its annual fees to LGAQ.

These two delegates have voting rights in the meeting.

Any additional delegates are considered an 'observer', do not have voting rights cost additional \$1540 for the conference fees, plus any associated travel and accommodation and allowances.

CEO Kiley Hanslow is registered to attend.

Recommendation: Council nominate which elected member (s) will also attend the conference as the formal delegate.

**Resolution:** Council nominate the following elected member(s) to attend the LGAQ Annual Conference 2023.

<b>Resolution:</b>	Council nominate the following elected member(s) to attend the LGAQ Annual Conference 2023.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## **9. Presentation to Council | Bus to Cooktown for School Children**

Trent Gorrie will join the meeting at 11.30am.

## 10. Reports

### 10.1 Mayor's Report July 2023

The Mayor represented the interests of the Wujal Wujal Aboriginal Shire Council at the following meetings between 4 July 2023 and 4 August 2023:

Date	Meeting & Commentary
Tues 11 July	Council Ordinary Meeting
Thurs 13 July	LGAQ Elected Member update 2023
Monday 17 July	Empowerment Model draft Local P
Thurs 27 July	Special Council Meeting   Budget 2023-2024
Tues 1 Aug -Thurs 3 Aug	FNQROC Delegation to Canberra

#### 10.1.2 Important Correspondence Item 1

Letter received 13 April 2023 from Mike Kasier, Director General, SDILGP regarding challenges faced by councils in dealing with inappropriate conduct matters referred to councils.

Letter included here for your reference (see next page).



Our ref: DGBN23/165

13 April 2023

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

Councillor Bradley Creek  
Mayor  
Wujal Wujal Aboriginal Shire Council  
mayor.creek@wujal.qld.gov.au

Dear Councillor Creek

The Department of State Development, Infrastructure, Local Government and Planning (the department) is aware of the challenges faced by councils in dealing with inappropriate conduct matters referred to councils by the Office of the Independent Assessor (OIA). The department is aware that a significant proportion of these complaints are made by councillors themselves and the sensitivities therefore which arise in other councillors deciding these matters.

I am aware that some councils are not dealing with these matters as required under the *Local Government Act 2009* (LGA) or are alternatively seeking to refer the matters back to the OIA to decide.

Given the difficulties some councils are facing in dealing with these matters, the department will be providing further training and support to councils to assist in meeting these statutory requirements. Further information will be available on this support in due course. Information will also be part of the department's proposed induction training for councillors elected in 2024.

In the meantime, I am writing to you to confirm a number of key points regarding how councils must manage inappropriate conduct referrals from the OIA:

- under section 150AF of the LGA, councils must investigate all referrals of inappropriate conduct from the OIA. All councils must have an investigation policy for investigating inappropriate conduct matters. The investigation can be as simple or as complex as considered appropriate by council. Councils have a number of options for dealing with a matter including mediation, investigation by council or investigation by an external entity (a list of preferred investigators can be obtained from the department to assist)
- it is not possible under the LGA to send the referral back to the OIA to decide or take alternative action (unless in investigating a matter, misconduct is identified)
- the OIA may, in referring the matter to council, make recommendations about how matters are to be handled. These recommendations must be adopted unless council passes a resolution stating reasons for a different approach.

Councillors must decide the outcome after the investigation is completed. I acknowledge the sensitivities and difficulties which arise in making a decision and for that reason, the adoption of recommendations made by an independent external investigator is strongly encouraged, unless there are clear grounds to decide to the contrary. However, ultimately this is a decision for the council to make, with no role for either the department or the OIA.

1 William Street

All council decisions must be made in an open council meeting to ensure transparency and effective process has been followed and all decision making was conducted in the public interest.

Finally, where a councillor has referred a complaint themselves to the OIA, not as a complainant, but simply to comply with their obligations to refer matters under section 150R of the LGA, this in itself does not mean that particular councillor has a conflict of interest in then deciding the inappropriate conduct complaint. I acknowledge this is a difficult area and as always, departmental officers are available to assist councils in handling inappropriate conduct matters and ensuring statutory obligations are met.

If you require any further information or would like to provide information to the department on what particular tools or resources you think would assist councils respond to inappropriate conduct matters, please contact your regional advisor or Mrs Bronwyn Blagoev, Executive Director, Local Government Division in the department by phone on (07) 3252 6792 or by email at [bronwyn.blagoev@dsdilgp.qld.gov.au](mailto:bronwyn.blagoev@dsdilgp.qld.gov.au), who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "Mike Kaiser", is positioned above the printed name.

Mike Kaiser  
**Director-General**



## 10.2.2 Importance Correspondence Item 2

Letter dated 18 May 2023 from the Hon Steven Miles: Subject ensuring long-term local government sustainability and capability, discussed in CEO Report.

Letter included here for your reference.



**Hon Steven Miles MP**

Deputy Premier

Minister for State Development, Infrastructure,

Local Government and Planning

Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure

Our ref: MBN23/371

18 May 2023

Councillor Bradley Creek  
Mayor  
Wujal Wujal Aboriginal Shire Council  
mayor.creek@wujal.qld.gov.au

1 William Street  
Brisbane Queensland 4000  
PO Box 15009  
City East Queensland 4002  
Telephone +61 3719 7100  
Email [deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)  
Website [www.statedevelopment.qld.gov.au](http://www.statedevelopment.qld.gov.au)

ABN 65 959 415 158

Dear Councillor Creek

The growing challenge of ensuring long-term local government sustainability and capability is an important issue for all councils and the Queensland Government, in particular Queensland's Indigenous and remote councils.

The Department of State Development, Infrastructure, Local Government and Planning (the department) has commenced a project that is focused on reviewing and identifying opportunities to improve how Indigenous local governments:

- 1) deliver, own, operate and maintain critical infrastructure (water and wastewater)
- 2) manage their corporate services functions (including finance, asset management, procurement, governance, and human resources).

Price Waterhouse Coopers (PwC) Indigenous Consulting (PIC) has been engaged to undertake the research, consultation, and development of options for this project, in conjunction with the department. PIC is a Supply Nation Certified Indigenous Business which combines Indigenous expertise and experience with PwC's consulting capability in the areas of finance and infrastructure.

Critical to success will be collaboration and engagement with all Indigenous councils in the codesign of models to increase the overall sustainability of Indigenous local governments and improve the delivery of essential services to Indigenous communities.

Formal consultation will commence in June 2023 and will consist of group and individual discussions and codesign workshops. I expect to receive a report from the department in late October 2023 outlining options for consideration.

Your participation is essential to the development of models that will work for your council and community.



I have asked for Ms Jo Stephenson, Project Director, in the department to assist you with any queries. Ms Stephenson will be in contact shortly to advise of engagement opportunities for your council. You may wish to contact Ms Stephenson on 0417 610 889 or by email at [jo.stephenson@dsdilgp.qld.gov.au](mailto:jo.stephenson@dsdilgp.qld.gov.au).

Yours sincerely



**STEVEN MILES MP**  
**DEPUTY PREMIER**  
**Minister for State Development, Infrastructure,**  
**Local Government and Planning**  
**Minister Assisting the Premier on**  
**Olympic and Paralympic Games Infrastructure**

cc: Ms Kiley Creek  
 Chief Executive Officer  
 Wujal Wujal Aboriginal Shire Council  
[kiley@wujal.qld.gov.au](mailto:kiley@wujal.qld.gov.au)

Resolution: Acceptance of the Mayors Report as presented.

<b>Resolution:</b>	That Council receive the Resolution: Acceptance of the Mayors Report as presented.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 10.2 Chief Executive Officer Report

### 10.2.1 Meetings

The Chief Executive Officer represented the interests of the Wujal Wujal Aboriginal Shire Council at the following meetings between 10 July 2023 and 4 August 2023:

Date	Meeting & Commentary
Mond 10 July	Community Health Catchup
	Seniors Legal and Social Support Program
	Water Infrastructure: discussion with DSDILGP
Tues 11 July	Council Ordinary Meeting
Wed 12 July	LGAQ – advisory meeting with Simon booth and Jon Guana
Thurs 13 July	LGAQ Elected Member update 2023 which included information on capped expenditure, nominations and behaviour
Monday 17 July	QBuild Portal Training: provided a good overview of how to use the QBuild System
Tues 18 July	FNQROC Regional Planning
	FNQROC WHS and Wellbeing Advisory Meeting
Wed 19 July	Wujal Wujal Community Safety Meeting: Minutes attached in the supplementary papers for your information
	Wujal Wujal Interagency Meeting Minutes attached in the supplementary papers for your information
Thurs 20 July	Indigenous Council Sustainability Project <ul style="list-style-type: none"> <li>Discussed the financial sustainability of Councils</li> <li>Incorporate peer reviews in the design and construction of build contracts</li> <li>Compared options of leasing versus owning council vehicles</li> <li>Independent representative from another council to sit on procurement assessment panels-*</li> </ul>
Tues 25 July	Combined District Human and Social Recovery Group <ul style="list-style-type: none"> <li>Discussed QRA Disaster Recovery after events</li> <li>Discussed support that can be offered by Salvation Army, Care Army volunteers Qld</li> <li>Discussed support from LDMG</li> </ul>
Wed 26 July	Microgrid   Remote Indigenous Land and Infrastructure Program   Petrina Villaflor and Michael Miller <ul style="list-style-type: none"> <li>Limited information provided on the microgrid, not clear on who would benefit/ what the benefit of the project to the community would be</li> <li>Not enough sun/too much rain for the project to be absolutely reliable</li> </ul>
Thurs 27 July	Special Council Meeting   Budget 2023-2024 <ul style="list-style-type: none"> <li>Adopted the Budget, Operational Plan and Fees and Charges</li> </ul>
	JOM <ul style="list-style-type: none"> <li>Received aged jobs planned delivery plus 2023-2024 program</li> </ul>
	Housing Delivery <ul style="list-style-type: none"> <li>Reviewed maintenance, tenancy</li> <li>Forward planning of future works</li> </ul>

Frid 28 July	Justice Group Meeting <ul style="list-style-type: none"> <li>Discussed projects that could be delivered under the Community Development Volunteer Program</li> </ul>
Mon 31 July	Torres and Cape Hospital and Health Service <ul style="list-style-type: none"> <li>Discussed health in Wujal Wujal</li> <li>Subsidisation of freight</li> <li>Healthy foods</li> <li>Supermarket tender</li> <li>Drinking water</li> <li>School health checks and food security</li> </ul>
Tues 1 Aug	Housing Priorities <ul style="list-style-type: none"> <li>Discussed Plugin project and subdivision project</li> <li>10 year strategic housing plan development including fit for purpose housing designs</li> </ul>

## 10.2 Follow Ups

Nothing to note

## 10.3 Other Information

10.3.1 Letter from Hon Steven Miles MP to Mayor Bradley Creek dated 18 May 2023: subject: *ensuring long-term local government sustainability and capability*

The letter mentioned above is provided for you in the supplementary papers with this agenda, however the key elements from that letter are included here for your reference.

The Department of State Development, Infrastructure, Local Government and Planning (the department) has commenced a project that is focused on reviewing and identifying opportunities to improve how Indigenous local governments:

- 1) deliver, own, operate and maintain critical infrastructure (water and wastewater)
- 2) manage their corporate services functions (including finance, asset management, procurement, governance, and human resources).

Price Waterhouse Coopers (PwC) Indigenous Consulting (PIC) has been engaged to undertake the research, consultation, and development of options for this project, in conjunction with the department. PIC is a Supply Nation Certified Indigenous Business which combines Indigenous expertise and experience with PwC's consulting capability in the areas of finance and infrastructure.

Critical to success will be collaboration and engagement with all Indigenous councils in the codesign of models to increase the overall sustainability of Indigenous local governments and improve the delivery of essential services to Indigenous communities.

Formal consultation will commence in June 2023 and will consist of group and individual discussions and codesign workshops. I expect to receive a report from the department in late October 2023 outlining options for consideration.



### **10.3 Corporate and Corporate Services Division Report (C&CS)**

#### **10.3.1 Financial Dashboard**

To be distributed separately

#### **10.3.2 Corporate and Commercial Services Monthly Report Points**

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<b>Report to:</b>	CEO, Mayor and Councillors
<b>Subject:</b>	Corporate and Commercial Monthly Report July 2023
<b>Reporting Officer:</b>	Manager Corporate and Commercial, Micah Nkiwane
<b>Status:</b>	Information

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To be distributed separately

## 10.4 Works and Building Services Monthly Report - July 2023

**Report to:** CEO, Mayor and Councillors  
**Subject:** Operations Information Report  
**Reporting Period:** July 2023  
**Reporting Officer:** Manager Operations, Perry Gould  
**Status:** Information

*This report outlines the works undertaken during the month of July 2023 including Civil, Building, Water, Sewer, Parks and Gardens, Animal Management, Environmental Health, Accommodation, Sports and Recreation and Disaster Management*

### Summary

Operations team are concentrating on essential services, invoicing of Q-build refurbishments and reactive maintenance.

A large amount of time is being spent on Arthur Beetson Foundation (ABF) visit along with the Rodeo in September. Discussions with CEO to investigate engaging Events Manager for future larger events.

### Staff Movements

- Laurie Raleigh has tendered his resignation with 15 August 2023 being his last day
- Month of July has seen high volumes of staff absenteeism across all departments,
- Unfortunately this has severely impacted council's operations over the July period

### Projects Overview

#### Disaster Management, SES Rural, Fire

- Five consecutive days of SES training to be undertaken 2023
- Date for cold burns for fuel reduction still to be confirmed – attempted to burn 8 August 2023 however vegetation was still too wet

#### Building

Number of jobs invoiced: 1

Amount Invoiced: \$20,146.08

Revenue Received; \$89,362.65

### Projects:

#### Preliminary design for Wujal Wujal Cemetery Access Road and Carpark for Reef Guardian funding application

- Laurie and Perry visited Wujal cemetery and reviewed the area
- The area proposed for driveway and parking area sits across three separate blocks
- Email sent to RILIPO to ask for advice on Boundary realignment possibility
- Email sent to RECS for quote to design carpark and access road



- Survey completed
- Design quotations being sought from external consultants to then go out to tender

- Contractors to finish of last 30m of concrete later in the year, ground water still running down the drain delaying start

- Survey complete
- Design complete
- Site walk conducted by Perry and Laurie
- RFQ sent to three contractors



#### W4Q Council Building Repairs

- Initial inspection completed
- Priority list finalised
- SOW for tender document in final draft
- Perry to review draft SOW for building modifications
- RFQ for solar on hall and art centre has been reviewed by Perry and Laurie, P/O to be raised for contractor so work can start.
- RFQ received for separate electricity metering on the shop, laundromat and housing office, P/O to be raised for successful contractor

#### QRA China Camp Rd Slope Stabilization

- RFQ for geotechnical report sent to engineers
- Design finalised
- Tender docs for civil work drafted after
- Site visit by Perry and Laurie completed
- PG and LR have reviewed the RFQ's and a suitable contractor has been selected, P/O to be raised

#### Guest Accommodation / Eco village

- Boundary fencing now complete
- Furnishing is at 98%.
- Screens to bathrooms windows ordered.

#### Essentials Services

##### Water

- Testing of potable water supply and WWTP continues to ensure compliance
- The water test results are stable at present
- Water and sewerage staff Michael Leslie, Gregory Pascoe, Zenarra Ashworth continued training for Cert 3 in Water Operations in July completing their second block
- Council have engaged external engineers Ganden to construct draft design plans and specifications for the water upgrade. Brad Pinches will be in community Monday 14 August to assess and design Council Scada system to assemble specifications for tender documentation.

##### Sewerage

- Staff are monitoring the Sewerage Treatment Plant compressors for the air venturi blowers at present, checking oil and belts.
- Operational Issues with pump station five have been rectified



## Animal Management

### Treatments

- Medicated injured dogs due to fighting
- Zenarra Ashworth and Nikki Gong will be administering Nexgard to all the dog for flea, tick and worming, we have changed medication, the new medication lasts for 3 months, so Council employees will administer quarterly.
- Nikki Gong and Zenarra Ashworth completed a biosecurity questionnaire with Jabalbina rangers in July 2023
- Duncan from Sky Dog Vets has purchased a microchip scanner and 50 microchip syringes enabling staff to keep track of the animals within community
- There are 2 new dogs in community, 4 pups and 10 newborns. Making 75 dogs, 4 cats in total
- Need to look at a campaign to desex dogs to avoid animal population growing out of control and risk of decreasing animal health and disease.
- new wheelie bins have been ordered

### Training

- Zenarra is presently training to obtain her pest spraying certificate
- Nikki will soon have access to AMRICC APP for dog registration, Councils register will be more accurate capturing animal numbers their condition and medical records data.

## Environmental Health

- Water samples delivered to airport for transport to Cairns Council for testing.
  - Collection of bulk waste off town streets continues
  - Fortnightly food inspection at Wujal Wujal convenience store continue
  - Completed checklists.

## Parks and Gardens

- Roundabout shrub removal complete
- Slashing of open spaces continues throughout the community with wet weather having some impact on scheduling.
- Football grounds taking up a considerable amount of time with weed eradication, old AFL grounds for September Rodeo slashed multiple times before mowing with Zero Turn Mower
- Mowing continues for all Council assets, entry to Wujal Falls has been cleared for easy access to walking track.
- External contractors were engaged for a one-week period due to plant failure and lack of staff in Parks and Gardens staff in attendance at work
- Awaiting delivery of new ride on mowers

## Sport and Recreation Hall

- Hall operating hours are 2.30pm until 6pm Monday to Thursday with attendance between 10 and 20 per day
- There needs to be more interaction with the children to keep them engaged with the sport and rec program
- What suggestions does Council have for after school activities and School Holiday programs

Resolution: Works and Building Services Monthly Report for the month July 2023

<b>Resolution:</b>	That the Council accept the Works and Building Services Report for month July 2023 as presented.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 10.5 Aged Care Services Monthly Report - June 2023

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**Report to:** CEO, Mayor and Councillors  
**Subject:** Aged Care Services  
**Reporting Period:** July 2023  
**Reporting Officer:** Gina Manai  
**Status:** Information

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### 8.5.1 Funding and Spend

Spend	Value
Far Nth Office Choice	0.00
Emperor electrical	0.00
Alister Gibson	0.00
Ayton General Store	7500.00
Cooktown Food and Ice	0.00
All About Mobility	
Direct of Australia	
Universal Care Training Online	1094.50
CareLynx	44848.00
Total	\$53442.50

### 8.5.2 Issues with Programs etc

- Difficult to connect to remote desktop. Community Centre would benefit with a WI-FI access point this will also enable all staff to access their training modules, and client documentation as our continuous improvement

### 8.5.3 Client/Correspondence

- Continued monthly Care Plan reviews working well.
- 1x client approved a L2 HCP
- 1x client 6 hospital admissions in 4.5 weeks, however declining additional assessment for increased in-home supports continue to monitor and support client choice, discussions regarding forward planning are always occurring in the best interest of the client.
- Complaint Case Number: S24/001595 response required by 14/08/2023 for matter to be resolved
- Allied health interventions ongoing with continued reviews of clients when required

### 8.5.4 Reporting

- HCP June approved forward onto Finance.
- Online Wellness and Reablement CHSP report – submitted
- Previous QCSS reports resubmitted –? Finance to acquit
- July EOM DEX submitted
- Discussions with ROCS team regarding business case for increase to MMM remote loading in progress

#### 8.5.5 Staffing

- Community Support worker commenced 17<sup>th</sup> July 23.

#### 8.5.6 Other

- Awaiting completion of works to freezer/chiller area.
- Commencement of online training for staff, eg; mandatory, toolbox talks/refreshers.
- Create awareness and the possibilities of Indigenous small business initiatives in the community e.g. Lawn and garden services at present unable to keep up with the demand for this service
- Request for services is growing, we therefore need to discuss the 5-10yr planning for Aged and Community Care services

#### Resolution: Aged Care Services Monthly Report for the month July 2023

<b>Resolution:</b>	That Council receive the Aged Care Services Monthly Report for the month July 2023.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 10.6 Bana Yirriji Gallery and Art Centre Monthly Report July 2023

Report to:	CEO, Mayor and Councillors
Subject:	Bana Yirriji Gallery and Art Centre
Reporting Period:	July 2023
Reporting Officer:	Manager of Bana Yirriji Art Centre, Vikki Burrows
Status:	Information

### Highlights

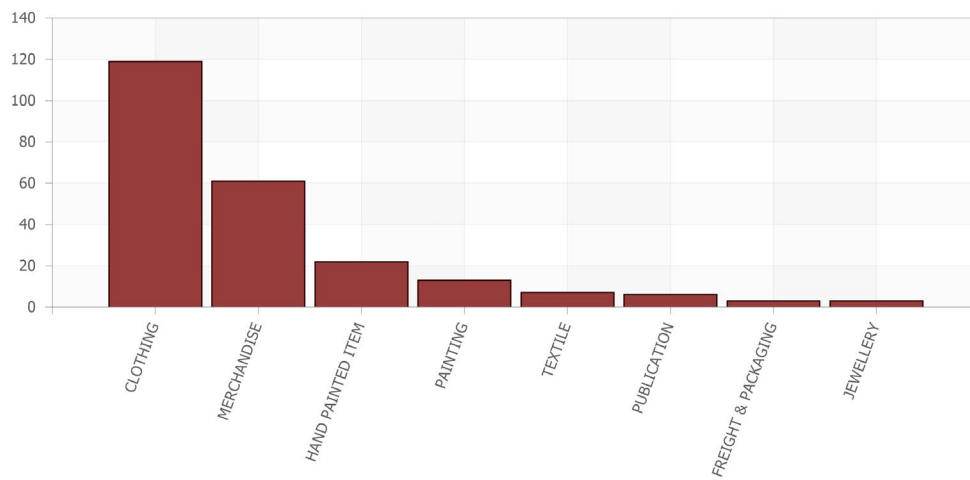
- Bana Yirriji Fashion Show was held at the Tanks Art Centre during CIAF and was a huge success.
- Artists and staff from Bana Yirriji attended CIAF 23 Fashion show and art fair.
- Visitor numbers have increased slightly but sales are down compared to last few years when travelers were spending a lot after COVID 19 lockdown.
- Doreen Collins is being trained in administration, customer service and studio management and is proving to be an excellent worker. These broad skills sets are an asset to Council. Doreen's contract is for only 13 weeks through My Pathway work trial and in order to retain Doreen beyond this short time frame funding will need to be sourced by the Art Centre.
- The staff have been spending time using social media as a tool to advertise the art centre on Facebook, Instagram and Bana Yirriji website. In doing this we have increased our followers. Its very time consuming keeping up with the website and social media so needs to be done before the art centre is open and no other business arises.
- Minister Leeanne Enoch has purchased 4 metres of Junibel's dragonfly print which she is going to have made into a garment. Minister Leeanne said she would wear it in Parliament to promote the art centre.

Attached: Sales for the month of July 23.

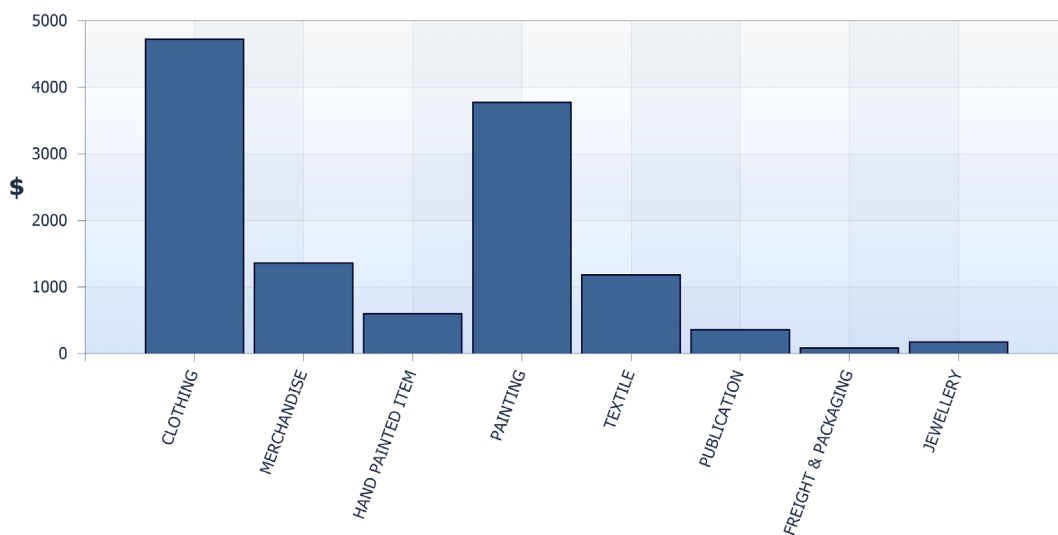
### Sales by Category (volume and value): Bana Yirriji Art Centre

#### Sales from 01/07/2023 to 31/07/2023

Product	Items Sold	Value of Sales
CLOTHING	119	\$4,724.98
MERCHANDISE	61	\$1,365.00
HAND PAINTED ITEM	22	\$600.00
PAINTING	13	\$3,772.00
TEXTILE	7	\$1,185.00
PUBLICATION	6	\$360.00
FREIGHT & PACKAGING	3	\$85.00
JEWELLERY	3	\$175.00
<b>Total Items Sold:</b>	<b>234</b>	<b>\$12,266.98</b>



#### Sales by Category - Bana Yirriji Art Centre



#### Sales by Category - Bana Yirriji Art Centre

#### Barriers and Issues:

- Funding is needed to supply a vehicle for the art centre. It is important in our quiet season to go out on country to collect art material and objects. Doreen Collins is a skilled weaver and it would be great to utilise her while she is in community and working in the art centre. The Art funding allows the lease of a vehicle.
- Casual workers are needed and a studio supervisor are required in order to open on a weekend.
- Funding needed to fix the storage situation.

#### Funding/Agreements/Financials:

- N/A this month.

#### Resolution: Bana Yirriji Gallery and Art Centre Report for the month July 2023

<b>Resolution:</b>	That Council receive the Art Centre Report for the month July 2023.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 10.7 Kindergarten Monthly Report July 2023

---

<b>Report to:</b>	CEO, Mayor, and Councillors
<b>Subject:</b>	Kindergarten
<b>Reporting Period:</b>	June and July 2023
<b>Reporting Officer:</b>	Coraleen Shipton
<b>Status:</b>	Information

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### Funding

- QKFS (4-4.5-year Kindy program). Funding ongoing based on numbers.
- Kindergarten uplift funding: to support staff with professional development e.g., training and conference. Will receive next funding in September and it will continue through to 2024.
- 'Great Start to Kindy' funding will continue for the next two years.

### Issues

- Slight improvement regarding parents, picking up their children on time.
- A big improvement when lunches are being supplied by parents for their children however, staff have noticed children, with take away lunches and some with popper juice, which is not nutritious.
- Educators are taking steps to ensure that the nutritional needs of all children are met by encouraging families to pack nutritional lunch boxes as sometimes. As educators, we have a duty of care under the National Quality Standard (area 2) children's Health and Safety; that needs to be met. Kindy have organised Apunipima to arrange a Dietitian – Nutritionist to visit on 7 August 2023.
- Children's attendance: fluctuates during the weeks, depending on parents' movements. Ongoing.

### Assessment & rating

Overall, we received our rating quality area as follows: -

- Educational program and practice - working towards NQS.
- Children's Health and Safety - working towards NQS.
- Physical environment – Working towards NQS.
- Staffing arrangement – Working towards NQS.
- Relationship with children – Meeting NQS.
- Collaborative partnership – Meeting NQS.
- Governance and leadership - working towards NQS

Council have completed the following compliances: -

- Shade Sails has been cleaned.
- Outside the undercover shed area, gutters have been fixed:
- MSDS (Material safety data sheets have been supplied.

Not completed: -

Completion of the soft fall edgings around the swings was topped up with sand however edging has yet to be completed.

### Maintenance and repairs

- Various items that need addressing have been shared with the Operations Manager.
- Jesse Faber has expressed his interest in maintaining the kindy grounds.



## Training/ Professional Development/conferences

Mandatory Training: Affiliate Compliance Bundle, including:

- Privacy
- Child Protection
- Sexual Harassment in the Workplace
- Workplace Bullying
- Workplace Health and Safety
- Autism Qld – Face to face training at the Kindy
- Dr. Kaylene Henderson – Child Psychiatrist = supporting children with behavioural and trauma base situations.
- C&K Conference held in Brisbane on 28-29 July 2023. Coraleen and Davina attended. Variety of workshops and presentations to “Reflect, Connect and Ignite for a shared future”. Ongoing.

## Visitors

- Speech Therapist – 13/06/23
- Speech Therapist – 12/07/23
- CDCC Playgroup - 14/07/23
- CDCC – Playgroup - 28/07/23
- CDCC – Kim Giese – 01/08/23

## Permanent Position

Pending confirmation of permanent funding we are looking to move staff member on casual basis from fifteen (15) hrs to thirty-two (32) hrs Monday to Thursday. If the funding available has a 2 year end date, we will not be able to offer a permanent position.

Resolution: Kindergarten Report for the month July 2023

<b>Resolution:</b>	That Council receive the Kindergarten for the month July 2023.	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 10.8 Indigenous Knowledge Centre

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**Report to:** CEO, Mayor and Councillors  
**Subject:** Indigenous Knowledge Centre  
**Reporting Officer:** Helen Teece  
**Status:** Information

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Greetings to the Wujal Wujal Shire Council Members

Thank you for asking me to assist in re-opening the IKC again while we are staying here. I trust that I can have the opportunity to fully train someone to take on the role when we leave. Ethel Winkle is currently doing a My Pathways 7-week training experience.

### First weeks in the role

The first couple of weeks I cleaned the library and put all the books in chronological order ready for a stock-take. I also cleaned and sorted the craft room so that I am aware of what materials are in there that could be used in various activities.

### State Library Visit

We had a visit from State Libraries in Cairns – Natasha Hirakawa and Anita Platt between 19-22 June 2023. They gave us useful information about working in a library and gave me training on the library booking and loan system. They also helped with a stocktake of all the books, CDs, and DVDs in the library. Lauren Erikson is planning to visit us in September 2023 to assist with the changeover of books that we stock.

### NAIDOC Week Preparation

During the week leading up to NAIDOC week, I was encouraging students to do the colouring-in competition, which we also did during children's activities in NAIDOC Week. During the awards ceremony we gave out certificates to all those children that participated.

### Tracking Use of the facilities

We have been asking every person who comes into the IKC to sign in – this gives us totals of how many come each day and we try to also note the reason for their attendance – e.g. use computer, watch TV, read books, play with the soft zone play mats and climbing mats (younger children).

**June 8/6/2023 to 29/6/2023** we had 46 people sign in to the library.

The following were the reasons they attended:

Personal computer use – 3	Research: 2
Internet / You Tube / TV watching You Tube or parts of movies: 27	
Reading books: 8	Colouring in: 9 in library

**July** attendances into the IKC include:

Meeting: 14 attended Cape York Land Council Meeting 18/7/2023	
Internet / You Tube / TV watching You Tube or parts of movies: 12	
Research: 1	Reading books: 4
Colouring in for NAIDOC Competition: 11 in library, plus some did it at NAIDOC activities	

### Future Work

In the next few weeks, I aim to look at how to encourage more use of the IKC and renew memberships that we have for a further 2 years.

We need to re-look at, plan, and apply for the First 5 Forever funding and utilise that funding to work with children under 5. Lauren Erikson from Cairns will assist us in this. The suggestion is that we run an Under 5's Club where a parent brings their under 5 child/children to the library for some activities.

We have also been working on our SmartyGrants funding 2022-2023 report which is due 31 August 2023.

### Ways to assist our children

I have spoken to Ros from Bloomfield School about how we can assist the primary school children. As opening hours are school hours, we may need to change this one day a week and be open for their use after school one day – maybe run a homework club.

### Wujal Wujal Kaban Newsletter

I have also been working on the production of a Wujal Wujal Kaban Newsletter. It is taking me a little time to get used to a computer program to use to do it, as well as get information to include. I am aiming to have it ready to email out by 10 August 2023.

The IKC Centre is an important place for the community and offers many ways for their use.

We look forward to more interaction and continued increasing attendance.

### Resolution: Acceptance of the IKC Report for the month July 2023

<b>Resolution:</b>	That Council receive the IKC Report for the month July 2023	
Moved:		Lost/Carried
Seconded:		
Resolution No		

## 10.9 CIAF Attendance

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**Report to:** CEO, Mayor and Councillors  
**Subject:** Cairns Indigenous Art Festival  
**Reporting Officer:** Carmel Haines  
**Status:** Information

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### Summary

CIAF is the Cairns Indigenous Arts Fair that brings together all the remote Aboriginal and Torres Strait Islanders art centres, artists and their artwork. It has been running since 2009 and was established by QLD Government for recognising the indigenous art's goals and visions and has become an independent organisation.

The artists who attended were Lila Creek, Sonya Creek, Anne Nunn, Junibel Doughboy and Doreen Collins. CIAF fashion shows were fully booked out for both Thursday 13 and Friday 14 July 2023 events, the CIAF opening night, music in the park, CIAF fashion show and the exhibition at the convention centre.

It was important to me to attend the Cairns Indigenous Arts Fair because I wanted to support our local art centre, the community and the artists at Bana Yirriji Arts Centre for their textile designs on their new fashion collection "Gambi".

### Funding

Wujal Wujal Aboriginal Shire Council provided funding through the Art Centre funding and RIBS funding to attend this year's Cairns Indigenous Arts Fair. This has helped me with professional development skills and networking in this sector.

### Attendance

I attended the Fashion Show and the Cairns Convention Centre where all the arts centres and their artwork/culture were displayed.

### Interviews

Attached 2 interviews

### Outcomes

The outcome from the CIAF displayed the artist's new textile design collections called Gambi. Sonya Creek won the Emerging Artist of the Year award in 2022 and was selected this year by Cairns Art Galley to have her own exhibition for CIAF 2024. Everyone had fun and got inspired from other artists.

## RIBS CIAF Fashion Show photos July 23



### **Interview with Lynelle Flinders**

Hello and Welcome to Changing Tides with Carmel on 107.7FM a part of Black Star indigenous Radio Broadcasting Network for Remote QLD, today I am here with Lynelle Flinders

**Firstly, would you introduce yourself and what you do?**

Hello, name is Lynelle Flinders, I am the Cultural Arts Teacher at TAFE and I also curated and produced the 2023 CIAF Fashion Performance

**Where do you find your inspiration from?**

At the start of every CIAF, we are given a Theme to work by. Once I know what the theme is I do a bit of research and also try and see how I can incorporate the story into our everyday life.

**In this year's CIAF tell me about the models and how they got prepared for CIAF, what was your role in it all?**

The models this year were chosen because I need them to be able to have a good work ethics and understand that there was going to be a lot of work. We only had 6 full days to get the different walks ready for the performance. I select the models after their applications come in then it's up the Choreographers (this year is was Mykal and Jaydn) and the curator assistant (my daughter Carleah) to work with the models to get them ready for the performance.

**You had your designs displayed in this year's CIAF and in the other CIAF's before this, do you work on an idea before you start your designing?**

I wait to see what the theme is for CIAF and then I start printing my material. I will then do a bit of research to see what is happening in the fashion world and see if I can do something like it but with my prints on the material.

**What is your positive message for others interested in Textile design?**

\_\_\_\_\_ Don't think you can't do it. You might say I'm too old, or I can't draw or something like that. I say give it a go and see where it could take you. We need more Indigenous textile artists.

**Thank you for part taking in this interview.**



Hello and Welcome to Changing Tides with Carmel on 107.7FM a part of Black Star indigenous Radio Broadcasting Network for Remote QLD, today I am here with Doreen Collins

How did it feel having your clothes displayed for the first time ever in the Cairns indigenous Art's Fair Fashion show?

I was excited and proud of myself that my design was displayed at CIAF Fashion.

Is this the first time you experience something like this before?

Yes, my first time attending an indigenous art fair.

where did you get the inspiration from for your design?

I got inspired to do my ~~design~~ design around nature.

Do look forward to doing all again at next year's CIAF

I look forward for next year and plan on making more and different designs.

Thank you for your time Doreen

## **11. Next Ordinary Council Meeting Date**

The next Ordinary Council Meeting is set for Tuesday 15 August 2023.

## **12. Meeting Closure**