

AGENDA

21 MARCH 2023 – 9:00 AM
COUNCIL CHAMBERS



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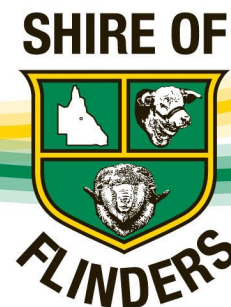
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1. OPENING BUSINESS

Cr Jane McNamara (Mayor) opened the meeting with the Council Prayer

Lord,
Please guide and direct us,
In that the decisions to be made,
Will be for the benefit,
Of our whole community
Amen

1.1 PRESENT

Councillors

Mayor Jane McNamara – (Teleconference / ZOOM)
Kim Middleton
Kelly Carter
Clarence Haydon
Nicole Flute
Arthur Bode
Trevor Mitchell

Staff

Hari Boppudi - Chief Executive Officer
Andrew Nunn - Director of Engineering
Melanie Wicks – Director of Corporate & Financial Services
Barbra Smith – Director of Community Services & Wellbeing
Jackie Coleman – Executive Support Officer

School Students

Nil

1.2 APOLOGIES

Nil

1.3 LEAVE OF ABSENCE

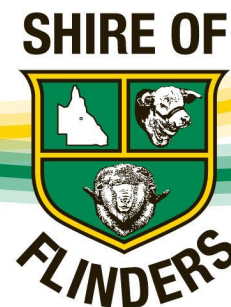
1.4 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 21 February 2023 be taken as read and signed as correct.

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1.5 OBLIGATIONS OF COUNCILLORS

1.5.1 Prescribed Conflict of Interest - Sections 150EG, 150EH & 150EI Local Government Act 2009

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting (other than ordinary business matters).

When dealing with a Prescribed Conflict of Interest, Councillors must abide by the following procedures:

- A Councillor who has notified the Chief Executive Officer of a Prescribed Conflict of Interest in a matter to be discussed in a council meeting must also give notice during the meeting.
- A Councillor who first becomes aware of a Prescribed Conflict of Interest in a matter during a council meeting must immediately inform the meeting of the conflict of the interest.
- When notifying the meeting of a Prescribed Conflict of Interest, the following details must be provided:
 - if it relates to a gift or loan given by an entity - state the details of gift or loan
 - if it relates to a sponsored travel or accommodation benefit - state the benefit details
 - if it relates to a contract between the Councillor and Local Government or close associate of the Councillor – state details
 - if it relates to an application or submission - state the subject of the application or submission
 - if it relates to appointment/employment matters of Chief Executive Office position - state conflict details

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

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.

1.5.2 Declarable Conflict of Interest - Section 150EN Local Government Act 2009

Councillors are ultimately responsible for informing of any Declarable Conflict of Interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA.

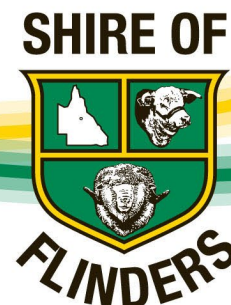
When dealing with a Declarable Conflict of Interest, Councillors must abide by the following procedures:

- 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.
- 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
- When notifying the meeting of a Declarable Conflict of Interest or it could be reasonably presumed that a conflict exists, 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 Councillors relationship with a related party:
 - i. the name of the related party to the Councillor
 - ii. the nature of the relationship of the related party to the Councillor
 - iii. the nature of the related party's interest in the matter
 - if it arises because of a gift or loan from another person to the Councillor or a related party:
 - i. the name of the other person
 - ii. the nature of the relationship of the other person to the Councillor or related party
 - iii. the nature of the other person's interest in the matter
 - iv. the value of the gift or loan and the date the gift or loan was made.

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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.

1.5.3 Procedure if no Quorum for Deciding Matter because of Prescribed Conflicts of Interest of Declarable Conflicts of Interest – Section 150EU Local Government Act 2009

(1) This section applies in relation to a meeting if:

- (a) a matter in which 1 or more councillors have a prescribed conflict of interest or Declarable Conflict of Interest is to be decided at the meeting; and
- (b) there is less than a quorum remaining at the meeting after any of the councillors mentioned in paragraph (a) leave, and stay away from, the place where the meeting is being held.

(2) The local government must do 1 of the following:

- (a) delegate deciding the matter under section 257, unless the matter cannot be delegated under that section;
- (b) decide, by resolution, to defer the matter to a later meeting;
- (c) decide, by resolution, not to decide the matter and take no further action in relation to the matter.

(3) The local government must not delegate deciding the matter to an entity if the entity, or a majority of its members, have personal interests that are, or are equivalent in nature to, a prescribed conflict of interest or Declarable Conflict of Interest in the matter.

(4) A councillor does not contravene section 150EK(1), 150EM(2), 150EQ(2)(a) or (3)(a) or 150ES(5) by participating in a decision, or being present while the matter is discussed and voted on, for the purpose of delegating the matter or making a decision under subsection (2)(b) or (c).

1.5.4 Closed Meeting Discussion Items – Section 254J Local Government Regulation 2012

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

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

A Council or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillors 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 or Prescribed Conflict of Interest in the matter.

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

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

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

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

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

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
- not make a resolution while in a closed meeting (other than a procedural resolution).

1.6 PETITIONS

Nil

1.7 CONDOLENCES

The family of Alice Murdoch

1.8 RECOGNITIONS

Certificate of Service:

- James Reidy – 10 years of service
- Joh Long – 10 years of service
- Belinda Smith – 5 years of service
- Nicholas Lauder – 5 years of service
- Torbjorn Eriksen – 5 years of service
- Melissa Eriksen – 5 years of service

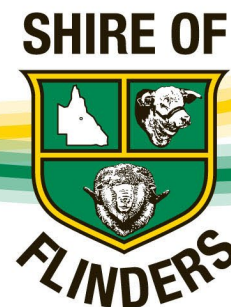
1.9 ACKNOWLEDGEMENT OF COUNTRY

The Flinders Shire Council would like to acknowledge the Yirendali people as Traditional Owners and the oldest living culture of the land on which our Council operates, and pay respect to Elders past, present and emerging.

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2. REPORTS

2.01 CHIEF EXECUTIVE OFFICER

2.01.01 HUGHENDEN STATE SCHOOL – BUS HIRE

Background – The Hughenden State School Principal has approached Council about the use of the Council bus to conduct student pickup in an attempt to encourage students to attend school.

The Chief Executive Officer has agreed to waive the hire fee for the bus and has forwarded the hire agreement to the school for completion and return. As part of the agreement the school must ensure the driver is appropriately inducted and the bus must be returned in a clean and tidy manner each time.

The school Principal will work with his team and confirm the commencement date and the schedule of use.

Officer's Recommendation – That Council confirm the actions of the Chief Executive Officer in approving the Hire of the Council Bus to the Hughenden State School and to the waiver of the hire fees.

2.01.02 MODEL MEETING PROCEDURES (MMP)

Background – Re-tabled from February 2023 meeting. The purpose of the model meeting procedures is to set out certain procedures to ensure the local government principles are reflected in the conduct of council meetings, standing and advisory committee meetings as defined in the Local Government 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 council's audit committee.

It is not intended that the model meeting procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in council to deal with the conduct of councillors in meetings.

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

- the process for how a chairperson of a council 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, and
- procedures for closed meetings

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Officer's Recommendation – That Council adopt the Model Meeting Procedures (MMP), as presented.

2.01.03 BEST PRACTICE STANDING ORDERS FOR LOCAL GOVERNMENT AND STANDING COMMITTEE MEETINGS

Background – Re-tabled from February 2023 meeting. 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 shall be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with these standing orders.

Officer's Recommendation – That Council adopt the Best Practice Standing Orders for Local Government and Standing Committee Meetings, as presented.

2.01.04 DEVELOPING NORTHERN AUSTRALIA CONFERENCE 2023

Background – The Developing Northern Australia Conference 2023 is being held at Darwin Convention Centre, NT from Monday 24 July to Wednesday 26 July 2023. At the February Ordinary Meeting it was resolved that Council would not attend in person but would purchase one virtual licence for the Councillors that would like to participate, this has since been arranged.

The draft program shows reference to Ministers who will be attending the conference that may be available for individual meetings with Councils for discussion on current projects. The Chief Executive Officer is recommending that he and one Councillor now attend the conference in person and attend any meeting that may be made available.

Officer's Recommendation – That Council approve for the Chief Executive Officer and one Councillor to attend the Developing Northern Australia Conference 2023.

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2.01.05 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – 2023 NGA AND ACLG CONFERENCES

Background – The Australian Local Government Association – 2023 National General Assembly (NGA) is being held in Canberra 13-16 June 2023 and the reintroduced 2023 Australian Council of Local Government (ACLG) will also be held immediately following the 2023 NGA.

The draft programs show reference to Ministers who will be attending the conferences that may be available for individual meetings with Councils for discussion on current projects. It is recommended that the Mayor and the Chief Executive Officer attend these conferences and obtain any meetings that may be made available.

Officer's Recommendation – That Council approve for the Mayor and Chief Executive Officer to attend the 2023 NGA and the 2023 ACLG Conferences.

2.01.06 HUGHENDEN OFFSTREAM WATER STORAGE FACILITY – STAGE 1

Background – The Hughenden Off-Stream Storage proposes the construction of a 7,000 ML off-stream storage and pumping infrastructure located approximately 5.50 km west of the town of Hughenden. The facility will be positioned adjacent to the Flinders River and supplied by a combination of flows diverted from the Flinders River and groundwater extraction.

The project will increase water storage and security to support the approximate 4,800 ML annual demand enabling the 160 ha Stage 2 of the 15 Mile Irrigation Precinct and developing meatworks with associated feedlot and fodder production. Flinders Shire Council has been investigating, identifying, securing, and developing a mix of sustainable water products. Also, supply options to meet its short-term, medium and long-term water needs to support the economic development of its community.

The project is shovel-ready. Subject to funding confirmation, the project's construction will be completed by December 2024. The project will be able to supply water to the users for the 2025 season.

P90 cost estimate present value cost of \$59,180,483 identified in the detailed business case, completed in March 2022, which includes risk contingency allowances. Hence the total capital cost is \$59,180,500 to seek grant funding and relevant contributions. The Council finalised the business case of the concerned project in March 2022. The project aligns with the Government's policy objective of sustainably developing the Northwest region of Queensland/Northern Australia.

<https://www.statedevelopment.qld.gov.au/industry/infrastructure/infrastructure-planning-and-policy/state-infrastructure-strategy> .

Flinders Shire had committed to funding up to \$8 million of the up-front capital cost of the project and all ongoing operations, maintenance, and life cycle costs. Government funding from the Queensland and Commonwealth governments is identified as the primary source for the remaining capital costs. In the State Government's 2022-23 Budget published in June 2022, with more than \$510 million announced for water infrastructure and planning to drive jobs and better services, the Council project received \$25.6 million towards the project. Council submitted a formal funding application to the Commonwealth to secure their contribution of \$25.6 million.

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The Council will have 100% ownership of the water supply scheme, including the water licenses and infrastructure.

Without the involvement of the private sector or private sector ownership in the project, the Council as the owner of the water supply scheme, can deliver positive benefits, such as:

- Cost recovery for the services provided
- Support and promote Smart Agriculture practices, technically high-value labour-intensive agricultural developments keeping prices affordable, sustainable and as transparent as possible

Project assessment and development

Council fully funded the completion of the preliminary and detailed business case. The preliminary business case (Hughenden Water Storage Options Assessment) was completed in September 2020. In August 2021, Council commissioned a study into the options available for constructing the off-stream facility (reference project) in the chosen location and completed the detailed business in March 2022.

Related water-dependent industry - Meatworks and Stage 2 of the 15 Mile Irrigation project

Other Water Supply Infrastructure projects in the area.

Hughenden Irrigation Project (HIPCo)

The Hughenden Irrigation Project is the subject of a Commonwealth-funded detailed business case assessment undertaken by Hughenden Irrigation Project Corporation (HIPCo). This project identifies obtaining its source water from surface water flows in the Flinders River Catchment.

The HIPCo project is approximately 35 km downstream of the Hughenden Water Bank Project.

Council's water strategy identified both projects as crucial and visioning Hughenden Offstream storage as a short-term option and the HIPCO as a long-term option. These 2 projects will assist the Flinders Shire in securing predictable water supplies now and into the future to help grow our agriculture and regional prosperity.

Officer's Recommendation - That Council formally confirms its funding commitment of up to \$8 million toward this project and authorises the Chief Executive Officer to notify Queensland and Commonwealth government funding bodies and authorised representatives.

2.01.07

THE HON PATRICK GORMAN MP

Assistant Minister to the Prime Minister
Appendix 2.01.07

Background – Response letter received from the The Hon Patrick Gorman MP, Assistant Minister to the Prime Minister in relation to the Hughenden Offstream Water Storage Facility.

Officer's Recommendation – For Council information.

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2.02 CORPORATE AND FINANCE SERVICES

2.02.01 FINANCIAL REPORT

Appendix 2.02.01

Background – In accordance with section 204 of the Local Government Regulation 2012, the Chief Executive Officer must present a financial report to the Council at its monthly ordinary meetings. Monthly financial reports consist of:

- Statement of financial performance;
- Statement of financial position;
- Statement of cash flows;
- Statement of Changes in Equity;

The following is a summary of the financial results as at 28 February 2023:

1. Statement of Comprehensive Income			
	\$,000		
Total Recurrent Revenue	23,850	58%	
Total Recurrent Expenditure	25,432	64%	
Net Operating Result - Surplus/(Deficit)	(1,582)	(123%)	
Total Capital Income	1,314	11%	
Total Capital Expense	-	-	
Net Result - Surplus/(Deficit)	(268)	(2%)	
2. Statement of Financial Position			
	\$,000		
Total Current Assets	44,988	154%	
Total Non-Current Assets	251,565	93%	
Total Assets	296,553	99%	
Total Current Liabilities	4,782	106%	
Total Non-Current Liabilities	9,997	105%	
Total Liabilities	14,779	105%	
Net Community Assets	281,775	99%	
Asset Revaluation Surplus	96,358	108%	
Retained Surplus/(Deficiency)	185,417	95%	
Total Community Equity	281,775	99%	
3. Cash Flow Statement			
	\$,000		
Cash at the beginning of the period	41,549	152%	
Total Payments Received	30,988	68%	
Total Payments Made	(32,361)	69%	
Cash as the end of the period	40,176	156%	

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Officer's Recommendation – That in accordance with Section 204 of the Local Government Regulation 2012, Council receives and approves the financial report, which includes the following statements, for the period ending 28 February 2023.

- i. Statement of financial performance;
- ii. Statement of financial position;
- iii. Statement of cash flows;
- iv. Statement of Changes in Equity.

2.03 ENGINEERING

2.03.01 SWIMMING POOL CLOSURE OVER WINTER MONTHS

Background – The Hughenden Swimming Pool has in the past, closed over the colder months from May to September. It is proposed to close the Swimming Pool from 01 May 2023 and re-open on 16 September 2023.

Officer's Recommendation – For Council discussion.

2.03.02 HUGHENDEN GOLF CLUB

Appendix 2.03.02

Background – The Hughenden Golf Club have advised Council that due to the recent rain the club's machinery is struggling to keep up with the maintenance of the golf course fairways which is affecting them holding competition days.

They are seeking Council's consideration to the use of two (2) Council tractor slashers over required weekends to enable the mowing of the golf course fairways. They estimate the usage would be for four to five times per year.

Officer's Recommendation – For Council discussion.

2.03.03 TORRENS CREEK RURAL FIRE BRIGADE

Appendix 2.03.03

Background – The Torrens Creek Rural Fire Brigade Contract in relation to the Torrens Creek Township and Burra Range Truck Stop Maintenance has expired.

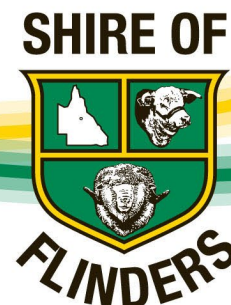
The Torrens Creek Rural Fire Brigade have provided a new proposal for the continuation of the mowing and toilet maintenance.

Officer's Recommendation – That Council approve the Torrens Creek Township and Burra Range Truck Stop Maintenance Contract renewal as presented, as per Section 235(a) of the Local Government Regulations 2012 as Council is satisfied that there is only one supplier who is reasonably available.

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2.04 COMMUNITY SERVICES AND WELLBEING

2.04.01 REGIONAL ARTS DEVELOPMENT FUND – COMMUNITY ROUND APPLICATIONS

Background - The Regional Arts Development Fund (RADF) is a partnership between state and local governments which invests in quality arts and cultural experiences across Queensland based on locally determined priorities.

Council offer Community Rounds which are open to individuals and community groups undertaking arts and cultural activities.

Two applications were received in the round however, one will be revised and submitted to Council at a later time as per the recommendation from the Flinders Shire Arts Advisory Group.

The below application has been endorsed by members of the Flinders Shire Arts Advisory Group for a total funding of \$1,000.00 and they are requesting this decision to be ratified by Council.

Organisation	Project	Amount Requested	Recommendation
Cameron Downs State School P&C	Learning Pottery - Two groups over two days, first group is school students aged 5 to 11, second group is parents, staff and community members. First session comprises of a 3 hour workshop making a functional piece and a small sculpture. Mainly this day is to learn some hand-building techniques. Day 2 The work has dried a bit overnight and can have some decoration applied to it using ceramic colours and some new techniques including sgraffito technique or painting directly onto the clay.	\$ 1,000.00	Recommended for approval

Officer's Recommendation – That Council approve the application from Cameron Downs State School P&C for \$1,000.00 for the completion of the Learning Pottery Project.

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2.04.02 COMMUNITY GRANT PROGRAM – QUICK RESPONSE STREAM – DONATION

Background – The Quick Response Contribution to Community Group – Quick Response Donation is a program designed to support our local community groups to facilitate events and workshops that benefit the community. Applications are open year-round for this grant opportunity.

One application was received as follows:

Organisation	Project	Amount Requested	Recommendation
Prairie Jockey Club	Event: Prairie Races The money donation will go to the kids entertainment for the race day. This year they hope to bring more rides, and more activities that the kids will love for the day.	\$500.00	Recommended

Officer's Recommendation – That Council award donation of \$500.00 towards the Prairie Jockey Club – Prairie Races, under the Quick Response Donations Program.

2.04.03 COMMUNITY GRANT PROGRAM – QUICK RESPONSE STREAM – CONTRIBUTION TO SPORTING EXCELLENCE

Background – The Quick Response Contribution to Sporting Excellence is a program to help foster and support our local participations in representational sports. The program is to assist with costs associated with attending events. Applications are open year-round for this grant opportunity.

Two applications have been received as follows:

Applicant	Details of Representation Event	Amount Requested	Recommendation
Lincoln Corney	State Championships Rugby League. Donation will be used towards Team Leavy costs.	\$500.00	Recommended
Bronte Johnstone	Qld School Sport 13-19 years. Netball State Championships in Brisbane. Event 27/04/2023. Donation will be used towards Leavy costs.	\$500.00	Recommended

Officer's Recommendation – That Council award donation of \$500.00 towards the applications from Lincoln Corney and Bronte Johnstone, under the Quick Response Contribution to Sporting Excellence Program.

AGENDA
21 MARCH 2023 – 9:00 AM
COUNCIL CHAMBERS



3. CLOSED BUSINESS

That Council close the meeting to the public at under section 254J Local Government Regulations 2012.

3. REPORTS

3.01 CHIEF EXECUTIVE OFFICER

3.01.01 PLANNING AND ENVIRONMENT COURT PROCEEDINGS NO. 158 OF 2022

Background – Meeting closed to the public to allow for discussion on the current status of the Planning and Environment Court Proceedings No.158 of 2022, Flinders Shire Council at Phillip Thomas Wells and Kerry Lee Wells, in which Council is the named Respondent.

Officer's Recommendation – For Council discussion.

AGENDA

21 MARCH 2023 – 9:00 AM

COUNCIL CHAMBERS



4. PROPOSED MEETING CALENDAR

DATE	TIME	MEETING VENUE	TOPIC
Monday 20 March 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 21 March 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 17 April 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 18 April 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 15 May 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 16 May 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 19 June 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 20 June 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 17 July 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 18 July 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 14 August 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 15 August 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 18 September 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 19 September 2023	9:00am – 12:30pm	Council chambers	Council Meeting
Monday 16 October 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 17 October 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 20 November 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 21 November 2023	9:00am – 12:30pm	Council Chambers	Council Meeting
Monday 11 December 2023	9:00am – 2:00pm	Council Chambers	Briefing
Tuesday 12 December 2023	9:00am – 12:30pm	Council Chambers	Council Meeting

AGENDA
21 MARCH 2023 – 9:00 AM
COUNCIL CHAMBERS



The meeting closed at

Jane McNamara
Mayor
Flinders Shire Council



COUNCIL PROCEDURES

Model Meeting Procedures

PROCEDURE TITLE:	Model Meeting Procedures
POLICY NUMBER:	149
REVISION NUMBER:	4
TRIM REFERENCE:	SF14/411 - R23/60
RESOLUTION NUMBER:	
POLICY TYPE:	Strategic
APPROVING OFFICER:	Council Adoption
DATE OF ADOPTION:	21 February 2023
TIME PERIOD OF REVIEW:	2 Years
DATE OF NEXT REVIEW:	21 February 2025
RESPONSIBLE DEPARTMENT:	Executive
LINK TO CORPORATE PLAN:	Our Governance – Transparent, Accountable and Engaged Governance

1. PURPOSE OF THE MEETING PROCEDURES

The purpose of the model meeting procedures is to set out certain procedures to ensure the local government principles are reflected in the conduct of council meetings, standing and advisory committee meetings as defined in the *Local Government 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 council's audit committee.

It is not intended that the model meeting procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in council to deal with the conduct of councillors in meetings.

2. BACKGROUND

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

- the process for how a chairperson of a council meeting may deal with instances of unsuitable meeting conduct by councillors, and
- the process for how a chairperson of a council 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, and
- procedures for closed meetings

3. APPLICATION

A council must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its council meeting, standing and advisory committee meetings, that are consistent with the model meeting procedures.

If there is any inconsistency, then the council is taken to have adopted the model meeting procedures to the extent of the inconsistency. If a council chooses to continue using existing standing orders, the council must review them to ensure that they are consistent with the requirements of these model meeting procedures.

To assist council, the Department has published best practice example standing orders that councils can choose to adopt. These are published on the departmental website.

COUNCIL PROCEDURES

Model Meeting Procedures



A council must conduct its meetings in a manner that is consistent with either the model meeting procedures or its own standing orders meeting procedures.

4. PROCESSES

4.1 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:

- 4.1.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.
- 4.1.2 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, proceed to step 4.1.7.
- 4.1.3 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:
 - 4.1.3.1 ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - 4.1.3.2 apologising for their conduct
 - 4.1.3.3 withdrawing their comments.
- 4.1.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 4.1.5 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.
- 4.1.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 4.1.7 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 4.1.3, the chairperson may make one or more of the orders below:
 - 4.1.7.1 an order reprimanding the councillor for the conduct
 - 4.1.7.2 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.
- 4.1.8 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.
- 4.1.9 Following the completion of the meeting, the chairperson must ensure:
 - 4.1.9.1 details of any order issued is recorded in the minutes of the meeting
 - 4.1.9.2 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 and treated as inappropriate conduct



COUNCIL PROCEDURES

Model Meeting Procedures

4.1.9.3 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.

4.1.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 4.1.1, 4.1.7 and 4.1.8 above.

Note: Chairpersons of a meeting are carrying out a statutory responsibility under the LGA and City of Brisbane Act 2010 (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.

4.2 Meeting process for dealing with suspected Inappropriate Conduct which has been referred to a Local Government

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 1.9.2 of this document. In either case, the council must complete an investigation into the alleged conduct:

- consistent with any recommendations from the IA; and
- consistent with the council's investigation policy; or
- in another way decided by resolution of the council.

After the completion of the investigation, the council must decide in a council meeting, whether the councillor has engaged in inappropriate conduct, unless it has delegated responsibility for this decision under section 257 of the LGA or section 238 of the COBA.

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

- 4.2.1 The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under section 254J of the LGR or section 242J of the COBR to discuss the allegation.
- 4.2.2 The subject councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions put to the subject councillor through the chairperson to assist the other councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.
- 4.2.3 Should the complainant be a councillor, that councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 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.
- 4.2.4 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



COUNCIL PROCEDURES

Model Meeting Procedures

- or another reason, the matter must be delegated consistent with section 257 of the LGA or section 238 of the COBA or deferred to another date when a quorum will be present.
- 4.2.5 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 4.2.6, 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.
- 4.2.6 The council may order that no action be taken against the councillor or make one or more of the following:
- 4.2.6.1 an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct;
 - 4.2.6.2 an order reprimanding the councillor for the conduct;
 - 4.2.6.3 an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense;
 - 4.2.6.4 an order that the councillor be excluded from a stated council meeting;
 - 4.2.6.5 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;
 - 4.2.6.6 an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
 - 4.2.6.7 an order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.
- 4.2.7 A local government may not make an order under 4.2.6.3; 4.2.6.4; 4.2.6.5; 4.2.6.6 in relation to a person who is no longer a councillor.
- 4.2.8 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the details of the decision.
- 4.2.9 The chairperson must ensure the meeting minutes reflect the resolution made.

4.3 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 150EF of the LGA). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures

- 4.3.1 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
- 4.3.2 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

COUNCIL PROCEDURES

Model Meeting Procedures



- 4.3.3 When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum, be provided:
 - 4.3.3.1 if it arises because of a gift, loan or contract, the value of the gift, loan or Contract
 - 4.3.3.2 if it arises because of an application for which a submission has been made, the matters the subject of the application and submission
 - 4.3.3.3 the name of any entity, other than the councillor, that has an interest in the Matter
 - 4.3.3.4 the nature of the councillor's relationship with the entity mentioned in 4.3.3.3 that has an interest in a matter
 - 4.3.3.5 details of the councillor's and any other entity's interest in the matter
- 4.3.4 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
- 4.3.5 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

4.4 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 150EO of the LGA and 177C of the COB, and ordinary business matters prescribed in 150EF of the LGA).

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 150EW of the LGA or 177T of COBA applies.

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

- 4.4.1 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.
- 4.4.2 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.
- 4.4.3 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:
 - 4.4.3.1 the nature of the declarable conflict of interest
 - 4.4.3.2 if it arises because of the councillor's relationship with a related party:
 - 4.4.3.2.1 the name of the related party
 - 4.4.3.2.2 the nature of the relationship of the related party to the councillor
 - 4.4.3.2.3 the nature of the related party's interest in the matter

COUNCIL PROCEDURES

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- 4.4.4 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.
- 4.4.5 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.
- 4.4.6 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.

- 4.4.7 In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or do not form a quorum for the meeting consistent with 150ET of the LGA and 177Q of COBA.
- 4.4.8 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the 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.
- 4.4.9 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:

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

- 4.4.10 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.

COUNCIL PROCEDURES

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- 4.4.11 A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the 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.
- 4.4.12 In making the decision under 4.6 and 4.9, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 4.4.13 A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in 150EV of the LGA or 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, the council must resolve to:
 - 6.1.1 delegate the consideration and decision on the matter, pursuant to 257 of the LGA or 238 of the COBA unless the matter cannot be delegated; or
 - 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. All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter

COUNCIL PROCEDURES

Model Meeting Procedures



- 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. If the matter cannot be delegated under an Act, the councillors with a conflict of interest may seek ministerial approval to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

7. RECORDING PRESCRIBED AND DECLARABLE CONFLICTS OF INTEREST

When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:

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

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

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

Where a decision has been made under section 4.4.6 above – the minutes must include:

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

8. CLOSED MEETINGS

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

- appointment, dismissal or discipline of the CEO or, in the case of Brisbane City Council only, for senior executive employees



COUNCIL PROCEDURES

Model Meeting Procedures

- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

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

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

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

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

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

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

- Pass a resolution to close the meeting.
- The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
- If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated.
- Not make a resolution while in a closed meeting (other than a procedural resolution).

COUNCIL PROCEDURES
Model Meeting Procedures



9. REVIEW TRIGGER

Policy is to be reviewed when legislation changes or every two years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

10. PRIVACY PROVISION

Council respects and protects people's privacy and collects, stores, uses and discloses personal information responsibly and transparently when delivering Council services and business.

11. APPROVAL

Adopted at the February 2023 Council Meeting - Resolution Number

COUNCIL POLICY

Best Practice Standing Orders for Local Government and Standing Committee Meeting

Page 1 of 20

POLICY TITLE:	Best Practice Standing Orders for Local Government and Standing Committee Meetings
POLICY NUMBER:	##
REVISION NUMBER:	#
TRIM REFERENCE:	SF14/411 - R23/
RESOLUTION NUMBER:	##.##.##
POLICY TYPE:	Strategic
APPROVING OFFICER:	Council Adoption
DATE OF ADOPTION:	21 February 2023
TIME PERIOD OF REVIEW:	2 Years
DATE OF NEXT REVIEW:	21 February 2025
RESPONSIBLE DEPARTMENT:	Governance
LINK TO CORPORATE PLAN:	Governance – Best Practice Governance

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 shall be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with these standing orders

Procedures for meetings of local government

2. Presiding officer

- 2.1** The mayor will preside at a meeting of local government

COUNCIL POLICY

Best Practice Standing Orders for Local Government and Standing Committee Meeting

- 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 normally 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
- 2.5** 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

4. Agendas

4.1 The agenda may contain:

- notice of meeting

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- 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, 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

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- 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

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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 shall 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, and 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 150EF of the LGA). 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
- 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

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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 name of the entity, other than the councillor, that has an interest in the matter
- the nature of the councillor's relationship to the other 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 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 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 and ordinary business matters prescribed under 150EF of the LGA.

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, will apply. The eligible councillors must then make a decision under 150EX(2) of the LGA.

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

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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. 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 150ES of the LGA

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.

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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 150ET(3) of the LGA

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 150ET(4) of the LGA, 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 150EV of the LGA

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

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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 150ER of the LGA, or whether the councillor may or may not participate in the decision despite the subject councillor's declarable conflict of interest under 150ES of the LGA, then they are taken to have determined that the councillor must leave the meeting and stay away while the matter is being decided under 150ET(3) of the LGA. 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

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 257 of the LGA unless the matter cannot be delegated under this section
- 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 All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter

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

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- 12.4** If the matter cannot be delegated under an Act, the councillors with a conflict of interest should seek ministerial approval to be able to consider and vote on the matter, 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
- 13.2** When a motion has been moved and seconded, it will become subject to the control of the council and cannot be withdrawn without the consent of the council meeting
- 13.3** Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion:
- A motion brought before a meeting of the local government in accordance with the LGA or these standing orders will be received and put to the meeting by the Chairperson
 - The chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received
 - The chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order
- 13.4** The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote can occur
- 13.5** No more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time

14. Absence of mover of motion

- 14.1** Where a councillor who has given notice of a motion is absent from the meeting of the local government at which the motion is to be considered, the motion may be:
- moved by another councillor at the meeting, or
 - deferred to the next meeting

15. Motion to be seconded

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

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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, 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.

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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

20.1 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

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- 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
- 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

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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 process 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

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any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 23.7

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; and/or
- 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 still 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; and/or
- 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 and treated as 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

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

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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, 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 may arise from circumstances under paragraph 23.9 dot point two of this document

- 25.1** When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the IA
 - 25.1.1** Consistent with the local government principle of transparent and accountable decision making in the public interest, a local government must deal 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(f) of the LGR to discuss the allegation
 - 25.1.2** The subject councillor has a declarable conflict of interest in the matter but is permitted to remain in the meeting 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

COUNCIL POLICY

Best Practice Standing Orders for Local Government and Standing Committee Meeting

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

- 25.1.3** If the complainant is a councillor, that councillor also has a declarable conflict of interest in the matter and must follow the declarable conflict of interest meeting procedures in section 10. If the complainant councillor 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 10. 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
- 25.1.4** The council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present
- 25.1.5** 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
- 25.2** 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

COUNCIL POLICY

Best Practice Standing Orders for Local Government and Standing Committee Meeting

25.3 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

25.4 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the details of the decision

25.5 The chairperson must ensure the meeting minutes reflect the resolution 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 Council and standing committee meetings may resolve that a meeting be closed to the public if its councillors consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget which does not include the monthly financial statements
 - rating concessions
 - legal advice obtained by the council, including legal proceedings that may be taken by or against the council
 - matters that may directly affect the health and safety of an individual or a group of

COUNCIL POLICY

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Individuals

- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- negotiations relating to the taking of land by the council under the Acquisition of Land Act 1967
- a matter that the council is required to keep confidential under a law of, or a formal agreement with the Commonwealth or State

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

Note: None of the above will be 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)

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 of the LGR



COUNCIL POLICY

Best Practice Standing Orders for Local Government and Standing Committee Meeting

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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

Dated: ____ / ____ / ____

Hari Boppudi
CHIEF EXECUTIVE OFFICER



THE HON PATRICK GORMAN MP
ASSISTANT MINISTER TO THE PRIME MINISTER

Reference: MC23-006573

Ms Jane McNamara
Mayor
Flinders Shire Council
PO Box 274
HUGHENDEN QLD 4821

Dear Mayor

Thank you for your letter dated 1 February 2023 regarding the Flinders River Offstream Storage Business Case.

I appreciate you sharing the Flinders Shire Council's vision for your community and the role of water security in supporting employment and diversified industries. The Australian Government is committed to responsible investment in water infrastructure to enhance water supply and support sustainable water security for communities, industry and the environment.

Water infrastructure, including the National Water Grid Authority, falls within the responsibilities of the Hon Tanya Plibersek MP, Minister for the Environment and Water. I have provided a copy of your letter to Minister Plibersek for her consideration.

I trust this information will be of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Patrick Gorman', with a long horizontal flourish extending to the right.

PATRICK GORMAN

24/02 / 2023



SHIRE OF FLINDERS

Discovery • Opportunity • Lifestyle

Financial Report

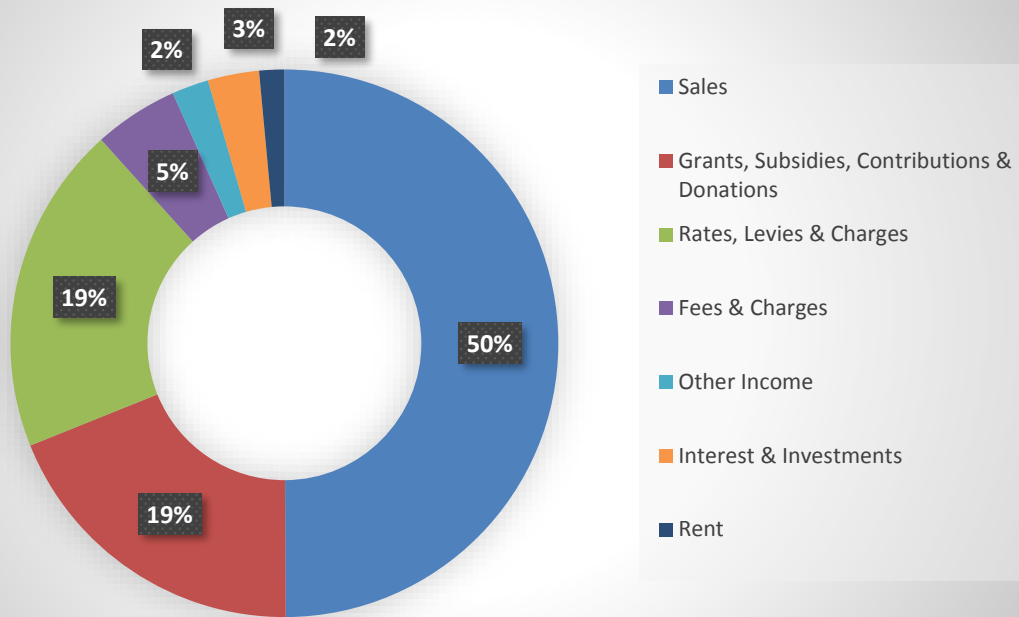
For the period ended

28 February 2023

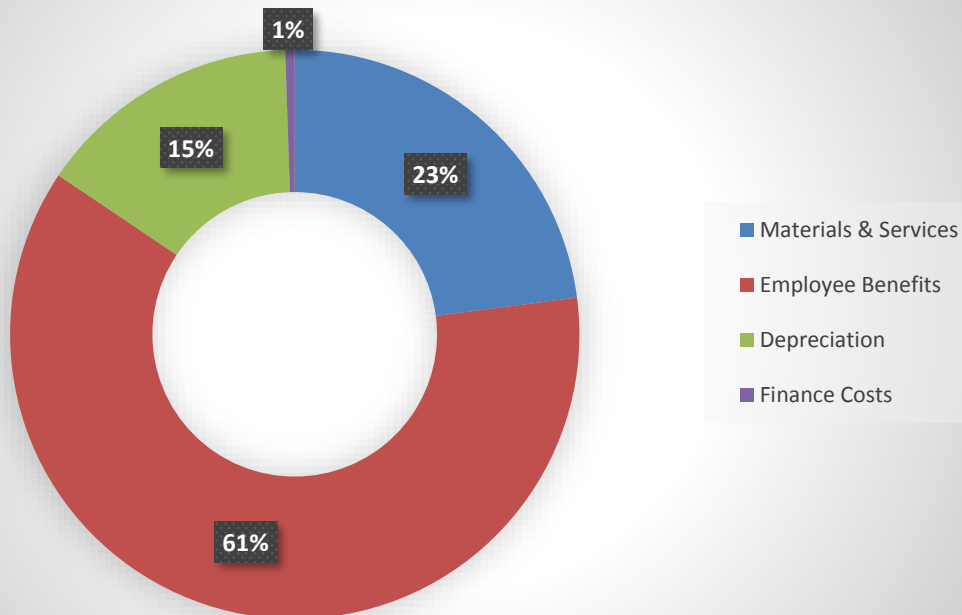
Flinders Shire Council
Statement of Comprehensive Income
for the financial year to date 28 February 2023

	Actual YTD 22/23	Budget 22/23	Variance Target 67%	Actual 21/22
\$'000				
<u>Income from Continuing Operations</u>				
<u>Recurrent Revenue</u>				
Rates, Levies and Charges	4,636	4,643	100%	4,441
Fees and Charges	1,188	2,697	44%	1,741
Rental Income	352	427	82%	415
Interest and Investment Revenue	722	190	380%	250
Sales Revenue	11,906	19,752	60%	29,762
Other Income	518	382	136%	527
Grants, Subsidies, Contributions and Donations	4,528	12,915	35%	11,720
Total Recurrent Revenue	23,850	41,006	58%	48,856
<u>Expenses from Continuing Operations</u>				
<u>Recurrent Expenses</u>				
Employee Benefits	15,638	14,389	109%	11,731
Materials and Services	5,834	19,511	30%	24,520
Finance Costs	136	244	56%	273
Depreciation	3,824	5,575	69%	5,494
Total Recurrent Expenses	25,432	39,719	64%	42,018
Net Operating Result	(1,582)	1,287	(123%)	6,838
<u>Capital Revenue</u>				
Grants, Subsidies, Contributions and Donations	1,314	12,121	11%	3,208
Capital Income	-	-	-	30
Total Capital Revenue	1,314	12,121	11%	3,238
Capital Expenses	-	-	-	369
Total Capital Expenses	-	-	-	369
Net Result	(268)	13,408	(2%)	9,707
<u>Other Comprehensive Income</u>				
Items that will not be reclassified subsequent Net Result				
Gain/(Loss) on Revaluation of Property, Plant and Equipment	-	-	-	16,124
Total Comprehensive Income	(268)	13,408	(2%)	25,831

Recurrent Revenue



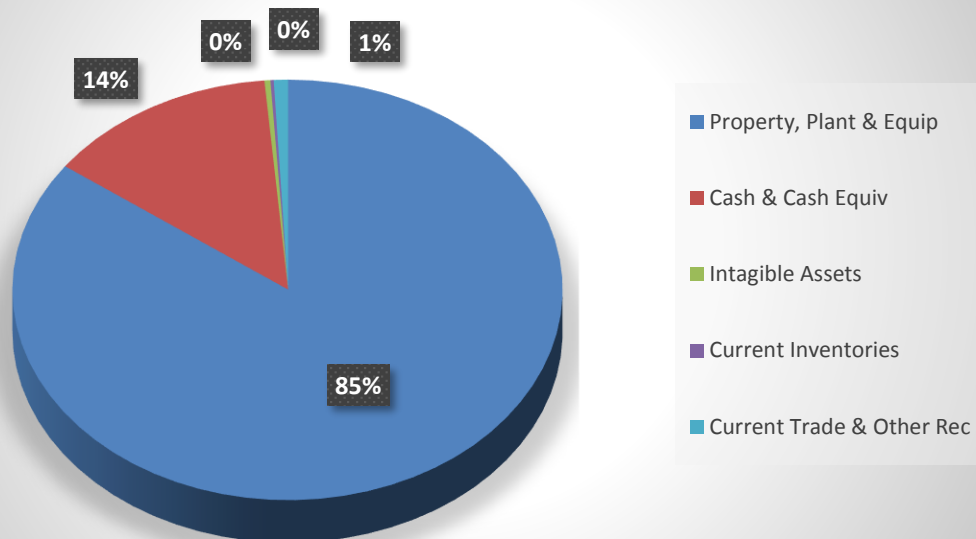
Recurrent Expenses



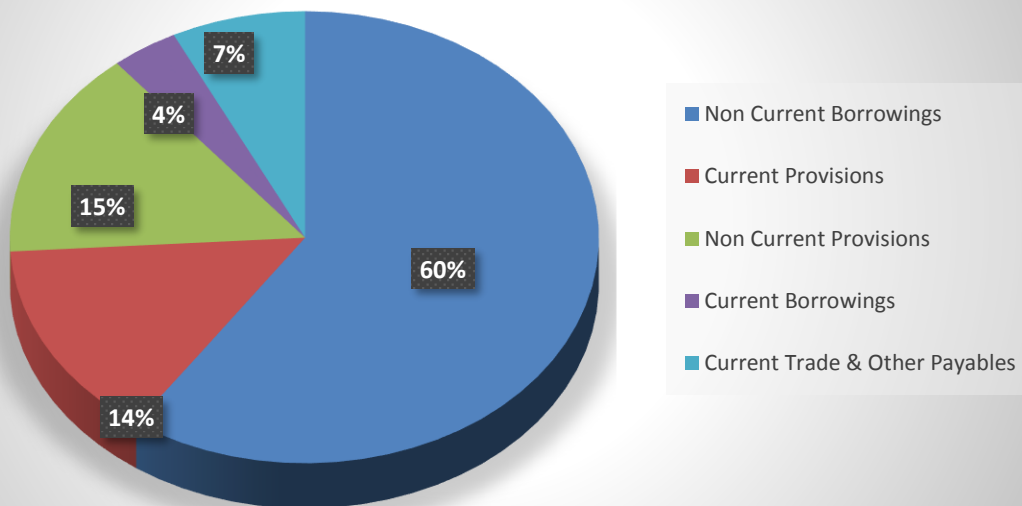
Flinders Shire Council
Statement of Financial Position
As at 28 February 2023

	Actual YTD 22/23	Budget 22/23	Variance Target 67%	Actual 21/22
\$'000				
ASSETS				
Current Assets				
Cash and Cash Equivalents	40,176	25,834	156%	41,549
Trade and Other Receivables	2,465	2,712	91%	6,043
Inventories	563	550	102%	530
Contract Assets	782	-	-	782
Other Assets	1,002	91	1101%	63
Total Current Assets	44,988	29,186	154%	48,967
Non-Current Assets				
Trade and Other Receivables	1	2	50%	1
Property, Plant and Equipment	250,542	269,221	93%	250,242
Intangible assets	1,022	1,022	0%	1,022
Total Non-Current Assets	251,565	270,245	93%	251,266
TOTAL ASSETS	296,553	299,431	99%	300,233
LIABILITIES				
Current Liabilities				
Trade and Other Payables	984	1,869	53%	3,909
Contract Liabilities	1,386	-	-	1,386
Borrowings	491	944	52%	875
Provisions	1,921	1,691	114%	1,921
Total Current Liabilities	4,782	4,505	106%	8,092
Non-Current Liabilities				
Trade and Other Payables	-	-	-	-
Borrowings	7,993	8,494	94%	8,095
Provisions	2,004	1,043	192%	2,004
Total Non-Current Liabilities	9,997	9,537	105%	10,099
TOTAL LIABILITIES	14,779	14,042	105%	18,191
Net Community Assets	281,775	285,390	99%	282,043
COMMUNITY EQUITY				
Asset Revaluation Surplus	96,358	89,444	108%	96,358
Retained Surplus/(Deficiency)	185,417	195,946	95%	185,685
TOTAL COMMUNITY EQUITY	281,775	285,390	99%	282,043

Total Assets



Total Liabilities

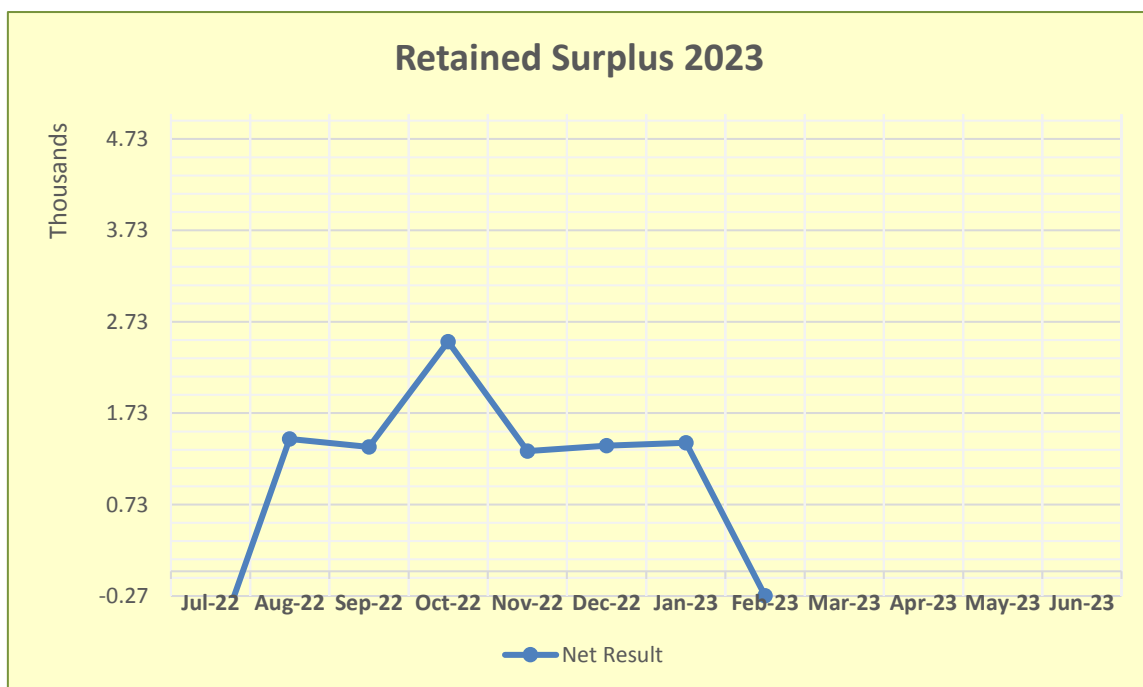


Flinders Shire Council
Statement of Changes in Equity
for the financial year to date 28 February 2023

\$'000	Asset Revaluation Surplus	Retained Surplus	Total Equity
Actual 22/23			
Opening Balance as at 1 July 2022	96,357	185,686	282,043
Net Result		(268)	(268)
Other Comprehensive Income			
Increase / Decrease in Asset Revaluation Surplus		-	-
Equity Balance as at 28 February 2023	96,357	185,418	281,775

Actual 21/22

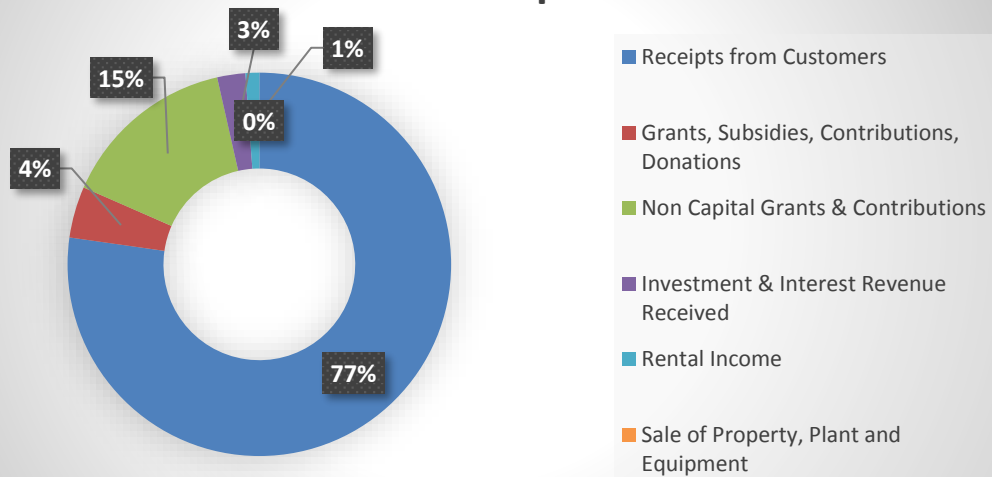
Opening Balance as at 1 July 2021	80,233	175,978	256,211
Net Result		9,707	9,707
Other Comprehensive Income			
Increase / Decrease in Asset Revaluation Surplus	16,124	-	16,124
Equity Balance as at 30 June 2022	96,357	185,686	282,043



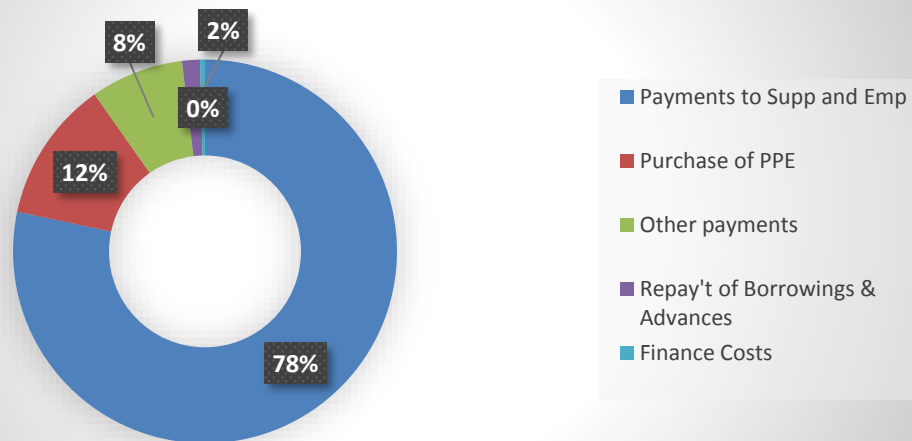
Flinders Shire Council
Statement of Cash Flows
for the financial year to date 28 February 2023

\$'000	Actual YTD 22/23	Budget 22/23	Variance	Actual 21/22
<u>Cash Flows from Operating Activities</u>				
Receipts from Customers	23,474	26,369	89%	36,392
Payments to Suppliers and Employees	(25,345)	(30,265)	84%	(37,918)
	(1,871)	(3,896)	48%	(1,526)
<u>Receipts :</u>				
Investment and Interest Revenue Received	722	150	481%	250
Rental Income	352	210	168%	414
Non Capital Grants and Contributions	4,528	8,164	55%	12,780
Other	598	-	-	-
<u>Payments:</u>				
Finance Costs	(136)	(294)	46%	(273)
Other	(2,535)	-	-	-
Net Cash Flows from Operating Activities	1,658	4,334	38%	11,646
<u>Cash Flows from Investing Activities</u>				
<u>Receipts :</u>				
Sale of Property, Plant and Equipment (Capital)	- 1,314	500 10,060	- 13%	565 5,737
<u>Payments:</u>				
Payments for real estate assets	-	-	-	-
Purchase of Property, Plant & Equipment	(3,859)	(15,387)	25%	(9,494)
Payments for intangible assets	-	-	-	-
Net Cash Flows from Investing Activities	(2,545)	(4,827)	53%	(3,192)
<u>Cash Flows from Financing Activities</u>				
Proceeds from Borrowings	-	-	-	-
Repayment of Borrowings	(486)	(944)	51%	(856)
Net Cash Flows from Investing Activities	(486)	(944)	51%	(856)
NET INCREASE/(DECREASE) FOR THE YEAR	(1,373)	(1,437)	96%	7,598
plus: Cash and Cash Equivalents - opening	41,549	27,271	152%	33,951
CASH AT END OF FINANCIAL YEAR	40,176	25,834	156%	41,549

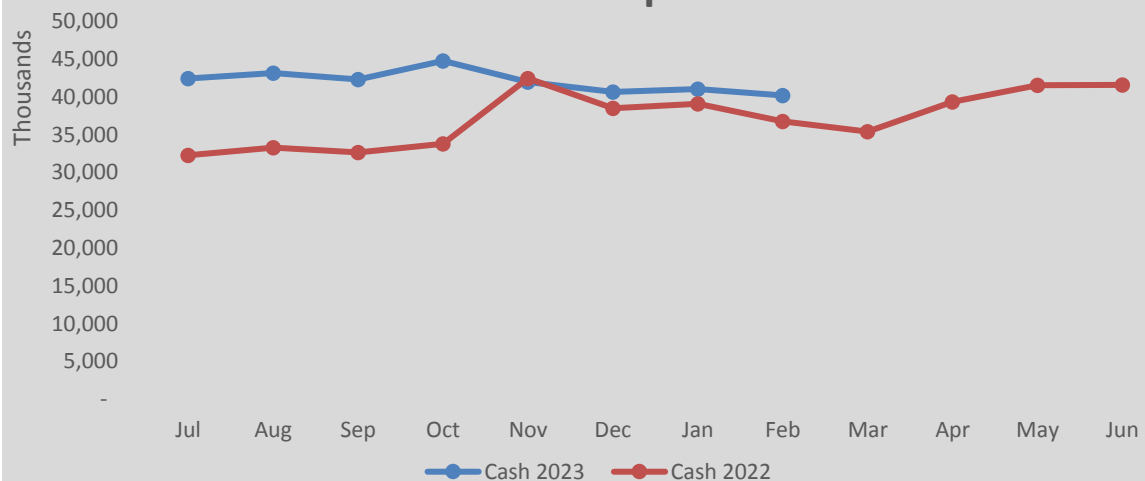
Cash Receipts



Cash Payments



Cash & Cash Equivalents



FLINDERS SHIRE COUNCIL UNRESTRICTED CASH RECONCILIATION

As at 28 February 2023

	\$000	\$000
Cash Balance at		40,176
Less: Current Liabilities		4,782
Non-Current Provisions		2,004
Unspent Grants		1,949
Reserves		12,000
- Roads	4,000	
- Water	1,500	
- Sewer	1,500	
- Buildings and Other Structures	2,500	
- Plant Replacement	2,000	
- Cemeteries	500	
Total Unrestricted Cash at 28 February 2023		19,441



HUGHENDEN GOLF CLUB INC

PO BOX 120
HUGHENDEN Q 4821
ABN 64 190 588 187 PHONE 07 47 411 195
Email - hughgolfclub@outlook.com

Appendix - 2.03.02

President: GRAHAM SEALY
Vice President (1): KELLY CARTER
Vice President (2): MICHAEL BARRETT
Secretary: MANDY ALLOWAY
Treasurer: MAREE NORMAN

Captain: SHANE MCCARTHY
Handicapper: PAUL FRANZMANN
Provedore: GEORGE HUBBARD

Flinders Shire Council,
P.O. Box 274
Hughenden Qld 4821

16.2.2023

Dear CEO & Councillors,

I am writing on behalf of the Hughenden Golf Club seeking Council's assistance with the usage of 2 tractor slashers for the mowing of our Golf Course fairways.

The Hughenden Golf Club has a small membership base and are all volunteers. Due to the current rain events we have been having, our machinery are struggling to keep up with the maintenance on course and is therefore affecting our competition.

If Council approves, we would like to utilise the slashers over the weekends so it does not interfere with Council's operations, we will pick up and return them for work on the Sunday cleaned and with a full tank of fuel.

Some of our members are council employees who are willing to operate the machinery on the weekends to maintain our fairways.

Our request is only asking to utilise the council machinery approx. 4 -5 times per / year or when the need arises.

We thank you and look forward to a favourable reply.


Graham Sealy
President
Hughenden Golf Club Inc



23 January 2023

Chief Executive Officer
Flinders Shire Council
PO Box 284
HUGHENDEN Q 4821

Dear Sir

MOWING AND TOILET MAINTENANCE CONTRACT – TORRENS CREEK

We refer to our previous contract with Council for undertaking mowing around the Torrens Creek Township and cleaning of public facilities which was last reviewed in 2019.

At a recent meeting we have reviewed this contract and we would like to submit to Council the following price changes for services, to be invoiced to Council at the end of each quarter:

MOWING TORRENS CREEK TOWNSHIP

- Tractor and slasher \$195/hour
- Mower \$195/hour
- Whipper-snipping \$52/hour

Brigade to carry out works around Torrens Creek on a “as required” basis.

TOILET CLEANING

Burra Range Truck Stop

- October to March x 2 weekly \$425/week
- April to September x 3 weekly \$640/week

Torrens Creek Public Toilets

- October to March x 2 weekly \$245/week
- April to September x 3 weekly \$370/week

Cleaning supplies to be provided by Council as per previous agreement.

The following maintenance items have been identified as needing to be addressed ASAP at the Burra Range Facility. (cont.)

Torrens Creek Rural Fire Brigade
torrencreekfire@gmail.com

Secretary: Mrs Sharon Jonsson, PMB 1014, PRAIRIE Q 4821 Ph: 0747417104
Chairman: Mr Peter Finlay Ph: 0428973639 | Treasurer: Mrs Rachel Weston Ph: 0747417048



(cont.)

- Floor needs painting – misuse of facility by the public have left the unsealed cement sheeting floor stained. A suitable paint applied to seal the surface would make the facility look much tidier and easier to clean.
- water pump for the hand basin in the disabled toilets is not working
- lock on storeroom door needs replacing
- ramp/flooring needs securing as there are many loose boards.

Council can liaise with Charlie Holzwart on 0438262284 with regards to these maintenance issues. We hope this maintenance will be carried out before the 2023 tourist season commences to make use of facilities safer and more pleasant for all visitors.

Any questions or follow up regarding the ongoing cleaning and mowing contract can be sent to torrencreekfire@gmail.com or by contacting Secretary Sharon Jonsson 0747417104 or Chair Peter Finlay 0428973639.

Yours sincerely

Sharon Jonsson
Secretary

Torrens Creek Rural Fire Brigade
torrencreekfire@gmail.com

Secretary: Mrs Sharon Jonsson, PMB 1014, PRAIRIE Q 4821 Ph: 0747417104
Chairman: Mr Peter Finlay Ph: 0428973639 | Treasurer: Mrs Rachel Weston Ph: 0747417048