



## Notice of Meeting

**Notice** is hereby given that the **Statutory Post-Election Meeting** of the **Whitsunday Regional Council** will be held at the Council Chambers, 83-85 Main Street, Proserpine on **Thursday 11 April 2024**, commencing at **11:00 AM** and the Agenda is attached.

**Councillors:** Ry Collins (Mayor), Gary Simpson, Jan Clifford, Clay Bauman, John Collins, Michelle Wright and John Finlay



Warren Bunker

CHIEF EXECUTIVE OFFICER

**Agenda of the Statutory Post-Election Meeting** to be held at  
Council Chambers, 83-85 Main Street, Proserpine on Thursday 11 April 2024  
commencing at **11:00 AM**

*Council acknowledges and shows respect to the Traditional Custodian/owners in whose country we hold this meeting.*

**11:00 AM**

- Formal Meeting Commences

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## 1 APOLOGIES/LEAVE OF ABSENCE

This item on the agenda allows Council the opportunity to receive apologies/leave of absence from Councillors unable to attend the meeting.

## 2 CONDOLENCES

To acknowledge and observe a minute silence for the recently deceased throughout the Whitsunday Region.

### 3 OFFICERS REPORTS

#### 3.1 - Declaration of Office

**MEETING DETAILS:** Statutory Post-Election Meeting - Thursday 11 April 2024

**AUTHOR:** Manager - Governance and Administration Services

**AUTHORISING OFFICER:** Director Corporate Services

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#### PURPOSE

To record for historical purposes that Councillors complied with the applicable legislation before acting in Office.

#### EXECUTIVE SUMMARY

Before assuming public office, all councillors must make a declaration of office and commit to complying with the local government principles and obligations of councillors in accordance with section 169 of the *Local Government Act 2009*, as well as the standards of behaviour set out in the Code of Conduct. As part of that declaration, councillors must declare that they will abide by the Code of Conduct for Councillors in Queensland.

In accordance with the *Local Government Act 2009*, the council term commences the day after the conclusion of the election, which was the 28 of March 2024. However, the *Local Government Act 2009* requires the Councillor to make a Declaration of Office before they act as Councillor. The Chief Executive Officer is authorised to take this Declaration of Office and is required to keep a record of the declarations.

#### OFFICER'S RECOMMENDATION

That Council note that, as a result of the 2024 Local Government Elections conducted by the Electoral Commission Queensland, the Chief Executive Officer took the Declaration of Office from each successful candidate prior to the meeting, in accordance with section 169 of the Queensland *Local Government Act 2009*; section 254 of the *Local Government Regulations 2012*.

#### BACKGROUND

Every four years in accordance with the *Local Government Act 2009*, each Queensland Council undergoes an election for new Councillors. The election date was Saturday 16 March 2024 with the declaration of poll being on 28 March 2024.

#### DISCUSSION/CURRENT ISSUE

The Returning Officer for the Whitsunday Regional Council has declared the following results for the 2024 election:

Mayor: COLLINS, Ry  
Councillor – Division 1: CLIFFORD, Janet Louise  
Councillor – Division 2: BAUMAN, Clayton Stuart  
Councillor – Division 3: COLLINS, John William Patrick  
Councillor – Division 4: WRIGHT, Michelle Elizabeth  
Councillor – Division 5: SIMPSON, Gary William  
Councillor – Division 6: FINLAY, John Thomas

## **FINANCIAL IMPLICATIONS**

Councillors will be remunerated in accordance with the rates determined by the Local Government Remuneration Commission Annual Report 2022 until June 2024 as follows unless Council resolves to pay less than the determined rates:

Mayor:	\$141,294
Deputy Mayor:	\$88,308
Councillor	\$75,061

Councillors will be remunerated in accordance with the Local Government Remuneration Commission Annual Report 2023 the following rates commencing from July 2024 unless Council resolves to pay less than the determined rates:

Mayor:	\$146,593
Deputy Mayor:	\$91,620
Councillor	\$77,876

## **CONSULTATION/ENGAGEMENT**

Chief Executive Officer

## **STATUTORY/COMPLIANCE MATTERS**

169 Obligations of councillors before acting in office (LGA)

- (1) A councillor must not act in office until the councillor makes the declaration of office.
- (2) The declaration of office is a declaration prescribed under a regulation.
- (3) The chief executive officer is authorised to take the declaration of office.
- (4) The chief executive officer must keep a record of the taking of the declaration of office.
- (5) A person ceases to be a councillor if the person does not comply with subsection (1) within—
  - (a) 1 month after being appointed or elected; or
  - (b) a longer period allowed by the Minister.

## **RISK ASSESSMENT/DEADLINES**

Councillors cannot act as Councillors until the Declaration of Office has been taken. Scan of signed declarations (to be provided for the meeting minutes).

All Councillors have taken their Declaration of Oath of Office by 11 April before the commencement of the post-election council meeting witnessed by the Chief Executive Officer.

## **STRATEGIC IMPACTS**

Through strong and open leadership, develop an organisation with a culture of respect, accountability, and community service.

## **ATTACHMENTS**

Nil

## 3.2 - Appointment of Deputy Mayor

**MEETING DETAILS:** Statutory Post-Election Meeting - Thursday 11 April 2024

**AUTHOR:** Manager - Governance and Administration Services

**AUTHORISING OFFICER:** Director Corporate Services

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### PURPOSE

To select the Deputy Mayor who will act as Mayor when the Mayor is absent or unavailable to undertake the mayoral duties, and to support the Mayor as required with civic responsibilities.

### EXECUTIVE SUMMARY

The Appointment of Deputy Mayor provides Council business continuity for the discharge of Mayoral responsibilities in circumstances where the mayor is unable to perform Mayoral duties.

In accordance with the provisions of the *Local Government Act 2009*, the Deputy Mayor acts in the office, and performs the role, of the Mayor during:

- A vacancy in the office of the Mayor; or
- The absence or temporary incapacity of the Mayor

### OFFICER'S RECOMMENDATION

That Council appoint Cr xx as Deputy Mayor in accordance with the *Local Government Act 2009*.

### BACKGROUND

There is no prescribed method to selecting the Deputy Mayor, except that they are appointed by the Council (by resolution) at its post-election meeting, however, with any public sector appointment, the generally accepted rule is 'appointment by merit.'

### DISCUSSION/CURRENT ISSUE

A deputy mayor must be appointed under s 175 of the *Local Government Act 2009*.

The deputy mayor acts as mayor if the Mayor is ill or otherwise absent and unable to perform the duties. It is considered that "absence" refers to an inability to perform a function or responsibility but is not necessarily something which occurs merely because the Mayor is physically absent from the Council's office, from the local government area or even from Australia.

The Mayor has a number of additional responsibilities as the leader of the executive arm of the Council (see section 12 of the *Local Government Act 2009*) and is the sole day to day link between the executive and the administration in terms of directing the activities of the Chief Executive Officer in conformity with executive decisions. Responding to the risk that the Mayor may, for any reason, not be available to undertake these duties, it is prudent for Council to determine a Deputy, should the Mayor be unavailable.

It is important strategically to appoint a Deputy Mayor, to act as Mayor during the absence or temporary incapacity of the Mayor.

However, there are a number of options available to appoint the Deputy Mayor:

**Option 1:**

A councillor nominates another councillor as Deputy Mayor and if the motion is seconded, it is debated before being put to the vote.

Should a councillor disagree with that nomination, they would speak against the motion and foreshadow moving an alternative motion (nominating another councillor as Deputy Mayor), should the original motion not be carried.

This process would be repeated until a motion is carried and Deputy Mayor appointed.

**Option 2:**

Alternately, Council could suspend standing orders and adjourn the meeting for the purpose of conducting an informal discussion and/or ballot for the role of Deputy Mayor. Nominations could be called, and each nominee confirm that they accept the nomination – then a ballot could be conducted, and an agreement reached that the Councillor with highest number of votes become the nominee for Deputy Mayor. This is less transparent but is in effect a democratic process where votes are cast and counted. When the ballot is completed, the meeting resumes and the motion to appoint the Deputy Mayor is put and formally voted upon.

**FINANCIAL IMPLICATIONS**

The Deputy Mayor is remunerated at a higher rate than other Councillors, to reflect the increased responsibilities.

The current rates were determined by the Local Government Remuneration Commission Annual Report 2022 which set the current rates commencing from July 2023 to June 2024 as follows:

Mayor:	\$141,294
Deputy Mayor:	\$88,308
Councillor	\$75,061

The Local Government Remuneration Commission Annual Report 2023 sets the following rates commencing from July 2024:

Mayor:	\$146,593
Deputy Mayor:	\$91,620
Councillor	\$77,876

**CONSULTATION/ENGAGEMENT**

Chief Executive Officer  
Councillors

## **STATUTORY/COMPLIANCE MATTERS**

### *175 Post-election meetings (LGA)*

(2) The local government must, by resolution, appoint a deputy mayor from its councillors (other than the mayor)—

(a) at that meeting;

(b) ...

### *165 Acting Mayor (LGA)*

(1) The deputy mayor acts for the mayor during—

(a) the absence or temporary incapacity of the mayor; or

(b) a vacancy in the office of mayor.

(2) ...

## **RISK ASSESSMENT/DEADLINES**

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor. The Deputy Mayor's term of office is to be consistent with the incumbent Mayor's term.

It is good practice to appoint the deputy mayor at the post-election meeting, in case the deputy mayor is required to act on behalf of the mayor during their term, which officially commences upon Declaration of Oath of Office.

## **STRATEGIC IMPACTS**

Through strong and open leadership, develop an organisation with a culture of respect, accountability, and community service.

## **ATTACHMENTS**

Nil

### 3.3 - Council Meeting Dates Schedule 2024

**MEETING DETAILS:** Statutory Post-Election Meeting - Thursday 11 April 2024

**AUTHOR:** Manager - Governance and Administration Services

**AUTHORISING OFFICER:** Director Corporate Services

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#### **PURPOSE**

Council needs to determine an appropriate arrangement for holding Ordinary Meetings that complies with the Local Government legislation and reflects the way it wishes to conduct the business of Council.

#### **EXECUTIVE SUMMARY**

Council Ordinary Meetings are an important part of the democratic process and provide an opportunity for the community to see their council at work. Council meetings were at the end of the last term held monthly on a Wednesday (fourth week), and usually started at 9am. Whitsunday Regional Council meetings were held in the Council Chambers at Proserpine Administration Building and Bowen Administration Building and are open to the public to attend. Meetings are also live-streamed and can be viewed live or on replay via YouTube.

Council meetings are the principal decision-making forum for Council. The Council sets its policies, adopts strategies, and plans, approves applications, adopts the budget, and can make local laws as well as deal with other matters. Well-prepared agendas, orderly meetings and minutes that accurately reflect the proceedings of Council meetings contribute to an efficient, effective, and accountable system of local government. Ordinary Council meetings (with all councillors) are held to conduct the core business of the council and make decisions.

Councils must meet at least once a month, and must publish, at least once a year, details of the days and times of the Ordinary Meetings of Council. The details must be published on the Council's website.

#### **OFFICER'S RECOMMENDATION**

That Council confirms the schedule of Ordinary Meeting dates for the remaining 2024 calendar year as follows:

- a. 24 April 2024 in Proserpine
- b. 29 May 2024 in Bowen
- c. 26 June 2024 in Proserpine
- d. 24 July 2024 in Bowen
- e. 28 August 2024 in Proserpine
- f. 25 September 2024 in Bowen
- g. 30 October 2024 in Proserpine
- h. 27 November 2024 in Bowen
- i. 11 December 2024 in Proserpine

#### **BACKGROUND**

Section 256 of the Local Government Regulation 2012 requires the local government to consider at its post-election meeting the day and time for holding other meetings. Under section 257 of the Local Government Regulation 2012 a local government must meet at

least once in each month and all meetings are to be at one of its public offices, unless resolved otherwise.

During its previous term, the Whitsunday Regional Council held its Ordinary Meetings once a month on the last Wednesdays of each month, alternating between Bowen, Proserpine, and other locations. This schedule was adopted to enable all residents the opportunity to attend meetings and raise issues of concern. Regular meetings also enable Council to set clear policy and direction and provide open channels of communication with senior managers, staff, residents, and ratepayers of the Region.

The current arrangement was adopted by Council on 23 August 2023 whereby Council set the ordinary council meeting dates for the rest of the Financial Year ending 30/06/2024 as follows:

- a. 27 September 2023
- b. 25 October 2023
- c. 22 November 2023
- d. 13 December 2023
- e. 24 January 2024
- f. 28 February 2024
- g. 06 March 2024
- h. 24 April 2024
- i. 22 May 2024
- j. 26 June 2024

Council at its meeting of 25 October 2023 adopted the following Ordinary Council Meeting Dates and Locations for the remainder of 2024:

- a. 24 July 2024 – Proserpine
- b. 28 August 2024 – Bowen
- c. 25 September 2024 – Proserpine
- d. 23 October 2024 – Bowen
- e. 27 November 2024 – Proserpine
- f. 11 December 2024 – Bowen

Furthermore, Council at its meeting of 28 February 2024 voted to update and change the meeting date for the October Council meeting from Wednesday 23rd October 2024 to the Wednesday 30th October. The 23rd of October 2024 Ordinary Council Meeting date was overlapping with the Local Government Association of Queensland (LGAQ) Annual State Conference being held this year from the 21st of October to the 23rd of October 2024. This was actioned to allow attendance of all Councillors who will be attending the LGAQ Conference to attend the October Ordinary Meeting.

## **DISCUSSION/CURRENT ISSUE**

The meeting dates recommended for adoption are the same as previously adopted by previous Council resolutions for 2024 calendar year, except for the May Council meeting. The adopted May Council meeting date of 23 May overlaps with the LGAQ Civic Leaders Summit which will be at the Gold Coast on the 21st-22nd May and is open to all elected members and all senior staff to attend. It is therefore recommended to hold the May Council meeting on Wednesday 29 May 2024, to allow for Councillors and Senior staff members to attend the event. Below are the proposed Council meeting dates proposed for the remainder of 2024 calendar year:

- a. 24 April 2024
- b. 29 May 2024
- c. 26 June 2024
- d. 24 July 2024
- e. 28 August 2024
- f. 25 September 2024
- g. 30 October 2024
- h. 27 November 2024
- i. 11 December 2024

Alternatives Considered:

Council adopts the proposed schedule **with no changes.**

In reference to the attached schedule, Council has the option to adopt the schedule as is, without any changes and proceed with the meeting dates as set out in that document for the remainder of 2024 calendar year.

Council adopts the proposed schedule **with changes.**

Council also has the option to adopt an amended schedule, specifying different days and frequency, depending on how Council intends to manage its business. Note however, Council is required to meet at least once each month.

## **FINANCIAL IMPLICATIONS**

The financial implications involved in the adoption of these Ordinary Council Meeting dates, includes the costs involved with catering and meeting supplies. There are no costs involved for venue hire or travel costs as we are using internal purpose build locations.

## **CONSULTATION/ENGAGEMENT**

Chief Executive Officer

## **STATUTORY/COMPLIANCE MATTERS**

Section 256 of the Local Government Regulation 2012 requires the local government to consider at its post-election meeting, the day and time, for holding other meetings.

Under section 257 of the Local Government Regulation 2012 a local government defined as a region must meet at least once in each month and all meetings are to be at one of its public offices, unless resolved otherwise.

## **RISK ASSESSMENT/DEADLINES**

In accordance with the *Local Government Act 2009*, an Ordinary Meeting of Council must be held at least monthly, either in Councils public offices, or other locations fixed by Council. Council risks breaching legislation requirements by not holding these meetings accordingly.

## **STRATEGIC IMPACTS**

Support the organisation in ensuring appropriate compliance with legislation and to support the elected council in its decision-making processes and obligations as a local government.

## **ATTACHMENTS**

Nil

### **3.4 - Representation on Statutory Committees - 2024-2028 (Audit and Risk Committee, Local Disaster Management Group and The Greater Whitsunday Council of Mayors)**

**MEETING DETAILS:** Statutory Post-Election Meeting - Thursday 11 April 2024

**AUTHOR:** Manager - Governance and Administration Services

**AUTHORISING OFFICER:** Director Corporate Services

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#### **PURPOSE**

To provide Council with an opportunity to nominate representatives to sit on Statutory Committees (Audit and Risk Committee and Disaster Management Group) to comply with legislation, and the Greater Whitsunday Council of Mayors to allow the Mayor to represent Whitsunday Regional Council.

#### **EXECUTIVE SUMMARY**

Representation on Council committees and on external committees plays an important role in policy development, advocacy, planning and provision of a wide range of services directly relevant to the community and provides a framework for Council to receive community feedback and external advice.

There are organisations external to Council that also include representation of Council by Councillors or Council officers. Councillors and Council officers appointed to these groups/committees have a responsibility to report to Council.

#### **OFFICER'S RECOMMENDATION**

That Council nominate:

1. Cr xx and Cr xx to serve on the Audit and Risk Committee
2. Cr xx and Cr xx as proxy members of the Audit and Risk Committee
3. Cr xx and Cr xx to serve on the Disaster Management Group
4. Mayor Ry Collins to serve on the Greater Whitsunday Council of Mayors

#### **BACKGROUND**

Council's Committees Policy (LSP\_OMCEO\_28) establishes a number of different committee types, established to allow input to Council on specific functions, portfolios, programs, or projects. The committees can be classified as either:

- Internal Committees:
  - Statutory Committees;
  - Standing Committees;
  - Advisory Committees;
  - Special Committees; and
  - External Committees

Council Delegates are expected to act in the best interests of Council and the community when appointed to an internal committee and represent Council's interests when appointed to a committee.

This report seeks only to appoint Councillors to the Statutory Committees, and a further report will be brought at a future Council meeting to appoint Councillors to any standing, advisory, special, and external committees following consultation with Councillors.

It should be noted that John Finlay has been an independent member of Council's Audit & Risk Committee for a number of years and has an understanding and history of the Committee.

## **DISCUSSION/CURRENT ISSUE**

### Audit & Risk Committee:

The committee monitors and reviews the integrity of financial documents; the internal audit function; and the effectiveness and objectivity of the local government's internal auditors.

Functions:

- a. Add to the credibility and objectivity of financial reports.
- b. Enhance the objectivity and effectiveness of the Council's Internal Audit Function.
- c. Oversee the application of appropriate accounting and disclosure policies and procedures.
- d. Monitor existing corporate policies and review new corporate policies to prohibit unethical, questionable, or illegal activities.
- e. Provide a communication link between management, internal auditors/external auditors, and Council.
- f. Promote the need for public accountability of managers to Council, the community, and other interested parties.
- g. Support measures to improve governance, risk, and internal controls.
- h. Other requirements under the Act.

Membership of the committee consist of four members, plus an Independent Chair. A maximum of two (2) members will be Councillors of the Whitsunday Regional Council. The other two members are independent and external to Council. The Committee Chairperson should also be independent of Council. A proxy member will be nominated for each Elected Member on the Audit and Risk Committee. The Mayor and Deputy Mayor have traditionally by practice been appointed as members of the Audit and Risk Committee.

### Local Disaster Management Group:

The Mayor of the Whitsunday Regional Council is appointed as Chair of the Local Disaster Management Group. An elected representative (Councillor) is appointed as the Deputy Chair of the Local Disaster Management Group.

Functions:

- a. To ensure that disaster management and disaster operations in the area are consistent with the State group's strategic policy framework for disaster management for the State.
- b. To develop effective disaster management planning and capability, and regularly review and assess the disaster management.
- c. To help the local government for its area to prepare a Local Disaster Management Plan.
- d. To identify, and provide advice to the relevant district group about, support services required by the Local Disaster Management Group to facilitate disaster management and disaster operations in the area.

- e. To ensure the community is aware of ways of mitigating the adverse effects of an event, and preparing for, responding to, and recovering from a disaster.
- f. To manage disaster operations in the area under policies and procedures decided by the State group.
- g. To provide reports and make recommendations to the relevant district group about matters relating to disaster operations.
- h. To identify and coordinate the use of resources that may be used for disaster operations in the area.
- i. To establish and review communications systems in the group, and with the relevant district group and other local groups in the disaster district of the relevant district group, for use when a disaster happens.
- j. To ensure information about a disaster in the area is promptly given to the relevant district group.
- k. To perform other functions provided to the group under the Disaster Management Act.
- l. To perform a function incidental to a function mentioned in paragraphs (a) to (k).

The Group meets regularly to develop effective disaster management planning and capability. The Local Recovery Group (LRG) and Sub-Groups are not mandated under the Disaster Management Act and occur at the discretion of the Chairperson of the Local Disaster Management Group (LDMG). Establishment of the LRG should be made by the LDMG Chairperson in consultation with key agencies. The appointment of the Local Recovery Groups and subgroups will be done at a future Council meeting upon consultation with Councillors.

Where a Councillor has been endorsed as Council's delegate for a Council Committee the representative shall:

- a. Understand that their appointment is as a representative of the Council and is by right of their position with Council;
- b. Ensure their availability to attend scheduled meetings, and where they are unable to do so, provide prior apology to the respective Presiding Member. The delegate must also provide timely notice of anticipated absences to any nominated delegate where one is appointed;
- c. Ensure that in participating and contributing to decision making of the statutory committee, the representative communicates and is cognisant of Council's determined position on matters before the Committee;
- d. Perform the functions and duties of a delegate in accordance with the standards set out in the Councillors Code of Conduct for Councillors,
- e. Keep Council informed of the activities and achievements of the committee, in a timely manner.

### The Greater Whitsunday Council of Mayors

The Greater Whitsunday Council of Mayors is a collaborative partnership between Mackay Regional Council, Isaac Regional Council and Whitsunday Regional Council.

The partnership is committed to welcoming investment and growing the economic value and diversity of the greater region.

Established in 2012, the purpose of the partnership is strategic in nature and primarily includes:

- Identification of opportunities for innovation and collaboration across the region
- Develop organisational capacity through the sharing of resources in order to achieve cost efficiencies.
- Identify and support cross-boundary priorities and challenges.
- Pursue better funding outcomes for the region, aiming to broaden the Whitsunday region economy.
- Identify and prioritise infrastructure initiatives and deliver strategies to secure the Whitsunday region's future.
- Strengthen relationships with State and Federal government and agencies.
- Speak with a united voice representing collective interests with an aim to influence key decision makers from both government and private sector.
- Deliver outcomes focused advocacy to leverage funding and deliver key projects for the benefit of the Whitsunday Region and its communities.
- Assess and monitor government policies and, where appropriate, develop policy position on behalf of the Whitsunday Region.

It is recommended to appoint Mayor Ry Collins to represent Whitsunday Regional Council.

## **FINANCIAL IMPLICATIONS**

Councillors are entitled to be reimbursed for expenses incurred in undertaking council business and provided with facilities to assist them in undertaking their duties and responsibilities as Councillors, in accordance with the Councillors facilities and expenses policy. This policy has been written to reflect the following underpinning principles:

- The use of Public Money must be in the public interest;
- Allocation of Council resources must be fair and reasonable;
- Public disclosure of policy and resolutions promotes transparent decision making;  
and
- Councillors must accept accountability for their expenditure and use of facilities.

## **CONSULTATION/ENGAGEMENT**

Chief Executive Officer  
Local Disaster Management Coordinator

## **STATUTORY/COMPLIANCE MATTERS**

Section 211 of the Local Government Regulation 2012 (Audit Committee)  
Section 29 of the *Disaster Management Act 2003*

## **RISK ASSESSMENT/DEADLINES**

A statutory committee is one that is established by legislation, which means it is created by a specific enabling statute. These committees serve a particular purpose or function as defined in the legislation.

It is important to appoint Councillor representatives for these committees to allow Councillors to participate and attend the meetings and serve in the respective positions where there is a need.

## **STRATEGIC IMPACTS**

Support the organisation in ensuring appropriate compliance with legislation and to support the elected council in its decision-making processes and obligations as a local government.

## **ATTACHMENTS**

1. Council Committees Policy [3.4.1 - 6 pages]



## Committees Policy

Office of the Mayor & CEO

OMCEO\_11

### Purpose

Council appoints Committees to provide input and overview to Council on specific functions, portfolios, programs or projects determined by Council on an ongoing basis. It is in the best interests of Council and the community that consistent practice is followed for the establishment, operation of and appointment to committees.

The purpose of this policy is to ensure:

- Consistency in the establishment, operation of and appointment to committees; and
- Council operates committees in compliance with the provisions of the Local Government Act 2009 (LGA) and the Local Government Regulation 2012 (LGR).

### Scope

This policy is applicable to all Committees of the Whitsunday Regional Council and Committee's to which Whitsunday Regional Council provides Councillor representation.

### Applicable Legislation

*Local Government Act 2009*  
*Local Government Regulation 2012*

### Policy Statement

#### Committee Categories

1. Council may establish, operate and appoint members to Committees, in order to address areas of interest to Council and the community, using the following categories:

##### a. Advisory Committees

A committee established in accordance with s265 of the LGR, which provides advice and recommendations to Council on a specific function, portfolio, program or project as determined by Council when establishing the Committee.

An Advisory Committee must not be appointed as a Standing Committee and may contain members who are not Councillors, including community members and representatives from organisations.



## Committees Policy

Office of the Mayor & CEO

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All Advisory Committee members, whether they are a Councillor or not, may vote on business before the Committee.

Advisory Committees cannot be delegated powers under the LGA or any other Act and must report to Council for a decision on any issues raised at a meeting of the Committee.

### b. Standing Committees

A Committee of which only Councillors can be members, which meets to discuss the specific function, portfolio, program or project determined by Council when establishing the committee. A Standing Committee exists indefinitely to deal with matters arising from time to time that fall within their jurisdiction.

The Mayor has a responsibility to be a member of each Standing Committee under s12(4)(g) of the LGA.

Standing Committees conventionally have an advisory role only, however under s257(1)(c) and (d) of the LGA, Council may, by resolution, delegate a power under the Local Government Act 2009 or another Act to a Standing Committee or Chairperson of a Standing Committee of the Council.

### c. Statutory Committees

A Committee Council must establish to comply with legislation.

### d. Special Committees

A Committee of which only Councillors can be members, which is convened for a single issue or short-term purpose, and ordinarily dissolved once they have done the specific job assigned to them by Council. Special Committees conventionally have an advisory role only.

### e. External Committees

A Committee run by a third party which Council has been invited to provide representation to.

## Committee Establishment

2. A Council Committee must be established by resolution of the Council.
3. Operation of Council Committees will be in accordance with the relevant Committee's Constitution, which must be adopted by Council, and at a minimum provide details regarding the following:
  - a. Authority



## Committees Policy

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- b. Objectives
  - c. Duties and Responsibilities
  - d. Membership
  - e. Chairperson
  - f. Secretary
  - g. Ethical Practices
  - h. Meetings and Attendance
  - i. Meeting Agenda and Minutes
4. Council officers of the relevant Council department, as determined by Council on establishment of the Committee, shall resource the Committee.

### Committee Membership and Appointment

5. Appointment of Councillors as members and alternate delegates to any Committee must:
- a. be affirmed by resolution of the Council;
  - b. be representative of the diverse needs and issues relating to the specific functions, portfolios, programs or projects of the Committee, as determined by Council;
  - c. take into consideration the required skills, knowledge and experience required, as determined by Council, to be a member of the Committee;
  - d. be in accordance with the Committee's Constitution; and,
  - e. be reviewed on an annual basis.
6. Appointment of community members and representatives from organisations as members and alternate delegates to any applicable Council Committee may be subject to an expression of interest process, if determined by resolution of Council, which will be in accordance with the following provisions:
- a. Council Officers of the relevant Council department, in collaboration with the Chairperson of the Committee (if appointed), shall determine the required skills, knowledge and experience required to be a member of the Committee and develop selection criteria to be addressed by potential members of the Committee accordingly;
  - b. The expression of interest process will be advertised as deemed appropriate by Council Officers of the relevant Council department, in collaboration with the Chairperson of the Committee (if appointed);
  - c. Assessment and selection of potential committee members shall be made by a panel consisting of two Council officers of the relevant Department in collaboration with the Chairperson of the Committee (if appointed) or, if no Chairperson is appointed, a Councillor as nominated by a resolution of Council;



## Committees Policy

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- d. Only applicants who have adequately addressed the selection criteria shall be eligible to be considered for membership of the Committee; and,
  - e. Recommendations for appointment as members of a Council Committee following the expression of interest process will be reported to Council for consideration and approval by resolution.
7. Appointment of community members and representatives from organisations as members and alternate delegates to any applicable Council Committee must:
- a. be affirmed by resolution of the Council;
  - b. be representative of the diverse needs and issues relating to the specific functions, portfolios, programs or projects of the Committee, as determined by Council;
  - c. take into consideration the required skills, knowledge and experience required, as determined by Council, to be a member of the Committee;
  - d. be in accordance with the Committee's Constitution; and
  - e. be reviewed on an annual basis.
8. Community members and representatives from organisations which are members of or alternate members to Council Committees are required to adhere to the following standard of behaviour in relation to their participation on a Council Committee:
- a. Carry out responsibilities conscientiously and in the best interests of the Committee, Council and the community;
  - b. Treat people in a reasonable, just, respectful and non-discriminatory way; and,
  - c. Ensure their conduct does not reflect adversely on the reputation of the Committee or Council.
9. The membership or alternate membership of community members and representatives from organisations to Council Committees is at the discretion of Council and may be terminated by resolution of the Council.

### Committee Meetings and Agenda

10. Council Committee meetings will be open to the public, unless the Committee has resolved that the meeting is to be closed under s275 of the LGR.
11. Notice of the days and times when Council Committee meetings will be published and displayed in accordance with s277 of the LGR.
12. Items to be discussed at a Council Committee meeting shall be made available for inspection by the public at the time the agenda for the meeting is made available to members of the Committee.



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### Committee Reporting

13. Minutes of Council Committee meetings will be taken, confirmed and made available to the public in accordance with s272(1), s272(2) and 272(3) of the LGR, unless the Committee is exempt from the requirement to take minutes of its proceedings in accordance with s272(6) and s272(7) of the LGR.
14. Where an exemption exists under s272(6) and s272(7) of the LGR, the Committee will prepare a written report of its deliberations and advice or recommendations put to the Council in accordance with s272(8) of the LGR and this report will be made available to the public.
15. Recommendations of Council Committees with no executive powers will be reported to Council for their review and decision.
16. Councillors appointed as members of External Committees shall have the option of informing Councillors at a Council Briefing Session of agenda items to be discussed by the External Committee, in order to advise Councillors of the relevant issues and goings-on of the Committee.
17. Councillors appointed as members of External Committees shall provide regular updates to Council on the decisions, activities and issues affecting the Committee by, at a minimum, either:
  - a. Tabling minutes of meetings of the Committee at an Ordinary Meeting;
  - b. Providing a verbal update on the Committee at an Ordinary Meeting; or,
  - c. Submitting a written report on the Committee for inclusion in an Ordinary Meeting agenda.
18. Councillors appointed as members of External Committees shall ensure that the External Committee is aware of the reporting obligation outlined at point 17.

### Definitions

**Council Committee** is, for the purposes of this policy, a collective term used to refer to Committees established and operated by Council, specifically Statutory Committees, Standing Committees, Special Committees and Advisory Committees.

**External Committee** is, for the purposes of this policy, a general term used to refer to groups of people appointed for a specific purpose by a larger group, including the community, and typically consisting of members of that group. Council can, where invited, appoint members to External Committees.

**Alternate member** shall have the same meaning as s266(2) of the Local Government Regulation 2012, namely a person who attends meetings of the committee and acts as a member of the committee only if another member of the committee is absent from the meeting of the committee.



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### Relating Documents

Committee Constitution Template

### Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*

COUNCIL POLICY			
<b>Date Adopted by Council</b>	25/05/2022	<b>Council Resolution</b>	OM2022/05/25.7
<b>Effective Date</b>	25/05/2022	<b>Next Review Date</b>	25/05/2023
<b>Responsible Officer(s)</b>	Manager Governance and Administration	<b>Revokes</b>	<b>LSP_OMCEO_28</b>