

ORDINARY MEETING 23 NOVEMBER 2011	16
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LOCAL GOVERNMENT LOCAL ASSOCIATION QUEENSLAND (LGAQ) -
MOTIONS

Darryl Crees: 1/3/87-08: #3392563

RECOMMENDATION:

That Council endorse this report and resolves to vote in favour of the motions to be considered at the Special General Meeting of the Local Government Association of Queensland.

That Council delegates authority to the Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009* to finalise all matters associated with postal voting for the Special General Meeting of the Local Government Association of Queensland.

INTRODUCTION:

It was foreshadowed at the Local Government Association of Queensland (LGAQ) Annual Conference 2011, that the Policy Executive of the Association intended to conduct a general meeting of the Association via postal voting.

The subject of the general meeting via postal vote was a rearrangement of LGAQ Electoral Districts to apply to the new term of Local Government post Local Government Elections 2012.

BACKGROUND:

Under the LGAQ's Constitution a formal resolution of Council is not required however in the interest of good governance and consistency, this matter has been presented to Council. Proposed motions at LGAQ meetings have previously been provided to Council for consideration.

COMMENT:

There are 5 motions that are to be considered and these are:

Motion 1 To acknowledge the change of name of the "Dalby Regional Council" to "Western Downs Regional Council" and the "Roma Regional Council" to "Maranoa Regional Council".

- Motion 2 Create an additional district by the name of “Whitsunday”, move Mackay, Issac and Whitsunday Regional Councils from the Central Queensland District to this newly created District and allow this district to have its own member on the policy executive.
- Motion 3 Allow the Aboriginal and Island Councils District to have two members on the policy executive and have those policy executive members determined by a first past the post poll.
- Motion 4 To enable the board to formulate Corporate Governance Charters to further define the roles and responsibilities of members of the Board and the Policy Executive.
- Motion 5 To authorise the Chief Executive Officer to give effect to minor/consequential amendments necessitated by the passing of motion 2 and/or motion 3.

More information regarding these motions is contained in the attachment to this report.

LGAQ have further advised of the importance of Council voting on this matter because under the *Corporations Act 2001*, a vote in favour of proposed changes must achieve 75% support of all eligible votes. Ballot papers must be returned to the Returning Officer by 5pm on 7 December 2011.

CONSIDERATIONS:

Corporate and Operational Plans:

This report has been compiled in Goal 6 of the Corporate Plan – Striving for Organisational Excellence.

Statutory:

Under the LGAQ Constitution there is no statutory requirement to have this matter presented to a Council Meeting.

Policy:

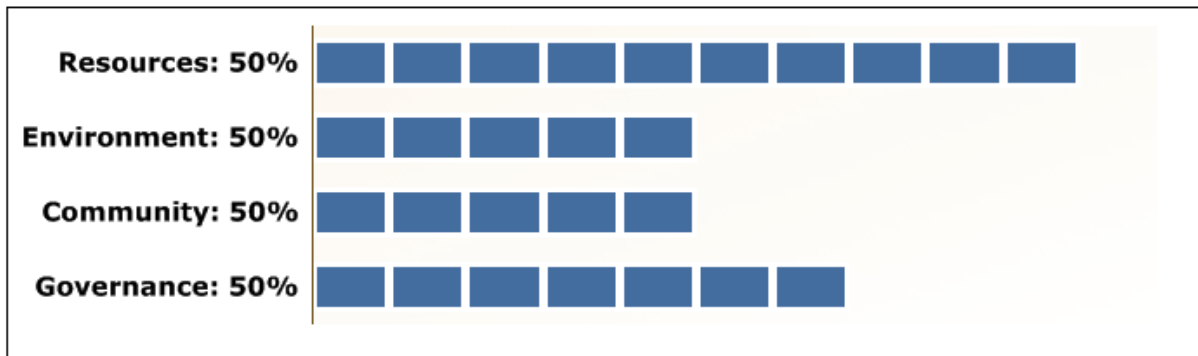
There is no policy considerations associated with this matter.

Sustainability:

The Cairns Regional Council Sustainability Scorecard has been completed in relation to this matter. In undertaking this analysis, officers answer a series of questions based on the four sustainability principles. The table shows how many of these questions generated a positive rating (green), a neutral rating [or not applicable] (blue) or a negative rating (red) to each question.

There are no implications on Council's sustainability in adopting the resolution of this report.

Assessment ID 769
Activity / Project: Council Report - LGAQ Motions Postal Votes



Positive Neutral Negative

CONSULTATION:

Due to the tight time frames involved and the negligible impact on Council, wider consultation on this matter has not been undertaken.

OPTIONS:

Option 1:

That Council endorse this report and resolves to vote in favour of the motions to be considered at the Special General Meeting of the Local Government Association of Queensland.

That Council delegates authority to the Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009* to finalise all matters associated with postal voting for the Special General Meeting of the Local Government Association of Queensland.

Option 2:

That Council resolves to submit an alternative voting preference.

CONCLUSION:

These motions will have little or no impact on Council and it is therefore recommended that Council cast its vote in the affirmative.

ATTACHMENTS:

Correspondence received from LGAQ.

Darryl Crees
Acting Manager Governance

Linda Kirchner
General Manager Corporate Services



3 November 2011

Ms Lyn Russell
Cairns Regional Council
Chief Executive Officer
PO Box 359
CAIRNS QLD 4870

Dear Ms Russell,

As foreshadowed at the LGAQ Annual Conference at the Gold Coast 3-6 October 2011, the Policy Executive of the Association intends to conduct a General Meeting of the Association via Postal Voting pursuant to Rule 4.14 of the Local Government Association of Queensland Ltd Constitution.

The subject of that General Meeting via Postal Vote was a rearrangement of LGAQ Electoral Districts to apply to the new term of Local Government post Local Government Elections 2012.

Please be advised that a resolution of Council is not required under the LGAQ's Constitution. However, if the Council wants to take it to a General Meeting, that is lawful, but entirely a matter for the Council.

Please find attached the Notice of General Meeting pursuant to Rule 4.2 and the specific ballot paper for your council.

As indicated on the Ballot Paper it can only be signed by the Mayor or CEO of the Council. All Ballot Papers have been forwarded to Councils by Registered Mail and must be returned to me in my capacity as Returning Officer either by **hand** or in the **registered post envelope** provided by **5pm** on **7 December 2011**.

It is most important your council votes on this matter because under the Corporations Act 2001 a vote in favour of proposed changes must achieve 75% support of all eligible votes.

In the event that you do not receive or lose the Ballot Paper sent by registered mail on receipt of a statutory declaration to that effect I will reissue the Ballot Paper. We will be conducting a search with Australia Post on **Friday 18 November 2011** to ascertain whether all dispatched registered mail has been signed for.

If you have any queries in relation to this matter please contact me via email greg_hallam@lgaq.asn.au or telephone (07) 3000 2221.

Yours sincerely,


Greg Hallam PSM
RETURNING OFFICER

P 07 3000 2222
F 07 3252 4473
W www.lgaq.asn.au

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25 Evelyn Street
Newstead Qld 4006

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Local Government Association Of Queensland Ltd.
ABN 11 010 883 293 ACN 142 783 917



Notice of Special General Meeting – Postal Vote

Proposed business: Amendments to the Constitution of the LGAQ

To be conducted by postal voting in accordance with rule 4.14 of the Constitution

In accordance with rule 4.1 of the LGAQ's Constitution, and following the decision of the LGAQ Board on 27 October 2011, all members are notified of the holding of a Special General Meeting of LGAQ Ltd, to be convened at 5pm on Wednesday 7 December 2011 at LGAQ House, Evelyn Street Newstead.

In accordance with rule 4.14 of the LGAQ's Constitution, the chief executive officer has determined that this special general meeting be convened by postal voting.

As a consequence, all voting papers (as attached) must be received by the chief executive officer by not later than 5.00 pm on 7 December, 2011.

The business of the Special General Meeting is as follows: -

Motion 1

Purpose: To acknowledge the change of name of the "Dalby Regional Council" to "Western Downs Regional Council" and the "Roma Regional Council" to Maranoa Regional Council".

Actual text of proposed amendment:

In rule 5.3, Schedule of Districts, delete "Dalby" and replace it with "Western Downs" and delete "Roma" and replace it with "Maranoa".

Motion 2

Purpose: Create an additional district by the name of "Whitsunday", move Mackay, Isaac and Whitsunday Regional Councils from the Central Queensland District to this newly created District and allow this district to have its own member on the policy executive.

Actual text of proposed amendments:

1. In rule 5.3, Schedule of Districts: -
 - a. Delete "Mackay", "Isaac" and "Whitsunday" from District No. 6 (Central Queensland);
 - b. Immediately thereafter insert a new line in the Schedule as follows: -

District No. 7 (Whitsunday)	Mackay, Isaac, Whitsunday
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Motion 3

Purpose: Allow the Aboriginal and Island Councils District to have two members on the policy executive and have those policy executive members determined by a first past the post poll.

Actual text of proposed amendments:

1. In rule 5.3(3), immediately after sub-paragraph (b), insert the following sub-paragraph: -

“(c) In the case of District No. 11 (Aboriginal and Island Councils), by two Members elected by the Members of that District;”
2. In rule 5.3(3), renumber sub-paragraph “(c)” as sub-paragraph “(d)”.
3. In rule 5.4(1), after sub-paragraph (c), insert the following new sub-paragraph: -

“(d) for District No. 11, the persons elected in accordance with the following provisions:

 - (i) the Members in this District must elect two Executive Representatives;
 - (ii) the voting must be by a system of first past the post voting;
 - (iii) the provisions of rule 5.4(1)(b) apply with respect to all elections for Executive Representatives for District No. 11, but with all necessary adaptations.”

Motion 4

Purpose: To enable the board to formulate Corporate Governance Charters to further define the roles and responsibilities of members of the Board and the Policy Executive.

Actual text of proposed amendments:

1. In rule 1.2, Definitions, insert after the definition of “Board”, the following additional definition: -

“Board Corporate Governance Charter – A document that identifies the roles, responsibilities and expectations that the Organisation has for the Board and its Directors, in addition to the matters identified in Part 6 of this Constitution.”
2. In rule 1.2, Definitions, insert after the definition of “Policy Executive”, the following additional definition: -

“Policy Executive Corporate Governance Charter - A document that identifies the roles, responsibilities and expectations that the Organisation has for the Policy Executive and its individual members, in addition to the matters identified in Part 5 of this Constitution”.
3. In rule 5.1, insert an additional sub-paragraph after sub-paragraph (2) as follows: -

“(3) The Board may, from time to time, adopt a Policy Executive Corporate Governance Charter which must be complied with by the Policy Executive and its individual members.”

4. In rule 6.8, insert an additional sub-paragraph after sub-paragraph (16) as follows: -
 "(17) The Board may, from time to time, adopt a Board Corporate Governance Charter which must be complied with by the Board and its Directors."

Motion 5

Purpose: To authorize the Chief Executive Officer to give effect to minor/consequential amendments necessitated by the passing of motion 2 and/or motion 3.

Actual text of proposed amendments: As per the alternatives in the attached Explanatory Notes

VOTING PAPERS MUST BE SIGNED BY THE MEMBER'S MAYOR OR CEO
 VOTING PAPERS MUST BE RETURNED BY 5:00PM ON 7 DECEMBER 2011
 VOTING PAPERS MUST BE DELIVERED TO THE CHIEF EXECUTIVE OFFICER BY
 REGISTERED POST
 ANY VOTING PAPER RECEIVED AFTER 5:00PM ON 7 DECEMBER 2011 WILL BE
 INVALID AND OF NO EFFECT

EXPLANATORY NOTES

Introductory Comments

A recent review of LGAQ's Policy, Representation and Engagement Processes (PREP), which included a comprehensive engagement process with LGAQ members, identified a clear need to increase the accountability of the Policy Executive to district constituencies and extend LGAQ's electoral districts from 13 to 15 to accommodate Mackay, Whitsunday and Isaac Regional Councils and an additional Indigenous Executive representative. These proposed changes were discussed with the membership at the LGAQ Annual Conference in October 2011 and received good support. With the following motions, the formal process for seeking members' approval of the required changes to the LGAQ Constitution is being instigated.

Change of name of the “Dalby Regional Council” to “Western Downs Regional Council” and “Roma Regional Council” to “Maranoa Regional Council”

Motion 1

This motion is self-explanatory.

Creating a new Whitsunday District

Motion 2

The motion proposes to create a new District by the name of Whitsunday, remove the Isaac, Mackay and Whitsunday Regional Councils from District 6 and place them in this newly created District. This motion will improve the representation of these three councils at the Association's Policy Executive.

One consequence of this amendment, if passed, is that the number of Policy Executive Members will increase by one. This consequential amendment is further addressed in motion 5 below.

Increasing the Aboriginal and Island Council District representation on the Policy Executive from one to two and determining a method of electing the two Policy Executive members for this District

Motion 3

The motion will improve the representation of aboriginal and island councils at the Association's Policy Executive. It also determines that the method of election of the two Policy Executive representatives for this District is by a first past the post ballot.

One consequence of this amendment, if passed, is that the number of Policy Executive Members will increase by one. This consequential amendment is further addressed in motion 5 below.

Corporate Governance Charters

Motion 4

The motion defines a Board Corporate Governance Charter, a Policy Executive Corporate Governance Charter and empowers the Board (comprised of the President and the 3 Directors of the Organisation) to determine the terms of each Corporate Governance Charter from time to time.

The intended purpose of these Corporate Governance Charters is to further define the role, responsibilities and expectations that the LGAQ has for the Policy Executive and the Board, and the individual members of each of these bodies. These Charters are intended to assist the Policy Executive and the Board by:

- Providing clear guidelines on roles, responsibilities and relationships of the Policy Executive, Executive Representatives, Board and Directors;
- Identifying key principles for effective corporate governance to allow "best practice" performance;
- Ensuring appropriate accountability of the Policy Executive and Board to LGAQ members.

Consequential amendments

Motion 5

In the event that Motions 2 or 3 (or both) are passed, consequential amendments to the Constitution will be required, as follows: -

Consequential amendments - in the event that Motions 2 and 3 are passed

1. Renumber District Numbers 7, 8, 9, 10 and 11 as District Numbers 8, 9, 10, 11 and 12, respectively.
2. In rule 5.3(1) delete "11" and replace with "12".
3. In rule 5.3(2) delete "11" and replace with "12".
4. In rule 5.3(3), in the newly created sub-paragraph (c), delete "11" and replace with "12".
5. In rule 5.4(1), in the newly created sub-paragraph (d), delete "11" wherever it appears and replace it with "12".
6. In rule 5.4(1), renumber sub-paragraphs (d), (e), (f), (g) and (h) as sub-paragraphs (e), (f), (g), (h) and (i), respectively.
7. In re-numbered rule 5.4(1)(h), delete "5.4(1)(h)" and replace with "5.4(1)(i)".
8. In rule 5.1(1)(a) delete "13" and replace with "15".

Consequential amendments - in the event that Motion 2 fails, but Motion 3 is passed

1. In rule 5.4(1), renumber sub-paragraphs (d), (e), (f), (g) and (h) as sub-paragraphs (e), (f), (g), (h) and (i), respectively.
2. In re-numbered rule 5.4(1)(h), delete "5.4(1)(h)" and replace with "5.4(1)(i)".
3. In rule 5.1(1)(a) delete "13" and replace with "14".

Consequential amendments - in the event that Motion 2 is passed but Motion 3 fails

1. Renumber District Numbers 7, 8, 9, 10 and 11 as District Numbers 8, 9, 10, 11 and 12, respectively.
2. In rule 5.3(1) delete "11" and replace with "12".
3. In rule 5.3(2) delete "11" and replace with "12".
4. In rule 5.1(1)(a) delete "13" and replace with "14".



PLEASE VOTE ON ALL FIVE MOTIONS

VOTING PAPER

MEMBER: Cairns Regional Council

VOTING ENTITLEMENT: 6

PLEASE INDICATE YOUR VOTING INTENTION BY PLACING A MARK IN THE BOX ADJACENT TO THE WORD "FOR" IF YOU ARE FOR THE MOTION OR ADJACENT TO THE WORD "AGAINST" IF YOU ARE AGAINST THE MOTION

Motion 1

That rule 5.3 of the Constitution of the LGAQ, Schedule of Districts be amended as follows:

Delete "Dalby" and replace it with "Western Downs" and delete "Roma" and replace it with "Maranoa".

MOTION 1	
FOR	
AGAINST	

Motion 2

That rule 5.3 of the Constitution of the LGAQ, Schedule of Districts be amended as follows:

- a. *Delete "Mackay", "Isaac" and "Whitsunday" from District No. 6 (Central Queensland);*
- b. *Immediately thereafter insert a new line in the Schedule as follows: -*

<i>District No. 7 (Whitsunday)</i>	<i>Mackay, Isaac, Whitsunday</i>
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MOTION 2	
FOR	
AGAINST	

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PLEASE VOTE ON ALL FIVE MOTIONS

Motion 3

That amendments be made to the Constitution of the LGAQ as follows:

1. *In rule 5.3(3), immediately after sub-paragraph (b), insert the following sub-paragraph: -
“(c) In the case of District No. 11 (Aboriginal and Island Councils), by two Members elected by the Members of that District;”*
2. *In rule 5.3(3), renumber sub-paragraph “(c)” as sub-paragraph “(d)”.*
3. *In rule 5.4(1), after sub-paragraph (c), insert the following new sub-paragraph: -
“(d) for District No. 11, the persons elected in accordance with the following provisions:*
 - (i) the Members in this District must elect two Executive Representatives;*
 - (ii) the voting must be by a system of first past the post voting;*
 - (iii) the provisions of rule 5.4(1)(b) apply with respect to all elections for Executive Representatives for District No. 11, but with all necessary adaptations.”*

MOTION 3	
FOR	
AGAINST	

Motion 4

That amendments be made to the Constitution of the LGAQ as follows:

1. *In rule 1.2, Definitions, insert after the definition of “Board”, the following additional definition:
-
“Board Corporate Governance Charter – A document that identifies the roles, responsibilities and expectations that the Organisation has for the Board and its Directors, in addition to the matters identified in Part 6 of this Constitution.”*



PLEASE VOTE ON ALL FIVE MOTIONS

2. *In rule 1.2, Definitions, insert after the definition of "Policy Executive", the following additional definition: -*
"Policy Executive Corporate Governance Charter - A document that identifies the roles, responsibilities and expectations that the Organisation has for the Policy Executive and its individual members, in addition to the matters identified in Part 5 of this Constitution".

3. *In rule 5.1, insert an additional sub-paragraph after sub-paragraph (2) as follows: -*
"(3) The Board may, from time to time, adopt a Policy Executive Corporate Governance Charter which must be complied with by the Policy Executive and its individual members."

4. *In rule 6.8, insert an additional sub-paragraph after sub-paragraph (16) as follows: -*
"(17) The Board may, from time to time, adopt a Board Corporate Governance Charter which must be complied with by the Board and its Directors."

MOTION 4	
FOR	
AGAINST	



PLEASE VOTE ON ALL FIVE MOTIONS

Motion 5

That consequential amendments be made to the Constitution of the LGAQ, if motion 2 or 3 (or both) of the special general meeting are passed as follows:

Consequential amendments - in the event that Motions 2 and 3 are passed

1. *Renumber District Numbers 7, 8, 9, 10 and 11 as District Numbers 8, 9, 10, 11 and 12, respectively.*
2. *In rule 5.3(1) delete "11" and replace with "12".*
3. *In rule 5.3(2) delete "11" and replace with "12".*
4. *In rule 5.3(3), in the newly created sub-paragraph (c), delete "11" and replace with "12".*
5. *In rule 5.4(1), in the newly created sub-paragraph (d), delete "11" wherever it appears and replace it with "12".*
6. *In rule 5.4(1), renumber sub-paragraphs (d), (e), (f), (g) and (h) as sub-paragraphs (e), (f), (g), (h) and (i), respectively.*
7. *In re-numbered rule 5.4(1)(h), delete "5.4(1)(h)" and replace with "5.4(1)(i)".*
8. *In rule 5.1(1)(a) delete "13" and replace with "15".*

Consequential amendments - in the event that Motion 2 fails, but Motion 3 is passed

1. *In rule 5.4(1), renumber sub-paragraphs (d), (e), (f), (g) and (h) as sub-paragraphs (e), (f), (g), (h) and (i), respectively.*
2. *In re-numbered rule 5.4(1)(h), delete "5.4(1)(h)" and replace with "5.4(1)(i)".*
3. *In rule 5.1(1)(a) delete "13" and replace with "14".*



PLEASE VOTE ON ALL FIVE MOTIONS

Consequential amendments - in the event that Motion 2 is passed but Motion 3 fails

1. *Renumber District Numbers 7, 8, 9, 10 and 11 as District Numbers 8, 9, 10, 11 and 12, respectively;*
2. *In rule 5.3(1) delete "11" and replace with "12"; and*
3. *In rule 5.3(2) delete "11" and replace with "12".*
4. *In rule 5.1(1)(a) delete "13" and replace with "14".*

MOTION 5	
FOR	
AGAINST	

.....
SIGNATURE

(TO BE SIGNED BY THE MAYOR OR CEO)

<p>VOTING PAPERS MUST BE RETURNED BY 5:00PM ON 7 DECEMBER 2011 VOTING PAPERS MUST BE DELIVERED TO THE CHIEF EXECUTIVE OFFICER BY REGISTERED POST ANY VOTING PAPER RECEIVED AFTER 5:00PM ON 7 DECEMBER 2011 WILL BE INVALID AND OF NO EFFECT</p>
