

COUNCIL – TERMS OF REFERENCE

Intent Establish the framework within which Councillors operate with reference to obligations specified in the *Local Government Act 2009* <http://www.legislation.qld.gov.au/OQPChome.htm> and other guiding documents adopted by Council. This policy forms the basis of an annual self evaluation process for the activity of Council.

Scope Applies to Councillors and staff of Cairns Regional Council.

PROVISIONS

Role and Powers of Local Government

The **role and powers of local government** are established in the *Local Government Act 2009* and associated Regulations.

Powers of Delegation

The **powers of delegation of local government** are set down in section 257 of the *Local Government Act 2009*.

Requirements of Councillors

Councillors will act in accordance with Division 5A of the *Local Government Act 2009* and ensure there is no conflict, or perceived conflict, between the Councillor's private interest and the honest performance of the Councillor's role of serving the public interest.

In accordance with Division 5A of the *Local Government Act 2009* a Councillor with a material personal interest in a matter, must disclose the interest to the meeting and not be present at or take part in any debate while the issue is being considered or voted upon.

Councillors will act in accordance with Chapter 6 Part 2 of the *Local Government Act 2009* and ensure ethical principles are observed in performing the duties of office.

Councillors will also act in accordance with the following general policies:

- General Policy – Code of Conduct for Councillors
- General Policy – Conference/Meeting Attendance – Councillors
- General Policy – Councillor / Staff Interaction Protocol
- General Policy – Development Interaction Guidelines
- General Policy – Expenses Reimbursement and Support for Elected Representatives
- General Policy – Management of Confidential Council information
- General Policy – Media Management Policy
- General Policy – Standing Orders for Council Meetings

Councillors will ensure that they understand the requirements of their role and will undertake their duties to the best of their ability.

Meetings of Council

Council will hold two monthly Ordinary meetings. These meetings will be held at dates, times and places as resolved by Council and will be publicly advertised.

Council may hold Special meetings in accordance with the provisions of Section 258 of the *Local Government Regulation 2012*. A Special Meeting is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.

Conduct of Council Meetings

Meetings will be conducted in accordance with the requirements established in the Standing Orders for Council Meetings General Policy.

A quorum will be a majority of the Councillors. In circumstances where the voting is equal, the Chair has a casting vote.

Meetings of Council will be open to the public unless the Council is discussing one of the matters referred to in Section 275 of the *Local Government Regulation 2012* where it will resolve to go into closed session for discussion and debate of the matter. However, no vote shall be taken in closed session.

Recordkeeping

The Table of Contents for each meeting will be available to the public for viewing on Council's website.

The minutes of Council meetings will be available to the public generally within 2 working days of the meeting. The minutes will be distributed via the internet and will also be available at the Customer Service Centre located in the Spence Street offices.

Process for annually evaluating the performance of Council

Each year, Council will undertake a formal assessment of performance against this Terms of Reference. The purpose of this evaluation will be to ascertain how effectively Council has met its legislative obligations and the behavioural obligations it has established.

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This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review:

Human Resources and Organisational Change

ORIGINALLY ADOPTED: 8/04/2008

CURRENT ADOPTION: 15/06/2016

DUE FOR REVISION: 15/06/2020

REVOKED/SUPERSEDED:



**John Andrejic
Chief Executive Officer**