

### ORDINARY MEETING – TERMS OF REFERENCE

**Intent** Establish the framework within which the Ordinary Meeting operates with reference to obligations specified in the Local Government Act 2009 and the Local Government Regulation 2012.

**Scope** Applies to all Councillors and Council staff that attend and participate in Council meetings.

#### **PROVISIONS**

##### **Name of the Meeting**

The name of the local government meeting is the Ordinary Council meeting.

##### **Purpose, Responsibilities and Powers of the Meeting:**

The Ordinary Council meeting is the formal decision making authority for Cairns Regional Council. The Chairperson is responsible for the conduct of the meeting.

The Chief Executive Officer is responsible for ensuring that notices, agendas, reports and minutes are prepared in accordance with the relevant legislation.

All meeting participants are responsible for reading the agenda papers and accompanying reports in advance of meetings to:

- Identify any matters which need clarification or additional information to help inform their view, and to contact the Chair, CEO or relevant Director or Executive Manager for further information or advice before the meeting; and
- Identify any agenda items where they may have a conflict of interest and take appropriate action as required by legislation.

##### **Timing, place and frequency of meetings**

Council's Ordinary Meeting will be held at the Council Chambers located at 119-145 Spence Street, Cairns unless resolved otherwise. The Meeting will be held on a scheduled as resolved by the Council, meeting at least once each month as required under Section 257 of the Local Government Regulation 2012.

In accordance with Section 254B (Public Notice of Meetings) of the Regulation, the schedule of meetings will be published on the website.

From time to time, it may be necessary to hold a meeting outside the adopted meeting dates. In such circumstances, any changes will be advised in accordance with legislative provisions.

##### **Conduct of meetings**

Meetings will be conducted in accordance with the requirements established in the Standing Orders for Council and Model Meeting Procedures General Policy. Councillors will adhere to the provisions of the Local Government Act 2009 in carrying out their duties and obligations and Council's Code of Conduct and General Policies. In accordance with Council's Media Policy, the Mayor is the spokesperson for Council unless delegated. A quorum will be the majority of the Councillors. In circumstances where the voting is equal, the Chair has a casting vote. Meetings will be open to the public unless the Meeting is discussing one of the matters referred to in Section 254 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.

## **Livestreaming**

The Council Ordinary Meeting is livestreamed and recordings are made publicly available on Council's website.

Members of the public participating (either as part of a deputation process or otherwise) should be made aware they may be captured by live webcasting or recording.

There may be situations where, due to technical difficulties beyond Council's control a livestream or recording of a meeting may not be available. Every reasonable effort will be made to ensure livestreams and meeting recordings are made available on Council's website. However, Council takes no responsibility for, and accepts no liability in the event that live streaming of a meeting, a recording of a meeting, or Council's website is unavailable. Technical issues may include, but are not limited to, the availability of the internet and network or device failure or malfunction.

## **Business not on the agenda:**

There are two ways in which a Councillor can table a matter (business not on the agenda) during the Council meeting.

1. Matters of community interest not requiring a decision by Council

*Example:* To celebrate or highlight a community event or contribution by a member of the Cairns community, to acknowledge the outcome of a Council initiative or to express condolences in respect of a bereavement.

Such matters do not require the permission of Council to be tabled.

2. Emergent matters requiring urgent consideration and decision by Council

*Example:* Where extenuating circumstances are such that a time critical decision is required, and the issue cannot be resolved in an alternate forum or future meeting.

Such matters will not be considered at the Council meeting unless permission by the local government is given at the meeting. Permission is granted by way of vote of all the Councillors present. A Councillor should briefly advise the meeting of their reasons for seeking permission to table a matter for decision (business not on the agenda) with sufficient detail regarding any extenuating circumstances to allow the other Councillors to determine how the matter be dealt with.

Councillors must be appropriately informed before making a decision, and for that reason any matter which should be the subject of a Council report (matters with financial or operational implications) should not be considered as part of *Business not on the agenda*. This ensures the principles of good governance are applied to the decision making process.

## **Meeting Minutes**

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.

## **Supporting Legislation and Policy**

This document should be read in conjunction with the following:

- Local Government Act 2009 ("the Act")
- Local Government Regulation 2012 ("the Regulation")
- Standing Orders and Model Meeting Procedures
- Media Management Policy
- Code of Conduct for Councillors
- Acceptable Request Guidelines
- Investigation Policy – Councillor Conduct

**Local Government Principles**

All Meeting participants must abide by the local government principles as outlined in the Act which are:

- a) Transparent and effective processes, and decision-making in the public interest
- b) Sustainable development and management of assets and infrastructure, and delivery of effective services
- c) Democratic representation, social inclusion and meaningful community engagement
- d) Good governance of, and by, local government
- e) Ethical and legal behaviour of councillors and local government employees.

**Process for annually evaluating the performance of the committee**

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



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

**Director responsible for Review:**

**Director People & Organisational Performance**

**ORIGINALLY ADOPTED: 24/05/2023**  
**CURRENT ADOPTION: 24/05/2023**  
**DUE FOR REVISION: 24/05/2027**  
**REVOKED/SUPERSEDED: {Enter Date}**



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**Mica Martin**  
**CHIEF EXECUTIVE OFFICER**