



Moreton Bay Regional Council
DECISION-MAKING FRAMEWORK

October 2020

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1. Introduction

The aim of the Council’s Decision-making framework is to:

- reflect the contemporary expectations of the State Government and the community
- improve efficiency and effectiveness of Council’s meeting practices
- increase transparency, accountability and integrity of Council’s decision-making processes

2. Commitment to Good Governance

One of the key elements to good governance involves the way decisions are made.

Council’s commitment to strong and effective governance is guided by the principles in the *Local Government Act 2009* and captured in our values and our Corporate Plan (2017-22).

2.1 Local government principles

To ensure the system of local government is accountable, effective, efficient and sustainable, Council is required to adhere to the following principles in s4(2) of the *Local Government Act 2009*:

- transparent and effective processes and decision making in the public interest;
- sustainable development and management of assets and infrastructure, and delivery of effective services;
- democratic representation, social inclusion and meaningful community engagement;
- good governance of, and by, local government; and
- ethical and legal behaviour of councillors and local government employees.

2.2 Council’s values

Council aims to uphold the following values in its daily operations with customers, external partners and staff. Our values are aligned to the guiding principles contained in the *Local Government Act 2009*.

Value	Description
Respect	<ul style="list-style-type: none"> • We listen to people • We treat people fairly and consistently • We embrace diversity and opinions • We treat others as we wish to be treated
Service	<ul style="list-style-type: none"> • We seek to understand the needs of those we serve • We strive to exceed expectations • We communicate clearly • We take a positive approach • We are proud to serve our community
Integrity	<ul style="list-style-type: none"> • We are ethical and honest • We take responsibility for our actions • We act within statute and law • We take pride in the manner in which we perform our duties
Teamwork	<ul style="list-style-type: none"> • We promote a friendly, supportive work environment • We inspire and encourage innovation • We develop and maintain relationships

Value	Description
	<ul style="list-style-type: none"> We work collaboratively with our community and external partners
Sustainability	<ul style="list-style-type: none"> a) We focus on the future b) We respect the environment c) We demonstrate leadership by example

2.3 Corporate Plan 2017-22

Under the ‘Strengthening Communities’ theme Council outlines its commitment to ‘strong local governance’ as a strategic priority for the organisation. The corporate plan emphasises the importance of transparent, robust and compliant decision making and the need to maintain an efficient and effective organisation.

3. The Characteristics of Good Governance

Council’s governance and integrity program aims to ensure that Council’s local representation and decision-making activities have the following characteristics:

Characteristics ¹	Description
Transparent	The community is able to follow and understand Council’s decision making processes, and is able to access information about Council’s decisions in a timely manner.
Accountable	Council is committed to being able to explain and report on decisions made on behalf of local community.
Follow the rule of law	Council respects the law and legal processes, and is committed to ensuring compliance with all relevant legislation.
Responsive	Council is committed to serving the community and balancing competing interests in a timely, appropriate and responsive manner.
Participatory	The community is given opportunities to engage with Council in its decision-making processes where appropriate.
Equitable and inclusive	Council is committed to achieving fair and reasonable service levels in the delivery of infrastructure and services to all people, including those who may experience barriers to participation in community life.
Effective and efficient	Council decisions are responsive to community needs and make the best use of time, resources and people.

Council’s governance and integrity program comprises seven (7) elements that align to the local government principles.

¹ Adapted from Ipswich City Council (2019) *Good Governance Guide*, p.5

The implementation of Element 2 of this program - *transparent and effective decision making in the public interest* (below), is the basis of this framework.

Element 2: Transparent and effective decision making in the public interest

Standard	Focus areas	Summary information
Transparent and effective decision making in the public interest	Conduct of Council meetings (structure and processes)	Council meetings are conducted in accordance with structure determined by Council (at the post-election meeting) and adopted meeting procedures (including standing orders).
	Management of conflicts of interest	Councillors and employees proactively manage their conflicts of interest in accordance with the relevant provisions of the <i>Local Government Act 2009</i> .
	Provision of advice to Council from employees	Council employees present accurate, well informed and impartial advice to Council.
	Council plans and policies	Council and employees utilise approved plans and policies to inform decision making.
	Access to information about Council decisions	Council provides information about decisions made by Council and employees in a timely manner administratively where possible, or alternatively under the <i>Right to Information Act 2009</i> and the <i>Information Privacy Act 2009</i> .

4. Council meetings: legislative requirements

The *Local Government Act 2009* (Act) and the Local Government Regulation 2012 (Regulation) legislates certain requirements relating to local government meetings, which include General meetings and Standing and Advisory Committee meetings, such as:

- a) A local government must meet at least once a month² at one of the Council's public offices.
- b) The public must be advised when meetings are to be held including the matters to be discussed at each meeting³.
- c) Business cannot be conducted unless a quorum is present⁴.

² s257 Local Government Regulation 2012

³ S254B and s254D Local Government Regulation 2012

⁴ S254E(1) Local Government Regulation 2012

- d) Voting must be open and decisions can only be reached by a majority vote of Councillors present⁵.
- e) Meetings must be open to the public⁶ except for a limited number of circumstances as prescribed under s254J of the Regulation, where the meeting can be closed to discuss a matter including where Council determines public discussion would prejudice the interest of the council or someone else or enable a person to gain a financial advantage or suffer a loss.
- f) Minutes must be recorded for each General meeting and Committee meetings⁷. Minutes must be made available on Council's website and for inspection by the public by 5:00PM 10 days after the end of the meeting, unless sooner confirmed⁸.

Advisory Committees can be exempted from taking minutes of its proceedings but must report its deliberations or recommendations to the Council⁹.

In April 2019, the Queensland Government announced it was on a journey to reform the local government sector by strengthening the transparency, accountability and integrity of local government in Queensland and ensuring that public confidence and accountability is restored.

This framework incorporates compliance with legislative requirements and will be amended when any new reforms are legislated to maintain compliance.

⁵ S254E(2) Local Government Regulation 2012

⁶ S254I Local Government Regulation 2012

⁷ S254F Local Government Regulation 2012

⁸ S254F(6) Local Government Regulation 2012

⁹ S254G Local Government Regulation 2012

5. Decision-making Framework outline

Council is committed to conducting its meetings in compliance with legislative provisions and considers the use of various forums to consider, debate and decide on matters is appropriate.

Council supports open and transparent meeting procedures to preserve and build public confidence in the decision-making process and to further support the nexus between this and successful community engagement.

The framework structure is in accordance with legislation and applies to the Mayor and Councillors, the Chief Executive Officer and support staff.

The framework will be supported by a Meeting Procedures & Standing Orders Policy (2150-115) outlining procedures that must be followed specifically related to unsuitable meeting conduct, suspected inappropriate conduct and making and recording of conflicts of interest, as well as providing rules for the conduct of meetings.

All meetings will be bound by the adopted Meeting Procedures and Standing Orders (except where suspended for informal meetings).

6. Framework

The framework covers the following Council forums:

- a) General Meetings (preceded by brief 'housekeeping' session for administrative matters)
- b) Special Meetings
- c) Standing and Advisory Committee meetings
- d) Briefings (informal meetings)

The overall objective is for all officer's reports to be submitted direct to Council's General Meeting for decision and for matters to be fully debated in an open meeting, except in circumstances when a meeting may be closed in accordance with section 254J of the Local Government Regulation 2012.

Notwithstanding the overall objective, Council also supports the conduct of Briefings (closed informal meetings) for the sole purpose of sharing information, clarification on complex issues and updates on projects and issues. Decisions will not be made in this forum, however the minuted extract from each briefing will be included in the formal officers' report to Council for decision at a General Meeting.

Council further supports the conduct of a brief 'house-keeping' sessions for administrative matters only, to be held prior to each General Meeting.

Legislative processes and procedures relating to prescribed conflicts of interests and/or declarable conflicts of interest will be upheld for all meetings.

6.1 General Meeting

Formal meeting of Council conducted fortnightly on a Wednesday (exceptions apply during identified meeting-free periods) commencing at 9.30am.

Attendees include Mayor and Councillors, Chief Executive Officer, senior executive officers and other associated officers.

General meetings are open to the public - except where circumstances permit under 254J of the Local Government Regulation 2012 to close a meeting.

Purpose and record

- Formal decision-making meeting including respectful and robust debate
- Order of business (including but not limited to):
 - consideration of officers' report requiring decision
 - community comment session
- Voting is by show of hands and determined by majority
- Minutes are recorded and published on Council's website
- Meetings are live-streamed from Council's website

Conduct

- Meetings are conducted in accordance with the Meeting Procedures & Standing Orders Policy (2150-115).
- The part of the meeting where officers' reports are being considered will be conducted in sessions that reflect the adopted Portfolios as defined in the Councillor Portfolios Roles and Responsibilities Policy 2150-114.
The appointed Portfolio Councillor will facilitate the conduct of the respective session of this part of the meeting, under the control of the Mayor (Chairperson).

Agendas

- Agenda documentation is distributed to Councillors and is made available on the website on the Thursday preceding the Wednesday meeting.
- Late reports and/or supplementary agendas are not encouraged however may be utilised for extraordinary/emergent matters as requested by the Chief Executive Officer in consultation with the Mayor.
- Notification of meetings and agenda is publicised (as required by legislation).

6.2 'Housekeeping' session

Informal gathering of Mayor and Councillors, with attendance optional, immediately prior to a General Meeting, generally commencing at 9.00am.

Attendees include Mayor and Councillors, Chief Executive Officer and other associated officers as required.

This session is not open to the public.

Purpose and record

- Forum for raising administrative type matters only such as diary coordination, advice on forthcoming events and conferences, issues regarding clerical support etc.
- Includes reminder for Councillors to finalise any declarations of interest for General Meeting to follow.
- Notes are recorded for internal purposes only.

Conduct

- This is an opportunity to raise administrative matters only in an informal environment, however, conventional meeting conduct protocols will apply.
- Any non-administrative matters raised inadvertently will not be discussed and be deferred for discussion as General Business or other suitable agenda item in a Council General Meeting.

Agendas

- Agenda documentation, if required from time to time, is distributed to Councillors on the business day preceding the Wednesday session.

Other matters for information and/or general feedback (e.g. information and advices from Government agencies for information or noting) will be provided via a specified portal.

6.3 Briefings

Informal meeting of Council conducted fortnightly (alternate week to General Meeting) commencing at 9.00am, and may also be conducted following a General Meeting (where time permits).

Attendees include Mayor and Councillors, Chief Executive Officer, senior executive officers and other associated officers as required.

This briefing is not open to the public, however may include attendance by individuals and/or delegations, as invited by the Mayor; typically external consultants working with council staff on a particular project the subject of the briefing.

Purpose and record

- Forum for the sole purpose of sharing information, clarification on complex issues and updates on projects and issues
- Non-decision making forum
- Minutes are taken and extracts from each briefing will be included in the formal officers' report to Council for decision at a subsequent General Meeting

Conduct

- Briefings will not follow formal procedures or standing orders, however conventional conflict of interest and meeting conduct protocols will apply.

Agendas

- Agenda documentation is distributed to Councillors on Thursday preceding the Wednesday briefing
- Notification of briefings and agenda is not required for informal meetings.

NB: Briefings will not result in or drive decision making at the briefing nor pre-determination of future Council decisions on subject matters. Briefings will not be a forum for consensus-building or enabling influence.

6.4 Delegated Decisions Committee

Standing Committee with decision-making powers.

Meetings are conducted on an 'as required' basis, as resolved by Council when a majority of councillors present at a meeting declare a conflict of interest and the matter cannot be decided at a General Meeting.

Composition of the Committee is determined and amended where necessary depending on the topic/s delegated to it to decide (generally comprising of unconflicted Councillors).

Attendees include Committee members, Chief Executive Officer, senior executive officers and other associated officers.

Meetings are open to the public - except where circumstances permit under 254J of the Local Government Regulation 2012 to close a meeting.

Terms of Reference are adopted by resolution of Council.

Purpose and record

- Sole purpose is to decide matters as may be delegated to it by Council under s257 of the *Local Government Act 2009* ("the Act"), where that delegation arises as a consequence of s150EU of the Act.

"150EU If there is less than a quorum at a meeting following councillors leaving the meeting after declaring conflicts of interest, under subsection (2), the local government must delegate deciding the matter under section 257, unless deciding the matter cannot be delegated under that section."

- Decision-making meeting
- Voting is by show of hands and determined by majority
- Minutes are recorded and published on Council's website as well as being provided to the General meeting for information only.
- Meetings are live-streamed from Council's website

Conduct

- Meetings are conducted in accordance with the Meeting Procedures & Standing Orders Policy (2150-115).
- The part of the meeting where officers' reports are being considered will be conducted in sessions that reflect the adopted Portfolios as defined in the Councillor Portfolios Roles and Responsibilities Policy 2150-114.
The appointed Portfolio Councillor if in attendance, or Committee member as determined by the members at the meeting, will facilitate the conduct of the respective session of this part of the meeting, under the control of the Mayor (Chairperson).

Agendas

- Agenda documentation is distributed to Councillors and is made available on the website on the Thursday preceding the Wednesday meeting
- Notification of meetings and agenda is publicised (as required by legislation)

6.5 Audit Committee

Advisory Committee that reports its deliberations or recommendations to the Council.

S210 of the Local Government Regulation 2012, legislates the composition of the Committee that must consist of at least 3, but no more than 6 members, with 1, but no more than 2 Councillors being appointed to the Committee. The other members are external persons.

Due to its legislative mandatory composition, the Audit Committee is an Advisory Committee as its composition includes external persons.

The Audit Committee is required to meet at least twice each financial year.

The Audit Committee is exempted from taking minutes however is required to provide the Council with a written report about the matters reviewed at the meeting and the committee's recommendations about those matters¹⁰.

Meetings are conducted on a quarterly basis in line with key financial dates.

Meetings are held on a Thursday at the Council's public office in the Strathpine Chamber commencing at 1.00pm.

Audit Committee meetings are not open to the public and are conducted in closed meeting¹¹.

Terms of Reference are adopted by resolution of the Council.

¹⁰ s211(1)(c) Local Government Regulation 2012

¹¹ S254A(2) of the Local Government Regulation 2012

Purpose and record

- By definition as a 'large local government', Moreton Bay Regional Council must establish an Audit Committee (s105(2) of the *Local Government Act 2009*)
- The Committee's purpose is to provide independent assurance and assistance to Council, the CEO and the Executive Management Team (EMT) on Council's risk, control and compliance framework, and its financial statement responsibilities.
- Non-decision-making meeting
- Voting is by show of hands and determined by majority
- No formal minutes, however a report to the Council about the matters reviewed at the meeting and the committee's recommendations about the matters.
Once confirmed, the report of the Committee's recommendations is published on Council's website.

Conduct

- Meeting procedures do not apply to meetings of the Audit Committee.
- Meeting are conducted in closed session

Agendas

- Agenda documentation is distributed to Councillors and external members on the Friday preceding the Thursday meeting
- Notification of meetings and agenda is not publicised

6.6 Adopted meeting schedule

The Council must, at least once in each year, adopt and publish a notice of the days and times when ordinary (General) meetings and ordinary meetings of its Standing Committees will be held¹².

The annual meeting schedule is published on the Council's website, and in other ways Council considers appropriate¹³.

¹² s254B(1) Local Government Regulation 2012

¹³ s254B(2) Local Government Regulation 2012