



South Burnett Regional Council

Agenda of the Post Election Meeting

Held in the Warren Truss Chamber 45 Glendon Street Kingaroy

on Thursday, 7 April 2016

Commencing at 9.00 am

Chief Executive Officer: Gary Wall

Our Vision

"Individual communities building a strong and vibrant region."

Our Values

- | | | |
|----------|---------------------------|---|
| A | Accountability: | <i>We accept responsibility for our actions and decisions in managing the regions resources.</i> |
| C | Community: | <i>Building partnerships and delivering quality customer service.</i> |
| H | Harmony: | <i>Our people working cooperatively to achieve common goals in a supportive and safe environment.</i> |
| I | Innovation: | <i>Encouraging an innovative and resourceful workplace.</i> |
| E | Ethical Behaviour: | <i>We behave fairly with open, honest and accountable behaviour and consistent decision-making.</i> |
| V | Vision: | <i>This is the driving force behind our actions and responsibilities.</i> |
| E | Excellence: | <i>Striving to deliver excellent environmental, social and economic outcomes.</i> |



SOUTH BURNETT REGIONAL COUNCIL AGENDA

Thursday, 7 April 2016

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1. Leave Of Absence

Nil.

2. Prayers

A representative of the Ministers Fraternal, Major Allan Kerr from the Salvation Army offered prayers for Council and for the conduct of the Council meeting.

3. Business

3.1 Declaration of Office for Councillors

Document Information

IR No 1585598

Author Chief Executive Officer

Date 4 April 2016

Précis

The Chief Executive Officer will administer the procedural Declarations of Office by the Mayor and Councillors pursuant to Section 169(2) of the *Local Government Act 2009* (the Act).

Summary

The Chief Executive Officer will take the procedural Declaration of Office of the Mayor followed by each of the Councillors in order of divisional numbers.

For section 169(2) of the Act, the prescribed declaration of office under section 254 of the *Local Government Regulation 2012* is:

'I, (insert name of councillor), having been elected/appointed as a councillor of the South Burnett Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles under the Local Government Act 2009, to the best of my judgment and ability.'

Officer's Recommendation

That the Chief Executive Officer take the procedural Declaration of Office of the Mayor and Councillors as follows:

Mayor	Councillor Keith Campbell
Division 1	Councillor Roz Frohloff
Division 2	Councillor Gavin Jones
Division 3	Councillor Danita Potter
Division 4	Councillor Terry Fleischfresser
Division 5	Councillor Kathy Duff
Division 6	Councillor Ros Heit

Financial and Resource Implications

No direct financial or resource implications arise from this report.

Link to Corporate/Operational Plan

Corporate Plan: EXC4 - Develop a governance framework that delivers sound organisational management.

Communication/Consultation (Internal/External)

A meeting notice for the post election meeting was forwarded to the Mayor and Councillors on 4 April 2016. Public notice of the meeting was advertised in the South Burnett Times, a notice was placed in Council's public office, Glendon Street, Kingaroy and on Council's website.

Legal Implications (Statutory Basis, Legal Risks)

The Declaration of Office of the Mayor and Councillors is a statutory requirement pursuant to Section 169(2) of the *Local Government Act 2009*.

The Chief Executive Officer will take the procedural Declaration of Office of the Mayor and each of the Councillors at the post election meeting to publically acknowledge their Declaration of Office.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

3.2 Appointment of Deputy Mayor

Document Information

IR No 1585633

Author Chief Executive Officer

Date 4 April 2016

Précis

To appoint a Deputy Mayor from within the elected divisional Councillors.

Summary

Council is required to appoint a Deputy Mayor from its Councillors, by resolution, at its first meeting after the conclusion of each of its quadrennial elections (i.e. the post election meeting).

Officer's Recommendation

That Council appoint a Deputy Mayor for the South Burnett Regional Council pursuant to section 175(2) of the *Local Government Act 2009*.

Financial and Resource Implications

Funds have been allocated to remunerate the position of Mayor, Deputy Mayor and Councillors in its current budgets.

Link to Corporate/Operational Plan

Corporate Plan: EXC4 - Develop a governance framework that delivers sound organisational management.

Communication/Consultation (Internal/External)

N/A

Legal Implications (Statutory Basis, Legal Risks)

The appointment of a Deputy Mayor is a statutory requirement pursuant to Section 175(2) of the *Local Government Act 2009*.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

Report

The *Local Government Act 2009* (the Act) prescribes certain tasks which Council must perform at the statutory post election meeting which includes the appointment of a Deputy Mayor.

The Act also prescribes the certain roles and responsibilities of the Deputy Mayor which should be taken into consideration in making the determination of the Deputy Mayor:

Additional roles and responsibilities of a Deputy Mayor

The *Local Government Act 2009* specifies certain roles and responsibilities of a Deputy Mayor as follows:

Section 165:

This section provides for an Acting Mayor.

(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.

Therefore the appointment of Deputy Mayor is specifically mandated and the selection is determined in consideration of the additional roles associated with the appointment as specified in the *Local Government Act 2009*.

3.3 Establishment of Councillor Portfolios

Document Information

IR No 1585601
Author Chief Executive Officer
Date 4 April 2016

Précis

The purpose of this report is to establish Councillor Portfolios, with each Councillor being appointed to a portfolio as the meeting chairperson and spokesperson.

Summary

In order to streamline operations Council has decided to implement a portfolio based system under which the Councillors operate. Councillor portfolios are areas of interest for each Councillor. While Councillors will have no decision making authority of their own, they will be expected to have a higher level of knowledge of the issues surrounding their areas of interest. Councillors will be responsible for chairing their respective portfolio meetings and will be the official Council spokesperson for their respective portfolio.

Officer's Recommendation

That the following Portfolios be established, with the nominated Councillor as portfolio chairperson and spokesperson:

Economic Development, Governance and Communications	Cr Keith Campbell
Finance, ICT and Human Resources	Cr Ros Heit
Planning and Property	Cr Terry Fleischfresser
NRM, Parks & Indigenous Affairs	Cr Kathy Duff
Water, Waste Water, Waste Management, Sport & Recreation	Cr Roz Frohloff
Roads and Drainage	Cr Gavin Jones
Community & Health Services and The Arts	Cr Danita Potter

Financial and Resource Implications

No direct financial or resource implications arise from this report.

Link to Corporate/Operational Plan

Corporate Plan: EXC4 - Develop a governance framework that delivers sound organisational management.

Communication/Consultation (Internal/External)

The Councillors nominated their area of interest for their portfolio appointments.

Legal Implications (Statutory Basis, Legal Risks)

No direct legal implications arise from this report.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

3.4 Portfolio Representation Policy and Guidelines Procedure

Document Information

IR No 1588835

Author Manager Social & Corporate Performance

**Endorsed
By** Chief Executive Officer

Date 29 March 2016

Précis

Portfolio Representative Policy

Summary

Council has adopted a portfolio system where each Councillor has been assigned as a portfolio representative for a specific portfolio.

The purpose of this policy & procedure is to provide clear guidelines on the roles and responsibilities of the Mayor and Councillors as portfolio representatives.

The portfolio system gives Councillors additional roles and responsibilities and in no way diminishes a Councillor's statutory responsibilities and obligations under the *Local Government Act 2009*. The portfolios are focused at a strategic level of Council policy. The portfolio system is intended so that ratepayers and residents can identify which Councillor to approach according to a strategic issue at hand.

Officer's Recommendation

That the Portfolio Representative Policy & procedure be adopted.



Portfolio Representative Policy

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1. POLICY STATEMENT

The purpose of this policy is to provide clear guidelines on the roles and responsibilities of the Mayor and Councillors as portfolio representatives.

2. SCOPE

This policy applies to the Mayor and Councillors of the South Burnett Regional Council.

3. POLICY OBJECTIVES

Council has adopted a portfolio system where each Councillor has been assigned as a representative for a specific portfolio. The portfolios are as follows:

- Communities and Health Services and The Arts
- Economic Development, Governance and Communications
- Finance, Information Communications Technology and Human Resources
- Natural Resource Management, Parks, and Indigenous Affairs
- Planning and Property
- Roads and Drainage
- Water, Waste Water, Waste Management, Sport & Recreation

Councillor representation of portfolios may be reviewed as Council deems appropriate.

4. BACKGROUND AND/OR PRINCIPLES

While Council has adopted this portfolio system, the system does not diminish a Councillor's statutory responsibilities and obligations under the Local Government Act 2009 (LGA2009), and the Portfolio requirements are in addition to the roles, responsibilities and obligations of Councillors, as set out in the LGA2009.

5. GENERAL INFORMATION

Councillor responsibilities associated with their portfolio are:

- 5.1 To be familiar with the Corporate Plan, in particular the goals and strategies for the activities that the Councillor's portfolio is responsible for delivering.
- 5.2 To be familiar with the annual Operational Plan and the annual Budget for income and expenditure for the projects within the Councillor's portfolio.
- 5.3 To have a sound understanding, within the Councillor's portfolio area, of the capital projects being undertaken including the progress of actual annual capital expenditure against annual capital budget (year to date).
- 5.4 The Mayor acts as media spokesperson for the whole of Council and is therefore Council's primary media representative. However, where appropriate the Portfolio Representative may also act as Council media representatives, working closely with the Chief Executive Officer and/or relevant General Manager or Manager to formulate appropriate media approaches and responses. All responses to media are to be provided through the Social and Corporate Performance Branch.
- 5.5 The portfolio Councillor is the portfolio spokesperson in the Ordinary Council Meetings and Portfolio Briefings, for those agenda items falling within their allocated portfolio. In this context it is not expected that the portfolio Councillor will be the technical expert but the portfolio Councillor is expected to understand and be able to explain the strategic context of issues and their impact on the achievement of the Council's adopted plans and the community. Councillors may provide a full brief to Council on matters in relation to their portfolio. Alternatively they may provide an introduction or an overview of the matter then hand over to the General Manager.
- 5.6 To conduct further research as necessary including engaging with the community and requesting further information from Council Officers in accordance with Council's Acceptable Request Guidelines.
- 5.7 To liaise and communicate with the relevant General Manager, and where appropriate Managers, on a monthly basis to keep themselves abreast of and to give Council's perspective with regard to strategic issues including future planning, strategic options, current progress in completing the Operational Plan, budgetary issues and progress with major strategic projects.
- 5.8 To represent the Council as per the Council's Councillor appointment's to external committees and community forums.
- 5.9 To keep the Mayor abreast of issues within the Councillor's portfolio.
- 5.10 To keep other Councillors informed regarding matters that may affect their divisional area.

The responsibilities of a Portfolio Councillor do not include the following:

- Involvement in operational matters of the organisation;
- Giving directions to staff;
- Committing Council funds or promise to fund or resource any project or matter;
- Making strategic or policy decisions on behalf of Council; or
- Portraying personal views when representing or speaking on behalf of Council.

The portfolios are focused at the strategic level of Council.

The policy is not intended to detract from any Councillor's responsibility to represent their constituents on day to day issues.

The portfolio system is intended so that ratepayers and residents can identify which Councillor to approach according to the strategic issue at hand.

This policy is to facilitate broader engagement between the community and Council however it does not form the basis to create or operate de facto committees.

6. DEFINITIONS

Not Applicable

7. LEGISLATIVE REFERENCE

Local Government Act 2009 (LGA2009)

8. RELATED POLICIES/PROCEDURES

- Acceptable Request Guidelines
- Councillor Code of Conduct
- Employee Code of Conduct

9. NEXT REVIEW

March 2020

Gary Wall
CHIEF EXECUTIVE OFFICER

Date



Portfolio Briefing Guidelines Procedure

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1. PURPOSE

The purpose of the portfolio briefings is to give Portfolio Councillors an opportunity to brief other Councillors on matters pertaining to a portfolio of a strategic nature and determine further actions that may be required by the organisation.

2. SCOPE

Council has adopted a portfolio system where each Councillor has been appointed as a Portfolio Representative for a specific portfolio. These guidelines establish the framework for the portfolio briefings and sets out the responsibilities and relationship between the Portfolio Councillor and the General Manager of each portfolio area.

The portfolios are as follows:

- Communities and Health Services and the Arts
- Economic Development, Governance and Communications
- Finance, Information Communications Technology and Human Resources
- Natural Resource Management, Parks, and Indigenous Affairs
- Planning and Property
- Roads and Drainage
- Water, Waste Water, Waste Management, Sport & Recreation

3. REFERENCES

Not applicable

4. DEFINITIONS

Not applicable

5. RESPONSIBILITY

Each Portfolio Councillor will be responsible for forwarding the briefing items through to the Executive Services Officer responsible for preparing the agenda. A briefing item template will be provided from the Executive Services Officer.

- Portfolio Councillors are responsible for liaising with the relevant General Manager (and Manager where appropriate) to confirm briefing items.
- Briefing items shall be forwarded to the Executive Services Officer by 12 midday on the Monday before the portfolio briefings (i.e. scheduled for the first Wednesday of the Month).

- The Executive Services Officer is responsible for preparing and distributing the agenda by 12 midday on the Tuesday before the portfolio briefings.
- The Executive Services Officer is responsible for recording and distributing the outcomes from the briefings.

6. PROCEDURE

The portfolio briefings will be held on the first Wednesday of the Month commencing at 9:00am and scheduled until 5:00pm (or until completed).

Attendees:

- Chief Executive Officer, Councillors and General Managers will attend the portfolio briefings.
- Managers and senior officers may be invited to attend at the request of a General Manager or Chief Executive Officer.

Portfolio briefing sessions are designed for Councillors and Senior Management staff to discuss a range of issues in an informal manner.

Portfolio briefing sessions are not a formal meeting of Council and as such no decisions are made.

The intent of these sessions is to allow Councillors and Senior Management staff of list items for discussion and get direction from Councillors on what further action may be required such as:

- Referred for workshop (usually detailed discussion)
- Report to Council for some formal action
- Further information required for future portfolio discussion
- No action required

The portfolio briefings may include briefings on matters that will be referred to strategic workshop.

All agenda items require a précis of a maximum of 150 words. Supporting documentation is permitted.

There is no obligation for each portfolio to have agenda items for each portfolio briefing; nil agenda items are acceptable.

Portfolio briefings are not 'decision making' meetings. Items requiring a Council decision must be presented to an Ordinary Council Meeting so as to be determined by Council resolution.

Review

The portfolio system will be reviewed annually by the Mayor and Chief Executive Officer. An evaluation may include an assessment based on key performance indicators as follows:

Qualitative

- Rating of briefings value by participants
- Rating of value for money of time invested

Quantitative

- Number of Items
- Length of Meetings
- Outcomes

7. RELATED DOCUMENTS

Councillor Portfolio Policy

Portfolio Briefing Agenda Items Template

Portfolio Briefing Record

8. NEXT REVIEW DATE

April 2017

Gary Wall
CHIEF EXECUTIVE OFFICER

Date

Financial and Resource Implications

No direct financial or resource implications arise from this report.

Link to Corporate/Operational Plan

Corporate Plan: EXC4 - Develop a governance framework that delivers sound organisational management.

Communication/Consultation (Internal/External)

Internal communication and consultation: All Councillors, General Managers and Managers were given the opportunity to provide comments on a draft copy of the Portfolio Representative Policy & Procedure.

Legal Implications (Statutory Basis, Legal Risks)

No direct legal implications arise from this report.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report

3.5 Meeting Day and Time for first Ordinary Meeting of Council

Document Information

IR No 1585213

Author Chief Executive Officer

Date 4 April 2016

Précis

Seeking to establish a day and time for the first ordinary meeting of the newly elected South Burnett Regional Council.

Summary

The fixing of the day and time of the first ordinary meeting is considered to have primacy above all other meetings following the statutory post election meeting as it affords Council the opportunity to address:

- Administrative issues affecting Council in an immediate sense which require Council resolution eg. matters arising from and Confirmation of Minutes of previous Council,
- Emergent issues arising during the “caretaker period” which require Council resolution; and
- Governance issues affecting Council in an immediate sense which may require Council resolution.

Officer's Recommendation

That Council fix the day and time for the first ordinary meeting of South Burnett Regional Council as Wednesday 20 April 2016 at 9.00am in the Warren Truss Chamber, 45 Glendon Street, Kingaroy.

Financial and Resource Implications

Budget funds are provided for the costs associated with Council meetings.

Link to Corporate/Operational Plan

- GO3.1 Support the region's growth through integrated, planned and timely delivery of infrastructure
- GO3.3 Implement policies and plans that support appropriate planning and development for business, industry and community needs
- EXC5.1 Develop a range of initiatives to engage and inform the community
- EXC4.1 A governance framework that delivers good organisational management.

Communication/Consultation (Internal/External)

Council advertises the dates, times and location of Council Meetings to enable the community to attend.

Legal Implications (Statutory Basis, Legal Risks)

Pursuant to Section 256 of the *Local Government Regulation 2012* Council must consider the day and times of other meetings at its post election meeting. This report considers a day for the first ordinary meeting of the newly elected South Burnett Regional Council. Consideration of subsequent ordinary meetings and other meetings will be the subject of a separate report.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

3.6 Meeting Dates for Ordinary Meetings of Council

Document Information

IR No 1584361
Author Chief Executive Officer
Date 11 March 2016

Précis

This report is to recommend dates, times and locations for the ordinary meetings of the newly elected South Burnett Regional Council

Summary

Pursuant to Section 256 of the *Local Government Regulation 2012* Council must consider the day and times of other meetings at its post election meeting. This report proposes the days and time for the ordinary meetings of the newly elected South Burnett Regional Council (excluding the first ordinary meeting proposed for 20 April 2016).

The change to monthly meeting has been considered taking into account the business needs of Council. For consistency purposes Wednesdays have been allocated to meet these business needs, which include Councillor attendance at the Ordinary Council meetings, Councillor portfolio briefing day, Strategic Workshops and the Chief Executive Officers' briefings to Councillors. It is considered that the following meeting schedule will provide an orderly and efficient meeting schedule for Wednesdays:

First Wednesday of Month:	Portfolio Briefing Day
Second Wednesday of Month	Strategic Workshops/CEO Briefings
Third Wednesday of Month	Ordinary Meeting
Fourth Wednesday of Month	Strategic Workshops/CEO Briefings
Fifth Wednesday of Month	Strategic Workshops/CEO Briefings

(The fifth Wednesday will occur 4 times throughout a calendar year.)

Thursdays have also been set aside as a contingency day for Council business as required and with notice.

Officer's Recommendation

That Council:

1. Fix the day and time for the ordinary meetings of South Burnett Regional Council as the third Wednesday of the month (except for the October meeting which will be the second Wednesday due to the LGAQ Conference being held on 18-20 October) commencing at 9.00am.
2. Adopt the dates, times and locations for Council meetings to December 2016 as follows:

Date	Time	Location
Wednesday 18 May 2016	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Wednesday 15 June 2016	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Wednesday 20 July 2016	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Wednesday 17 August 2016	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Wednesday 21 September 2016	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Wednesday 12 October 2016	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Wednesday 16 November 2016	9.00am	Warren Truss Chamber Glendon Street Kingaroy
Wednesday 21 December 2016	9.00am	Warren Truss Chamber Glendon Street Kingaroy

Financial and Resource Implications

Budget funds are provided for the costs associated with Council Meetings.

Link to Corporate/Operational Plan

- GO3 Implement policies and plans that support appropriate planning and development for business, industry and community needs
- EC1 Develop a range of initiatives to engage and inform the community
- EXC4 Develop a governance framework that delivers sound organisational management.

Communication/Consultation (Internal/External)

Council advertises the dates, times and location of Council Meetings to enable the community to attend.

Legal Implications (Statutory Basis, Legal Risks)

Pursuant to Section 256 of the *Local Government Regulation 2012* Council must consider the day and times of other meetings at its post election meeting. This report proposes the days and time for the ordinary meetings of the newly elected South Burnett Regional Council (excluding the first ordinary meeting proposed for 20 April 2016).

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

3.7 PAYG Withholding for Councillors

Document Information

IR No 1585637

Author Chief Executive Officer

Date 4 April 2016

Précis

The Chief Executive Officer is seeking determination whether Councillors elect to be subject to Pay As You Go (PAYG) withholding tax pursuant to Division 446-5 of Schedule 1 of the *Taxation Administration Act 1953*.

Summary

Division 446-5 of Schedule 1 to the *Taxation Administration Act 1953* allows Councillors by unanimous resolution to elect to be treated as PAYG taxpayers.

An election under Division 446-5 impacts on the way in which Councillor remuneration will be taxed. Where such a resolution is passed, PAYG tax instalments will be deducted from Councillors' salary/meeting fees, and non-cash remuneration will be subject to fringe benefits tax. It also results in the Councillors being treated as employees for a wide range of other taxation purposes, including possible salary sacrificing opportunities such as a vehicle.

Officer's Recommendation

That Council elect whether to become an eligible governing body subject to Division 446-5 of Schedule 1 of the *Taxation Administration Act 1953*.

Financial and Resource Implications

Should Councillors unanimously elect to become an eligible governing body subject to Division 446-5 of Schedule 1 of the *Taxation Administration Act 1953*, Council will be liable for fringe benefits tax on non-cash remuneration.

Link to Corporate/Operational Plan

Corporate Plan: EXC4 - Develop a governance framework that delivers sound organisational management.

Communication/Consultation (Internal/External)

Councillors were advised to seek independent financial advice prior to the meeting.

Legal Implications (Statutory Basis, Legal Risks)

Division 446-5 of Schedule 1 to the *Taxation Administration Act 1953* allows Councillors by unanimous resolution to elect to be treated as PAYG taxpayers. An election under Division 446-5

impacts on the way in which remuneration will be taxed. Where such a resolution is passed, PAYG tax instalments will be deducted from Councillors' salary/meeting fees, and non-cash remuneration will be subject to fringe benefits tax. It also results in the Councillors being treated as employees for a wide range of other taxation purposes.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

Report

Division 446-5 of Schedule 1 to the *Taxation Administration Act 1953* allows Councillors by unanimous resolution to elect to be treated as PAYG taxpayers.

An election under Division 446-5 impacts on the way in which remuneration will be taxed. Where such a resolution is passed, PAYG tax instalments will be deducted from Councillors' salary/meeting fees, and non-cash remuneration will be subject to fringe benefits tax. It also results in the Councillors being treated as employees for a wide range of other taxation purposes, including possible salary sacrificing opportunities such as a vehicle.

An election under Division 446-5 also brings into effect the *Superannuation Guarantee Charge (Administration) Act 1993* which means that Councillors are employees for superannuation guarantee purposes, so that the Council will have to pay the minimum prescribed contributions (or pay the superannuation guarantee charge).

Where non-cash remuneration is provided (such as use of a motor vehicle), the making of an election has the result that tax on the non-cash remuneration is paid by the Council as fringe benefits tax, rather than being paid by the Councillor as part of his or her own income because fringe benefits tax is a tax on the employer.

Should Council make an election pursuant to Division 446-5:

1. The resolution is not affected by change in the membership of Council;
2. The resolution must specify a day as the day on which the resolution takes effect. The specified day must be within the 28-day period beginning on the day after the day on which the resolution was made.
3. The Commissioner for Taxation must be given written notification of the resolution within seven (7) days after the resolution was made.
4. The resolution applies for the purposes of particular provisions whose operation it affects.

The following table summarises particular provisions that are affected when Council resolves for an election under Division 446-5 of the *Taxation Administration Act 1953*.

Summary Table of particular provisions whose operation is affected:

When the resolution applies		
Item	If the resolution affects the operation of ...	the resolution applies to ...
1	section 12-45	amounts that become payable after the day on which the resolution takes effect
2	Subdivision AB of Division 17 of Part III of the <i>Income Tax Assessment Act 1936</i> (about tax offset for lump sum payments in arrears)	*ordinary income *derived, and amounts that become *statutory income, after the day on which the resolution takes effect
3	sections 26-30 and 34-5 of the <i>Income Tax Assessment Act 1997</i> (about deductions for relatives' travel expenses and non-compulsory uniforms)	expenditure incurred after the day on which the resolution takes effect
4	Divisions 28 and 900 of the <i>Income Tax Assessment Act 1997</i> (about car expenses and substantiation)	expenses incurred after the day on which the resolution takes effect
5	section 130-80 of the <i>Income Tax Assessment Act 1997</i> (about capital gains tax and employee share trusts)	*shares and rights to which a beneficiary becomes absolutely entitled after the day on which the resolution takes effect
6	provisions of the <i>Fringe Benefits Tax Assessment Act 1986</i> relating to assessments	(a) in the case of a loan benefit within the meaning of the <i>Fringe Benefits Tax Assessment Act 1986</i> —a loan made after the day on which the resolution takes effect; (b) in the case of a housing benefit within the meaning of that Act—the subsistence, after the day on which the resolution takes effect, of the housing right concerned; (c) in the case of a residual benefit within the meaning of that Act that is *provided during a period—so much of the period as occurs after the day on which the resolution takes effect; (d) any other *fringe benefit provided after the day on which the resolution takes effect.
7	Division 4 of Part II of the <i>Income Tax Rates Act 1986</i> (about pro-rating the tax-free threshold)	amounts that become assessable income after the day on which the resolution takes effect
8	the provisions of the <i>Child Support (Registration and Collection) Act 1988</i>	*ordinary income *derived, and amounts that become *statutory income, after the day on which the resolution takes effect
9	section 9-20 of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (about the meaning of enterprise)	activities, or series of activities, done after the day on which the resolution takes effect
10	Division 111 of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (about reimbursement of employees)	reimbursements made after the day on which the resolution takes effect

3.8 Expenses Reimbursement Policy for Councillors

Document Information

IR No 1590436

Author Chief Executive Officer

Date 4 April 2016

Précis

To adopt a policy for the reimbursement of expenses and the provision of facilities for Councillors.

Summary

Pursuant to section 249 and section 250 of the *Local Government Regulation 2012* Council is required to adopt an *Expenses Reimbursement Policy* that provides for the payment of reasonable expenses incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors and the provision of facilities to Councillors for that purpose.

The *Expenses Reimbursement Policy* must be consistent with the five local government principles under section 4(2) of the *Local Government Act 2009* (the Act) and meet the financial sustainability criteria under section 104 of the Act.

Officer's Recommendation

That Council adopt the Expenses Reimbursement Policy for Councillors.



Expenses Reimbursement Policy for Councillors

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1. POLICY STATEMENT

This policy ensures that Council's reimbursement of expenses incurred by Councillors and facilities provided to Councillors is consistent with the local government principles and financial sustainability criteria as defined in the *Local Government Act 2009 (LGA2009)*.

The local government principles are:

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

Furthermore, additional principles that underpin this policy are:-

- (a) **Public Interest**
The use of public monies in the public interest by responsible budgeting and accounting.
- (b) **Fair and Reasonable**
Fair and reasonable allocation of Council resources in the form of allowances, facilities and other benefits, to enable all Councillors to conduct the duties of their office.
- (c) **Transparent**
Transparent decision-making by the public disclosure of policy and resolutions.
- (d) **Accountability**
Accountability for expenditure and use of facilities through full justification and acquittal.

Councillors should not be financially disadvantaged when carrying out their roles and should be fairly and reasonably compensated in accordance with statutory requirements and community expectations. Councillors should not receive a private benefit through their role as a Councillor and as such this policy provides for actual reimbursement of legitimate expenses and full disclosure through appropriate accountability requirements.

2. SCOPE

This policy applies to the Mayor, Deputy Mayor and Councillors of South Burnett Regional Council.

This policy does not provide for Councillor Remuneration. Councillor Remuneration is in accordance with the determination of the Local Government Remuneration and Discipline Tribunal.

3. POLICY OBJECTIVES

The purpose of this policy is to provide for the proper control of the reimbursement of reasonable expenses incurred, or to be incurred by Councillors in discharging their duties and responsibilities.

The policy covers:-

- the reimbursement to Councillors of legitimate expenses incurred; and
- the facilities to be provided to Councillors.

4. BACKGROUND AND/OR PRINCIPLES

Pursuant to section 250 of the Local Government Regulation 2012 (LGR2012) Council is required to adopt an Expenses Reimbursement Policy that provides the payment of reasonable expenses incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors and the provision of facilities to Councillors for that purpose.

5. GENERAL INFORMATION

The LGR2012 legislates that Council must maintain a policy providing for payment of reasonable expenses incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors and provision of facilities to the Councillors for that purpose.

The Expenses Reimbursement Policy for Councillors must be consistent with the five local government principles under section 4(2) of the LGA2009 and meet the financial sustainability criteria under section 104 of LGA2009.

The LGR2012 legislates that Council must in its Annual Report detail the expenses incurred by each Councillor during the year under the local government's expenses reimbursement policy.

5.1 Payment of Expenses

Expenses will be paid to Councillors in accordance with the relevant administrative processes as approved by the Chief Executive Officer. Wherever possible most expenses will be booked and paid for by Council in advance. Councillors making a claim for legitimate expenses incurred for Council business must submit the appropriate form detailing the relevant expense within one (1) month of the expense being incurred or invoiced.

Professional Development

Council will pay for/reimburse expenses incurred for:

- mandatory professional development; and
- discretionary professional development deemed essential for the Councillor's role and approved by Council.

Corporate Uniform

Council will make available a professional Corporate Uniform pack (1 blouse/shirt, 1 skirt/trouser, and 1 jacket).

Travel as Required to Represent Council

Council may reimburse local and in some cases interstate and overseas travel expenses (e.g. flights, car, accommodation, meals and associated registration fees) deemed necessary to achieve the business of Council where:

- a Councillor is an official representative of Council; and
- the activity/event and travel have been endorsed by resolution of Council.

Councillors are to travel via the most direct route, using the most economical and efficient mode of transport. Council will pay for reasonable expenses incurred for overnight accommodation when a Councillor is required to stay outside the South Burnett region.

NOTE: Any fines incurred while travelling in Council-owned vehicles or privately owned vehicles when attending Council business, will be the responsibility of the Councillor (driving or in charge of the motor vehicle) incurring the fine.

Travel Bookings

All Councillor travel approved by Council will be booked and paid for by Council. Economy class is to be used where possible although Council may approve business class in certain circumstances. Airline tickets are not transferable and can only be procured for the Councillor's travel on Council business. They cannot be used to offset other unapproved expenses (e.g. cost of partner or spouse accompanying the Councillor).

Travel Transfer Costs

All travel transfer expenses associated with Councillors travelling for Council approved business will be reimbursed, e.g. trains, taxis, road tolls, buses and ferry fares. Cab charge vouchers may also be used if approved by Council where Councillors are required to undertake duties relating to the business of Council.

Accommodation

All Councillor accommodation for Council business will be booked and paid for by Council. Council will pay for the most economical deal available. Where possible, the minimum standards for Councillors' accommodation should be three (3) star rating. Where particular accommodation is recommended by conference organisers, Council will take advantage of the package deal that is the most economical and convenient to the event.

Meals

Council will reimburse costs of meals for a Councillor when:

- the Councillor incurs the cost personally and can produce original documents sufficient to verify the actual meal cost; and
- the meal was not provided within the registration costs of the approved activity/event; or during a funded flight.

The following limits are considered to be reasonable for reimbursement by Council.

- Breakfast - \$ 25.00 inc GST
- Lunch - \$ 25.00 inc GST
- Dinner - \$ 70.00 inc GST

Should the cost be for a greater value than those listed above and the cost is deemed reasonable by the Chief Executive Officer, then reimbursement for the full cost may be provided.

Hospitality

Council may reimburse the Mayor up to \$2,000 per annum for hospitality expenses deemed necessary in the conduct of Council business. Each Councillor may claim up to \$500.00 per annum for hospitality expenses deemed necessary in the conduct of Council business. In claiming hospitality expenses, a Councillor or the Mayor, will be required to complete the relevant form to identify why the hospitality occurred and who attended.

Responsibility

Councillors accept full responsibility for the accuracy of each claim. Failure to comply with this policy, falsifying claims or the misuse of facilities may represent official misconduct and be referred to the Crime and Corruption Commission.

5.2 Facilities

All facilities provided to Councillors remain the property of Council and must be returned to Council when a Councillor's term expires.

Private Use of Council Owned Facilities

Based on the principle that no private benefit is to be gained, the facilities provided to Councillors by Council are to be used only for Council business unless prior approval has been granted by resolution of Council. The Council resolution authorising private use of Council owned facilities will set out the terms under which the Councillor will reimburse Council for the percentage of private use. This would apply to Council vehicles and mobile telecommunication devices

Councillors will be provided facilities as detailed below which have been based on the principle that no private benefit is to be gained from the facilities provided.

Administrative Tools

Administrative tools will be provided to Councillors as required to assist Councillors in their role. Administrative tools include:

- office space and meeting rooms;
- computer including internet access and wireless remote where appropriate;
- stationery;
- access to photocopiers, printers, and facsimile machines;
- publications; and
- use of Council landline telephones and internet in Council offices.

Secretarial support will be provided to the Mayor.

Maintenance Costs of Council Owned Equipment

Council will be responsible for the ongoing maintenance and reasonable wear and tear costs of Council-owned equipment that is supplied to Councillors for official business use. This includes the replacement of any facilities, which fall under Council's asset replacement program.

Name Badge and Safety Equipment for Councillors

Council will provide Councillors with one name badge and one Identification Card. Councillors will have access to the necessary safety equipment for use on official business when needed. (i.e. safety helmet, vest and boots). Councillors are expected to observe the appropriate Workplace Health and Safety policy and procedures while at any workplace.

Use of Council Vehicles on Council Business

Councillors may have access to a Council vehicle for official business in emergent or exceptional circumstances as approved by the Chief Executive Officer.

Private Use of Mayor's Council Vehicle

The Mayor will be provided with a Council vehicle with full private use. Alternatively the Mayor may choose to be paid an allowance determined by the Chief Executive Officer in lieu of a Council Vehicle.

Telecommunication Needs - Mobile Devices

Mobile telecommunication devices owned by Council will be provided to each Councillor for official Council business.

Contribution to Councillors Telephone Costs

Council will contribute a maximum amount of \$1,200.00 per annum to each Councillor (excluding the Mayor) to offset the cost of fixed and mobile telephone costs. This will only be reimbursed on the production of appropriate invoices/tax receipts. For the Council supplied mobile telephone Council will pay the monthly account and when the \$1,200.00 is used Council will issue an invoice for any balance outstanding. Reimbursement above \$1,200.00 may be approved subject to the CEO's approval.

Contribution to Mayor's Telephone Costs

Council will contribute a maximum amount of \$2,500.00 per annum to the Mayor to offset the cost of fixed and mobile telephone costs. This will only be reimbursed on the production of appropriate invoices/tax receipts. For the Council supplied mobile telephone Council will pay the monthly account and when the \$2,500.00 is used Council will issue an invoice for any balance outstanding.

Insurance Cover

Council will indemnify and insure Councillors in the event of injury sustained while discharging their duties. Council will pay the excess for injury claims made by a Councillor resulting from conducting official Council business.

Vehicle Fuel and Operation Costs

Councillors may choose either option but not both.

Option 1

A weekly amount will be paid to each Councillor covering the cost of fuel and fair wear and tear on the private vehicle of the Councillor as follows:

- Division Four (4) - \$80.00
- Division Three (3) - \$92.00
- Division One (1) Two (2) - \$140.00
- Division Five (5) and Six (6) - \$200.00

Option 2

Council provides a monthly allowance of \$170.00 for use of Councillors own vehicle (to cover wear and tear on the vehicle) plus a fuel card will be provided to the Councillor. The requirements are that a monthly statement is provided outlining fuel purchases and each Councillor will need to sign off their respective fuel invoice indicating whether there is any private fuel purchase and return the signed invoice to Council. If there are private fuel purchases the Councillor will be issued with an invoice by the Council requesting payment of that amount.

Car Parking Amenities

Councils will reimburse Councillors for parking costs paid by Councillors while attending to official Council business.

6. DEFINITIONS

To assist in interpretation, the following definitions shall apply:

Council business: shall mean official business conducted on behalf of Council, where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business continuity for the Council, for example official Council meetings, Councillor forums and workshops, Committees/Boards as Council's official representative, scheduled meetings relating to portfolios or Council appointments.

Council Business should result in a benefit being achieved either for the local government and/or the local government area, for example Council may decide that Council business includes civic ceremony duties such as opening a school fete.

Participating in a community group event or being a representative on a Board not associated with Council is not regarded as Council business.

Councillors: shall mean the Mayor, Deputy Mayor and Councillors unless otherwise specified.

Expenses: shall mean costs reasonably incurred, or to be incurred, in connection with Councillors discharging their duties. The expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge. Expenses are not included as remuneration.

Facilities: shall mean the facilities deemed necessary to assist Councillors in their role.

Reasonable: shall mean Council must make sound judgements and consider what is prudent, responsible and acceptable to the community when determining reasonable levels of facilities and expenditure.

7. LEGISLATIVE REFERENCE

Local Government Act 2009 (LGA2009)

Local Government Regulation 2012 (LGR2012)

8. RELATED POLICIES/PROCEDURES

Councillor Code of Conduct

9. NEXT REVIEW

April 2018

Gary Wall
CHIEF EXECUTIVE OFFICER

Date

Financial and Resource Implications

Funds have been allocated in the current budget for the reimbursement of expenses and the provision of facilities to enable Councillor to discharge their duties and responsibilities based on this policy.

Link to Corporate/Operational Plan

Corporate Plan: EXC4 - Develop a governance framework that delivers sound organisational management.

Communication/Consultation (Internal/External)

N/A

Legal Implications (Statutory Basis, Legal Risks)

The adoption of an Expenses Reimbursement Policy is a statutory requirement pursuant to Section 250 of the *Local Government Regulation 2012*.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

3.9 Appointment of Councillor Representatives on Council Committees and Other Organisations

Document Information

IR No 1588030

Author Manager Social & Corporate Performance

Endorsed By Chief Executive Officer

Date 4 April 2016

Précis

The Chief Executive Officer is seeking the appointment of Councillors to various Council committees and as representatives to external organisations, associations and other bodies.

Summary

Councillors will continue to have extensive involvement in numerous Council committees and as representatives to external organisations and as a result of the newly elected Council it is necessary for Council to appoint Councillor Representatives to those committee, bodies and organisations. The appointments have been predominately aligned with Councillor Portfolios.

Officer's Recommendation

That the following Councillors be appointed as the Council representative representing Council on Council Committees and other organisations as listed below:

COMMITTEES	MEMBERSHIP	COUNCILLOR
Audit Committee	2 Councillors, with one being appointed Chairman	Mayor Keith Campbell Cr Ros Heit
Australia Day Judging Panel	3 Councillors & 3 Community Members	Cr Roz Frohloff Cr Kathy Duff Cr Terry Fleischfresser
Barker Barambah Irrigators Advisory Committee	1 Councillor	Cr Roz Frohloff
Blackbutt Pool Committee	Division 2 Councillor	Cr Gavin Jones
Boondooma Homestead Management Advisory Committee	2 Councillors (suggest Division 5 and Division 6 Councillors)	Cr Kathy Duff Cr Ros Heit

Burnett Inland Economic Development Organisation	2 Councillors	Mayor Keith Campbell Cr Ros Heit
Grants & Donations Committee	4 Councillors	Cr Danita Potter Cr Terry Fleischfresser Cr Ros Heit Cr Kathy Duff
Healthy Communities Committee	1 Councillor	Cr Potter
Kingaroy Community Police Consultative Committee	2 Councillor	Mayor Keith Campbell Cr Terry Fleischfresser
Local Disaster Management Committee	Mayor & 1 Councillor	Mayor Keith Campbell Cr Roz Frohloff
Mayor's Community Benefit Fund Management Advisory Committee	1 Councillor	Cr Ros Heit
Murgon Sports Association	1 Councillor	Cr Kathy Duff
Reconciliation Action Plan Committee	Mayor & 2 Councillors	Mayor Keith Campbell Cr Danita Potter Cr Kathy Duff
Regional Arts Development Fund Advisory Committee	1 Councillor	Cr Danita Potter
South Burnett Community Consultative Committee	1 Councillor	Cr Danita Potter
South Burnett Community Network Committee	1 Councillor	Cr Danita Potter
South Burnett Directions	1 Councillor	Mayor Keith Campbell
South Burnett PCYC Steering Committee	2 Councillors	Cr Roz Frohloff Cr Kathy Duff
Southern Queensland Country Tourism Board	1 Councillor	Mayor Keith Campbell
Tick & Saleyards Committee	1 Councillor	Cr Kathy Duff
Traffic Advisory Committee	3 Councillors	Mayor Keith Campbell Cr Gavin Jones Cr Terry Fleischfresser
Wide Bay Burnett Regional Organisation of Councils (WBBROC)	Mayor & Deputy Mayor	Mayor Keith Campbell Deputy Mayor
Wide Bay Burnett Regional Road Transport Group (WBBRRG)	Mayor & Deputy Mayor	Mayor Deputy Mayor
Wide Bay Burnett Regional Sport & Recreation Advisory Committee	Portfolio Councillor	Cr Roz Frohloff

Financial and Resource Implications

No direct financial or resource implications arise from this report.

Link to Corporate/Operational Plan

Corporate Plan: EXC5 Effective advocacy and strategic partnerships.

Communication/Consultation (Internal/External)

Councillor appointments to Council committees & other organisations have been aligned with the Councillors allocated portfolio/s.

Legal Implications (Statutory Basis, Legal Risks)

No direct legal implications arise from this report

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

3.10 Appointment of Council Representatives on the South Burnett Community Hospital Foundation Ltd Board of Directors

Document Information

IR No 1590490

Author Chief Executive Officer

Date 4 April 2016

Précis

Appointing Council representation on the South Burnett Community Hospital Foundation Ltd Board of Directors.

Summary

Under the South Burnett Community Hospital Foundation Ltd constitution Council has three (3) representatives on the board of directors. As a result of the newly elected Council it is necessary for Council to appoint by resolution Councillor representatives to the South Burnett Community Hospital Foundation Ltd Board. The constitution specifies that one (1) of the three (3) Council representatives must be a Councillor. At least one of the Council representatives should be a Council Officer delegated by the Chief Executive Officer.

Officer's Recommendation

That the Mayor and a Councillor be appointed as Council representatives on the South Burnett Community Hospital Foundation Ltd Board of Directors.

Financial and Resource Implications

No direct financial or resource implications arise from this report.

Link to Corporate/Operational Plan

Corporate Plan: EXC4 - Develop a governance framework that delivers sound organisational management.

Communication/Consultation (Internal/External)

Council representative appointments have been aligned with Councillor portfolio/s and Council's organisational structure.

Legal Implications (Statutory Basis, Legal Risks)

No direct legal implications arise from this report.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

3.11 Council Appointees for 2016 ANZAC Day Ceremonies**Document Information**

IR No 1591072

Author Executive Assistant

Endorsed
By Chief Executive Officer

Date 4 April 2016

Précis

The Appointment of Councillors to various responsibilities for ANZAC Day ceremonies 2016

Summary

Each year Council is represented at the ANZAC Day Ceremonies across the South Burnett and it is necessary to confirm attendance at various ceremonies held in the Region for 2016.

Officer's Recommendation

That the following Council representatives attend the respective ceremonies and carry out any responsibilities as required on behalf of Council:

Town	Location	Time	Council Representative	Responsibility
Blackbutt Dawn Service	Memorial at Hart & Coulson Streets	4.27am	Mayor Cr Jones	Attendance Lay wreath
Memorial Service	Cenotaph	11.00am	Cr Jones	Attendance
Bunya Mountains Memorial Service	Lone Pine Office, National Park Campground, Dandabah	8.00am		Attendance Lay wreath
Cherbourg Commemorative Service	Cenotaph	8.00am	Cr Duff	Attendance Lay wreath
Hivesville Dawn Service	Main Street	5.30am	Cr Duff	Attendance Participate in Ceremony Lay wreath
Kingaroy Dawn Service	Memorial Park	4.28am	Cr Potter Cr Fleischfresser	Attendance
Commemorative Service	Memorial Park	11.00am	Mayor Cr Potter Cr Fleischfresser	Participate in march. Participate in ceremony Lay wreath

Town	Location	Time	Council Representative	Responsibility
Kumbia Commemorative Service	Flower bed next to Kumbia Hall	8.45am	Cr Fleischfresser	Participate in march Lay wreath
Maidenwell Memorial Service	Main Street Monument	10.30am	Cr Jones	Attendance Lay wreath
Murgon Fellowship	Services Club	4.45am		Attendance
Dawn Service	Gore Street Opposite Services Club	5.20am	Council Manager	Attendance Lay wreath
Commemorative Service	Services Club	10.00am	Cr Duff	Participate in march Participate in Ceremony Lay wreath
Nanango Dawn Service	Memorial in front of Chambers	5.30am	Cr Frohloff	Lay wreath
Public Pilgrimage	Nanango Cemetery	7.00am	Cr Frohloff	Attendance
Memorial Service	Memorial in front of Chambers	9.00am	Mayor Cr Frohloff	Lay wreath
Proston Dawn Service		5.30am	Council Manager	Attendance Lay Wreath
School Service	Proston State School		Cr Duff	Attendance Lay wreath
Wondai Dawn Service	In front of Council Chambers	5.00am	Cr Heit	Attendance
Memorial Service	Cemetery	8.00am	Cr Heit	Attendance
Commemorative Service	Wondai Town Hall	10.00am	Cr Heit	Attendance Participate in Ceremony Lay wreath
Wooroolin Commemorative Service	Wooroolin Hall	11.00am	Cr Heit	Organisation of service Lay wreath

Financial and Resource Implications

Funds have been allocated in the 2015/2016 budget for ANZAC Day.

Link to Corporate/Operational Plan

EC1 - An informed and engaged community

Communication/Consultation (Internal/External)

The preparations for ANZAC Day have commenced, internally with identified officers and externally with partnership organisations. The communication and consultation will be ongoing with key stakeholders until end of April 2016.

Legal Implications (Statutory Basis, Legal Risks)

Nil Known

Policy/Local Law/Delegation Implications

Nil

Asset Management Implications

Nil

3.12 Local Government Association of Queensland - Election of Association's Executive District Representatives 2016-2020

Document Information

IR No 1587417

Author Chief Executive Officer

Date 4 April 2016

Précis

Requesting nominations for the election of the Association's Executive District Representatives 2016-2020. Nominations close at 5.00 pm on Friday 29 April 2016.

Summary

The Local Government Association of Queensland is seeking nominations for the election of the Association's Executive District Representatives 2016-2020 - Nominations close at 5.00pm on Friday 29 April 2016.

Officer's Recommendation

That Council

1. not make a nomination to the LGAQ for the Executive District Representatives for 2016-2020; and
2. delegate the Mayor and Deputy Mayor to vote on behalf of Council at the LGAQ Executive Elections in June.

Financial and Resource Implications

LGAQ pays an allowance to Executive Members for attending executive and committee meetings (including other approved meetings). Travel costs are also provided, including taxi fares and parking fees. A personal accident insurance scheme operates for all Executive Members whilst travelling or involved in Association activities.

Link to Corporate/Operational Plan

EXC5 – Effective advocacy and strategic partnerships.

Communication/Consultation (Internal/External)

Not Applicable

Legal Implications (Statutory Basis, Legal Risks)

No direct legal implications arise from this report.

Policy/Local Law/Delegation Implications

No direct policy, local law or delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

3.13 Councillor Code of Conduct Policy

Document Information

IR No 1588837

Author Manager Social & Corporate Performance

**Endorsed
By** Chief Executive Officer

Date 29 March 2016

Précis

The purpose of this report is to adopt a Code of Conduct for Councillors of the South Burnett Regional Council.

Summary

The *Local Government Act 2009* (LGA2009) provides a regulatory framework for the adoption and enforcement of Councillor codes of conduct in Queensland.

The Code of Conduct for Councillors will provide South Burnett Regional Council Councillors with guidance and a frame of reference about their roles, obligations and acceptable standards of professional conduct. It also provides a public statement of professional conduct considered appropriate for elected officials and which the community can expect them to observe.

Officer's Recommendation

That the Code of Conduct for Councillors be adopted and the Code be a "procedure" for the purposes of section 176 (4) of the *Local Government Act 2009* (LGA2009), meaning breaches of this Code are considered to be breaches of the *LGA2009*.



Councillor Code of Conduct Policy

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1. POLICY STATEMENT

This Code of Conduct Policy sets out, for the Mayor, Councillors and the community, the standards of behaviour expected of the Mayor and Councillors of the South Burnett Regional Council.

2. SCOPE

This Code of Conduct Policy applies to the Mayor and Councillors of the South Burnett Regional Council.

3. POLICY OBJECTIVES

To ensure the system of local government is accountable, effective, efficient and sustainable, the Mayor and Councillors are responsible for performing their duties under section 12 of the *Local Government Act 2009 (LGA2009)* in accordance with the local government principles pursuant to section 4(2) of the *LGA2009*.

The local government principles are:

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

4. BACKGROUND AND/OR PRINCIPLES

The requirements of this Policy are in addition to the roles, responsibilities and obligations of the Mayor and Councillors, as set out in the *LGA2009*.

This Policy has been adopted by resolution of Council and accordingly considers this Policy to be a "procedure" for the purposes of section 176(4)(a) of the *LGA2009*, meaning breaches of this Policy are considered to be breaches of the *LGA2009*. While it is recognised that this Policy is not

exhaustive, it does identify the main responsibilities of Councillors. Where there is any inconsistency between this Policy and the *LGA2009*, the *LGA2009* takes precedence.

5. GENERAL INFORMATION

Pursuant to the *LGA2009*, the responsibilities of Councillors include:

1. A Councillor must represent the current and future interests of the residents of the local government area.
2. All Councillors of a local government have the same responsibilities, but the Mayor has some extra responsibilities.
3. All Councillors have the following responsibilities -
 - (a) ensuring the local government -
 - i. discharges its responsibilities under this Act; and
 - ii. achieves its corporate; and
 - iii. complies with all laws that apply to local governments;
 - (b) providing high quality leadership to the local government and the community;
 - (c) participating in council meetings, policy development, and decision-making, for the benefit of the local government area;
 - (d) being accountable to the community for the local government's performance.
4. The Mayor has the following extra responsibilities -
 - (a) leading and managing meetings of the local government at which the Mayor is the Chairperson, including managing the conduct of the participants at the meetings;
 - (b) preparing a budget to present to the local government;
 - (c) leading, managing, and providing strategic direction to, the Chief Executive Officer in order to achieve the high quality administration of the local government;
 - (d) directing the Chief Executive Officer and senior employees, in accordance with the local government's policies;
 - (e) conducting a performance appraisal of the Chief Executive Officer, at least annually, in the way that is decided by the local government (including as a member of a committee, for example);
 - (f) ensuring that the local government promptly provides the Minister with the information about the local government area, or the local government, that is requested by the Minister;
 - (g) being a member of each standing committee of the local government;
 - (h) representing the local government at ceremonial or civic functions.
5. A Councillor who is not the Mayor may perform the Mayor's extra responsibilities only if the Mayor delegates the responsibility to the Councillor.
6. When performing a responsibility, a Councillor must serve the overall public interest of the whole local government area.

Other obligations of Councillors include:

- Not to use information acquired as Councillor to directly or indirectly gain financial advantage (section 171 (1)(a) of the *LGA2009*);

- Not to use information acquired as a Councillor to cause detriment to the local government (section 171 (1)(b) of the *LGA2009*);
- Not to release information the Councillor knows, or should reasonably know, is confidential (section 171(3) of the *LGA2009*);
- To keep the Councillor register of interests up to date (section 171B of the *LGA2009*);
- Not to direct Council employees (section 170 of the *LGA2009*);
- Only to contact Council employees in accordance with the Acceptable Request Guidelines adopted by Council (section 170A(6) of the *LGA2009*);
- To disclose any Material Personal Interest (section 172 of the *LGA2009*);
- To declare conflicts or perceived conflicts of interest (section 173 of the *LGA2009*);
- Not to give false or misleading information, either verbally or in writing (section 234 of the *LGA2009*); and
- To comply with Workplace Health and Safety duties under Part 2 of the *Workplace Health and Safety Act 2011*.

All Councillors must:

- Ensure their personal conduct does not reflect adversely on the reputation of Council;
- Demonstrate respect for fellow Councillors, Council employees and other members of the public;
- Refrain from harassing, bullying or intimidating fellow Councillors, Council employees and other members of the public;
- Not communicate with the public or media on behalf of the Council, unless expressly authorised by the Council to make that communication;
- When communicating with the public or the media, make it clear when they are expressing a personal opinion and when they are speaking on behalf of Council; and
- When communicating with the public or the media to express a personal opinion about a Council resolution, respect the democratic process by first acknowledging that Council resolutions represent the majority view of Council.

A failure to comply with this Policy by a Councillor (other than by the Mayor or Deputy Mayor) will be defined as inappropriate conduct under the *LGA2009* and render a Councillor liable to disciplinary action prescribed by section 181 of the *LGA2009*.

If a complaint has been referred to the Mayor or the Department's Chief Executive to take disciplinary action then in accordance with section 181(2) of the *LGA2009*: -

(2) *The mayor or department's chief executive may make either or both of the following orders that the mayor or department's chief executive considers appropriate in the circumstances—*

(a) *an order reprimanding the councillor for the inappropriate conduct;*

(b) *an order that any repeat of the inappropriate conduct be referred to the regional conduct review panel as misconduct.*

A failure to comply with this Policy by the Mayor or Deputy Mayor will be referred to the Chief Executive Officer (section 176C of the *LGA2009*).

For misconduct or repeat inappropriate breaches, the Regional Conduct Review Panel may make 1 or more orders or recommendations that it considers appropriate in view of the circumstances (sections 180 (2) of the *LGA2009*).

- (a) an order that the Councillor be counselled about the misconduct, and how not to repeat the misconduct;
- (b) an order that the Councillor make an admission of error or an apology;
- (c) an order that the Councillor participate in mediation with another person;
- (d) a recommendation to the Department's Chief Executive to monitor the Councillor or the local government for compliance with the Local Government Acts;
- (e) an order that the Councillor reimburse the local government;
- (f) a recommendation to the Crime Corruption Commission or the Police Commissioner that the Councillor's conduct be further investigated;
- (g) an order that the Councillor pay to the local government an amount of not more than the monetary value of 50 penalty units.

However, if the Regional Conduct Review Panel considers that more serious disciplinary action should be taken, the Regional Conduct Review Panel must report the matter to Local Government Remuneration and Discipline Tribunal (the Tribunal) for the Tribunal to take disciplinary action. The Tribunal may make 1 or more orders or recommendations that it considers appropriate in view of the circumstances (sections 180 (5) of the *LGA2009*).

- (a) an order that the Councillor be counselled about the misconduct, and how not to repeat the misconduct;
- (b) an order that the Councillor make an admission of error or an apology;
- (c) an order that the Councillor participate in mediation with another person;
- (d) a recommendation to the Department's Chief Executive to monitor the Councillor or the local government for compliance with the Local Government Acts;
- (e) an order that the Councillor forfeit an allowance, benefit, payment or privilege;
- (f) an order that the Councillor reimburse the local government;
- (g) a recommendation to the Minister that the Councillor be suspended for a specified period, either wholly or from performing particular functions;

Examples of particular functions—

- attending council meetings or offices
- representing the council at public functions
- (h) a recommendation to the Minister that the Councillor be dismissed;
- (i) a recommendation to the Crime Corruption Commission or the Police Commissioner that the Councillor's conduct be further investigated;
- (j) an order that the Councillor pay to the local government an amount of not more than the monetary value of 50 penalty units.

6. DEFINITIONS

Department's Chief Executive means the Chief Executive of the Department of Local Government Infrastructure Planning

Inappropriate conduct means conduct that is not appropriate conduct for a representative of a local government, but is not misconduct, including for example—

- (a) a Councillor failing to comply with the local government's procedures; or
- (b) a Councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.

Misconduct means conduct, or a conspiracy or attempt to engage in conduct, of or by a Councillor—

- (a) that adversely affects, or could adversely affect, (either directly or indirectly) the honest and impartial performance of the Councillor's responsibilities or exercise of the Councillor's powers; or
- (b) that is or involves—
 - i. the performance of the Councillor's responsibilities, or the exercise of the Councillor's powers, in a way that is not honest or is not impartial; or
 - ii. a breach of the trust placed in the Councillor; or
 - iii. a misuse of information or material acquired in or in connection with the performance of the Councillor's responsibilities, whether the misuse is for the benefit of the Councillor or someone else; or
 - iv. a failure by the Councillor to comply with a direction to leave a meeting of the local government or its committees by the chairperson presiding at the meeting; or
 - v. a refusal by the Councillor to comply with a direction or order of the Regional Conduct Review Panel or Tribunal about the Councillor; or
- (c) that is a repeat of inappropriate conduct that the Mayor or the Department's Chief Executive has ordered to be referred to the Regional Conduct Review Panel under section 181(2) of the *LGA2009*; or
- (d) that contravenes section 171(3) or 173(4) of the *LGA2009*.

Regional Conduct Review Panel means a body, created under the *LGA2009* that is responsible for hearing and deciding a complaint of misconduct by a Councillor.

The Tribunal (Local Government Remuneration and Discipline Tribunal) means is a body, created under the *LGA2009* that is responsible (amongst other things) for hearing and deciding the most serious complaints of misconduct by a Councillor.

7. LEGISLATIVE REFERENCE

Local Government Act 2009 (LGA2009)

8. RELATED POLICIES/PROCEDURES

Not applicable

9. NEXT REVIEW

April 2018

Gary Wall
CHIEF EXECUTIVE OFFICER

Date

Financial and Resource Implications

No direct financial or resource implications arise from this report.

Link to Corporate/Operational Plan

Corporate Plan: EXC4.1 A governance framework that delivers good organisational management.

Communication/Consultation (Internal/External)

Internal consultation was undertaken with the Executive Management Team and Elected Members.

Legal Implications (Statutory Basis, Legal Risks)

The code is based on the *LGA2009* which provides the regulatory framework for the adoption and enforcement of Councillor codes of conduct in Queensland.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

3.14 Acceptable Request Guidelines

Document Information

IR No 1591551

Author Chief Executive Officer

Date 4 April 2016

Précis

The purpose of this report is to inform Council of the Acceptable Request Guidelines for communication between Councillors and Council employees, when Councillors are making reasonable requests to:

1. obtain advice to help the Councillor make a decision; or
2. obtain information that the local government has access to, relating to the local government.

Summary

Under section 170A of the *Local Government Act 2009* (the Act), the Chief Executive Officer (CEO) is required to prepare Acceptable Request Guidelines that set out the procedure that Councillors must follow when requesting help or advice from Council employees.

Attached are the Acceptable Request Guidelines for South Burnett Regional Council which has been approved by the CEO and is based on both the requirements of the Act and best practice guidelines developed by the Local Government Association of Queensland (LGAQ).

Officer's Recommendation

That the Acceptable Request Guidelines as attached be adopted.



Acceptable Request Guidelines

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1. POLICY STATEMENT

The Acceptable Request Guidelines are intended to provide clear guidelines to Councillors and Council employees about the way in which a Councillor may:

- ask a Council employee for advice to assist the Councillor carry out his or her responsibilities under the *Local Government Act 2009 (LGA2009)*; and
- ask the Chief Executive Officer (CEO) to provide information, that the local government has access to, relating to the local government.

It is the responsibility of all Council employees to abide by these Acceptable Request Guidelines.

These Guidelines are considered to be a local government "procedure" under Section 176(4) of *LGA2009*, meaning that a breach of these Guidelines will be considered to be a breach of *LGA2009*.

2. SCOPE

The Acceptable Request Guidelines apply to all Councillors and Council employees, when a Councillor is requesting advice or information.

3. POLICY OBJECTIVES

The guidelines specifically assist Councillors, the Chief Executive Officer and Council employees in meeting:

- their statutory obligations under section 170A of *LGA2009* - "Request for assistance or information"; and
- the CEO's statutory obligation under section 13(3)(f) of *LGA2009* to comply with requests from Councillors.

4. BACKGROUND AND/OR PRINCIPLES

It is a requirement of *LGA2009* section 170A for Council to adopt acceptable request guidelines about

- (a) the way in which a Councillor may ask a local government employee for advice to help the Councillor to carry out his or her responsibilities under this Act; and
- (b) reasonable limits on requests that a Councillor may make.

5. GENERAL INFORMATION

- 5.1 Communications between Councillors and Council employees must;
 - (a) be conducted in accordance with the Local Government Principles prescribed in section 4(2) of *LGA2009*;
 - (b) be conducted in accordance with the Councillors' Code of Conduct;
 - (c) comply with the law and Council policies, guidelines and procedures;
 - (d) be conducted in good faith; and
 - (e) be conducted in a respectful, reasonable and professional manner.
- 5.2 Councillors shall consider the likely cost implications in making requests for advice or information, and shall not make requests where the costs could not be justified as being in the public interest.
- 5.3 Councillors may request, from any Council employee, advice or information of a similar nature and in a similar manner to that which the Council employee ordinarily gives similar advice to the public (e.g. with a Customer Service Officer at a Customer Service Centre).
- 5.4 Councillor's requests for access to confidential information shall only be made to the relevant Manager, General Manager or CEO and shall be put in writing if requested.
- 5.5 In respect to advice and information provided by Council employees to Councillors, Councillors may refer complaints to the CEO in writing. All written complaints will be dealt with under Council's General Complaints Policy and procedures.
- 5.6 Councillor's requests for advice or information during the caretaker period of a local government election shall be restricted to information or advice that is available to members of the public and/or any other candidate in the election, other than in accordance with matters being formally considered by Council.
- 5.7 Any Councillor's decision to rely on verbal advice given by a Council employee shall be the responsibility of the Councillor and shall be made entirely at the discretion of the Councillor. Any such decision to rely on verbal advice given shall be made with due regard for the level of knowledge and experience of the Council employee providing the advice and shall be made with due regard for alternative advice available from other sources.
- 5.8 Councillors must not breach conflict of interest or material personal interest's provisions as described in *LGA2009* when requesting information from Council employees.
- 5.9 Other than in emergency situations, as detailed in section 10 and 11 hereunder, Councillors are not to contact a Council employee outside working hours other than with the prior approval of the Council employee.
- 5.10 If an afterhours matter is of a non-emergency operational nature Councillors should, as far as possible, defer the matter for consideration during business hours. Otherwise, Councillors must log a request through the general Council phone number (4189 9100) - which is also Council's after hours emergency service number.

- 5.11 When a matter occurs after hours and is of such urgency that to delay contact will bring harm to the Council or damage the reputation of Council, Councillors may contact one of the Council employees listed below:
- (a) CEO
 - (b) General Manager
 - (c) Manager
- 5.12 When referring service requests, Councillors shall use the Customer Request System rather than directly referring requests to any Council employee individually. This will ensure the matter is recorded and can be appropriately actioned.
- 5.13 Councillors may request advice or information from a Council employee only in accordance with these Acceptable Request Guidelines and Appendix 1 hereto - "Table of Authorised Employees". Where the nominated officer is not available when the contact or request is made, another suitably qualified Council employee may, entirely at the Council employee's discretion, determine either to provide the advice or information requested or decides to take a message for the nominated officer to respond in person to the Councillor.
- 5.14 Councillors may be given approval by the CEO to request advice and information from a Council employee other than General Managers and Managers, in specific circumstances; for example where a Council employee is a member or support officer to a Management Advisory Committee. In these specific circumstances, written approval will be provided to both the Councillor and the Council employee. This written approval will be provided by the CEO and recorded electronically in Council's Electronic Document Management System.
- 5.15 Pursuant to section 170A(3) of the LGA2009 Councillors may not ask for information that:
- (a) is a record of the regional conduct review panel or the tribunal; or
 - (b) if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or
 - (c) would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- 5.16 Other than in accordance with these guidelines, Councillors shall:
- (a) not direct, or attempt to direct any Council employee to do anything (except for the Mayor, who is entitled to direct the CEO and senior executive employees in accordance with Section 170(1) of LGA2009);
 - (b) not behave towards Council employees in an overbearing or threatening manner;
 - (c) not coerce or entice, or attempt to coerce or entice any Council employee to do anything that does not comply with these Acceptable Request Guidelines;
 - (d) not unduly disrupt a Council employee in the undertaking of that Council employee's routine employment obligations, nor during an Council employee's meal breaks, nor shall Councillors unduly disrupt that Council employee's workplace e.g. lengthy, unscheduled discussions with an Council employee in the corridor or unplanned attendance at Council employee's work station;
 - (e) not place, or attempt to place any Council employee in a position that would create a conflict of interest for that Council employee, or that would compromise the integrity and honest performance of that Council employee; and
 - (f) not direct or pressure a Council employee in relation to their work or recommendations they should make or action they should take.

- 5.17 A Mayoral direction may be given to the Chief Executive Officer and senior executive employees but only in fulfilling the Mayoral responsibilities outlines in section 12(4)(d) of LGA2009.
- 5.18 All council employees are bound by Council's code of conduct and the LGA2009 principles and the PSEA1994 principles. Council employees will maintain an awareness of their role as a public service provider. They will seek to maintain and enhance public confidence in the integrity of public administration, and to advance the common good of the community served by council.

Specifically, Council employees will not:

- make improper use of information acquired as a Council employee to gain, directly or indirectly, an advantage for themselves (or someone else); or to cause detriment to the Council;
- release information that the employee knows, or should reasonably know, is information that is confidential to Council, and which the Council wishes to keep confidential; and
- improperly use, or allow the improper use of, their official powers or position.

Council employees must ensure that any conflict that may arise between their personal interests and their official responsibilities is resolved in favour of the public interest.

Where a Council employee is uncertain about whether or not they should respond to a Councillor enquiry, or how to respond to a Councillor enquiry, then they must not provide a response, but rather refer the matter to their General Manager or the Chief Executive Officer who may then action the Councillor request.

Council employees must keep records of advice given to Councillors as they would do when advising a member of the public. This should be recorded electronically in Council's Electronic Document Management System.

- 5.19 Where Councillors are dissatisfied with the response from a Council employee (for a request for advice or information) the Councillor may report their dissatisfaction to the Council employees' General Manager. Councillors may seek a further review if they are dissatisfied with the General Managers response, by putting their concerns in writing to the Chief Executive Officer.
- 5.20 If the Mayor or a Councillor behaves inappropriately or asks for help or advice from an Council employee other than under these guidelines, the council employee must inform their Manager, General Manager or the Chief Executive Officer about the request as soon as is practicable as outlined under section 170a(4) of LGA2009.

An allegation of a breach of these Acceptable Request Guidelines will be dealt with in accordance with sections of 176 – 182 of LGA2009.

Breaches of the Acceptable Request Guidelines by the Mayor or a Councillor may lead to one, or a combination of the following:

- a reprimand for inappropriate conduct (section 181 of LGA2009); and
- for repeat inappropriate breaches the matter will be referred to the Regional Conduct Review Panel as misconduct.

6. DEFINITIONS

For the purposes of the Acceptable Request Guidelines a senior executive employee is a General Manager

7. LEGISLATIVE REFERENCE

Local Government Act 2009 (LGA2009)
Public Sector Ethics Act 1994 (PSEA1994)
Councillors Code of Conduct
Employee Code of Conduct
Council Corporate Plan (Values)

8. RELATED POLICIES/PROCEDURES

Table of Authorised Employees

9. NEXT REVIEW

April 2017

Gary Wall
CHIEF EXECUTIVE OFFICER

Date

Financial and Resource Implications

No direct financial or resource implications arise from this report.

Link to Corporate/Operational Plan

Corporate Plan: EXC4 - Develop a governance framework that delivers sound organisational management.

Communication/Consultation (Internal/External)

Internal communication and consultation: The Chief Executive Officer and Manager Social & Corporate Performance advised Councillors about the purpose, procedure and effect of the Guidelines as part of the Councillor Induction Program.

Legal Implications (Statutory Basis, Legal Risks)

These Acceptable Request Guidelines are intended to assist:

- Councillors and Council employees to meet their statutory obligations under section 170A of the *Local Government Act 2009* (the Act), “Requests for assistance or information”; and
- the Chief Executive Officer’s statutory obligation under section 13(3)(f) of the Act to comply with reasonable requests from Councillors for advice to help the Councillor make a decision or information, that the local government has access to, relating to the local government.

Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

Asset Management Implications

No direct asset management implications arise from this report.

