



**SOUTH BURNETT**  
**REGIONAL COUNCIL**

# **AGENDA**

## **Finance & Corporate Standing Committee Meeting Wednesday, 18 November 2020**

**I hereby give notice that a Meeting of the Finance & Corporate  
Standing Committee will be held on:**

**Date: Wednesday, 18 November 2020**

**Time: To follow immediately after the Special  
Meeting**

**Location: Warren Truss Chamber  
45 Glendon Street  
Kingaroy**

**Mark Pitt PSM  
Chief Executive Officer**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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- 1 OPENING**
- 2 LEAVE OF ABSENCE / APOLOGIES**
- 3 RECOGNITION OF TRADITIONAL OWNERS**
- 4 DECLARATION OF INTEREST**

## **5 PORTFOLIO - S&CP, FINANCE & ICT**

### **5.1 SOCIAL & CORPORATE PERFORMANCE, FINANCE AND INFORMATION COMMUNICATION TECHNOLOGY PORTFOLIO REPORT**

**File Number:** 18-11-2020

**Author:** Mayor

**Authoriser:** Chief Executive Officer

#### **PRECIS**

Social & Corporate Performance, Finance and Information Communication Technology Portfolio Report

#### **SUMMARY**

Mayor Otto presented his Social & Corporate Performance, Finance and Information Communication Technology (ICT) Portfolio Report to Council.

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#### **OFFICER'S RECOMMENDATION**

That Mayor Otto's Social & Corporate Performance, Finance and ICT Portfolio Report to Council be received.

#### **Social & Corporate Performance:**

##### **Records Management**

The *Public Records Act 2002* ('Act') governs recordkeeping for Council and ensures that public records are made, managed, kept, and, if appropriate, preserved in a usable form for the benefit of present and future generations. The Act specifies recordkeeping requirements that Council must comply with, specifically:

- how records should be created and managed;
- what records need to be kept, by who, and why;
- when records can be disposed of; and
- who authorises disposal of records.

Strong records governance results in improved transparency and accountability, informed decision-making, management of business risks and the reduction of costs through greater business efficiency.

Over the last three (3) months, there has been a considered focus on Council's hardcopy retention records in storage with the processing of 550 archive boxes of Finance, Infrastructure and building records.

The day to day operations within the records management function of Council has resulted in registering:

- 1,410 hardcopy documents; and
- 2,878 electronic documents

##### **Customer Contact**

Council's Blackbutt office offers a valued range of services to the local and wider community. In addition to Council enquiries/ library services, the small dedicated team of customer contact officers provide services on behalf of the Queensland Government, the Department of Human Services and in October was also a prepoll location for the State election.

During October, the customer contact officers at the Blackbutt office processed 172 Queensland Government applications (i.e. vehicle registrations), 24 enquiries for the Department of Human Services and processed 1,283 prepoll votes for the State election.

**Finance:****Rates**

Rates are in the process of following up on outstanding rates balances with reminders notices being prepared and sent in preparation for the sale for land in arrears for properties with 3+ years rates overdue. Preliminary report included in November Council meeting agenda. New and replaced water meters are being entered in preparation for the six-monthly water meter readings which are due to commence late this month. State Government Pensioner Subsidy claim is also being calculated in order to receive reimbursement.

**Procurement**

Council procurement is in the process of evaluating offers received during the refresh of the Pre-Qualified Panels for Wet Hire, Dry Hire and Road & Quarry Materials as part of Council's panel refresh opportunity provided on an annual basis. Successful applicants will be awarded to the pre-qualified panels within the next fortnight.

Council has also recently conducted an Expressions of Interest process for the establishment of a panel network of Health Care Providers that have capacity to provide services to Council for a range of medical needs including but not limited to pre-employment medical examinations, injury management, vaccinations and toxicity screening. Submissions to the Expression of Interest have been evaluated and candidates shortlisted for an invitation to tender.

The centralisation of procurement across Council is a current work in progress. This major organisational change will be implemented in a staged approach with the first stage being the development of a working committee to assist with the implementation across the organisation. Individual department requirements, concerns and risks need to be identified and addressed, mitigating risk to the organisation.

**Finance**

As at 31 October 2020, recurrent revenue is trending high year to date compared to budget due to the six-monthly rates being levied during August, as well as annual invoicing done for rentals, animal registrations and food permits.

Increases in planning applications have also contributed to this variance. This percentage variance will slowly decrease over the next few months. Recurrent expenditure is also trending slightly high compared to budget due to minor timing of yearly invoices such as land valuations, insurance, fleet registrations and IT licences.

Additional expenditure for disaster management expenses which has offsetting revenue impacts monthly percentages, however, will be budgeted for in the next budget revision.

Council has \$45.5m in cash with all ratios within the target benchmark, except the current ratio due to the higher cash levels. Rates in arrears is sitting at 11.52% with 1,525 assessments with rate arrangements in place.

Capital expenditure including commitments is sitting at \$15.187m which is tracking on target at 33%. Actual expenditure (excluding commitments) to date is \$8.196m which is tracking low at approximately 17%.

The finance team are currently finalising the Federal Assistance Grant return due this month, along with an analysis of existing loans in relation to the opportunity given by the Department to consider refinancing at a lower interest rate. The findings from this work will be presented at a Council workshop in the near future.

**BACKGROUND**

Nil

**ATTACHMENTS**

Nil

**5.2 FINANCE & CORPORATE STANDING COMMITTEE TERMS OF REFERENCE****File Number: 11-11-2020****Author: Executive Assistant****Authoriser: Chief Executive Officer****PRECIS**

Providing of copy of the Finance & Corporate Standing Committee Terms of Reference

**SUMMARY**

The Finance & Corporate Standing Committee Terms of Reference were adopted at the Council Meeting on Wednesday 14 October 2020. A copy is provided for information with correct referencing in accordance with the updated legislation that came into effect on Monday 12 October 2020.

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**OFFICER'S RECOMMENDATION**

That the Finance & Corporate Standing Committee Terms of Reference be received for information.

**BACKGROUND**

Nil

**ATTACHMENTS**

- 1. Finance & Corporate Standing Committee Terms of Reference**



**POLICY CATEGORY - NUMBER:** Statutory - 027  
**POLICY OWNER:** Social & Corporate Performance

**ECM ID:** 2728633  
**ADOPTED:** 14 October 2020

## Finance & Corporate Standing Committee Terms of Reference

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Social & Corporate Performance Branch. **A hard copy of this electronic document is considered uncontrolled.**

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### 1. POLICY STATEMENT

The Finance and Corporate Standing Committee has been established as a Standing Committee in accordance with *Section 264* of the *Local Government Regulation 2012* ("LOGR12"). Its purpose is to provide strategic direction and leadership on matters detailed in the Committee's Roles and Responsibilities. The Committee will conduct much of the investigative and detailed work leading to a recommendation to Council to enable an informed decision to be made.

### 2. SCOPE

The Finance and Corporate Standing Committee considers and advises Council in relation to strategy and policy for the Business Services and Finance services and functions of Council.

The objectives of the Committee are to:

1. Provide a forum to enable complex or strategic issues to be discussed at length;
2. Provide an opportunity to the Finance and Corporate and business representatives to address and make submissions for Council 's consideration;
3. Receive and consider officer's reports in order to provide a recommended course of action to Council to determine matters outlined in the roles and responsibilities of the Committee.

The Finance and Corporate Standing Committee has the power only to recommend a course of action to Council.

Council may by resolution, delegate authority to the Finance and Corporate Standing Committee to decide matters.

Delegations of authority may be specific to an individual matter or in general terms to provide lasting authority to determine nominated issues. Such delegations must be in accordance with Council's delegations process and be included in Council's Delegation Register.

The role of the Finance and Corporate Standing Committee is to consider matters within the defined



scope and to provide recommendations and advice to Council.

The Committee shall have a primary role in considering the long-term strategic direction of Council's Finance and Corporate services and functions and provide a monitoring role on the whole of Council financial, asset and performance management.

The Committee is charged with considering matters relating to the Services and Functions in line with **Appendix 1** of Council's Acceptable Requests Guidelines Policy.

Council business referred to above will include such business as:

- Development of goals and strategies for Council's Corporate Plan, Operational Plan, Business Plans and Performance Management Plans;
- Quarterly review of Council 's Business Services and Finance services and functions progress and achievement towards Council's Corporate Plan, Operational Plan, Business Plans and Performance Management Plans;
- Development of the annual budget for Council's Business Services and Finance services and functions;
- Quarterly review of the annual budget for Council's Business Services and Finance services and functions;
- Monthly review of Council 's Business Services and Finance services and functions financial reports; and
- To report to Council on a regular basis on the operations of Council's Business Services and Finance services and functions.

### **3. GENERAL INFORMATION**

#### **3.1. Membership**

Membership of the Committee is in accordance with the resolution passed at the General Meeting of Council held on 14 October 2020, being 6 Councillors and the Mayor. The General Manager Finance and Corporate and Chief Executive Officer will also attend as advisers to the Committee.

#### **3.2. Term of Membership**

Councillors will be appointed to the Committee for the term of the Council unless otherwise removed by a resolution of Council or acceptance of a resignation.

#### **3.3. Replacing Vacating Members**

In the event of a Councillor resigning his/her position on the Committee, the Council will nominate a Councillor to fill the vacant position.

#### **3.4. Appointment of Chairperson**

The Chairperson will be appointed by Council in accordance with *Section 267* of the *LOGR12*.

If the local government does not appoint a Chairperson for a committee, the committee may appoint one (1) of its members as Chairperson. If the Chairperson is not present at a meeting, the members present may appoint a Chairperson for the meeting.

#### **3.5. Role of Chairperson**

The Chairperson becomes the spokesperson on behalf of Council in discussing matters relating to the Finance and Corporate Standing Committee with the community. The Chairperson will preside at meetings and conduct the meeting in accordance with Council's adopted Conduct of Council & Committee Policy.

#### **3.6. Role of Committee Members**

The role of a Committee Member is to consider and make recommendations on matters relating to Council achieving the goals for Council's Finance and Corporate services and functions, as outlined in Council 's Finance and Corporate and Corporate Plan and considering the implementation of

policies relating to Council's Corporate functions, while serving the overall public interest of the whole local government area.

### **3.7. Meetings**

All meetings of the Committee shall be open to the public unless resolved by the Committee to be closed to the public for the purpose of discussing a matter deemed to be confidential in terms of *Section 254J* of the *LOGR12*.

Finance and Corporate Standing Committee must be in accordance with Council's adopted Conduct of Council & Committee Meetings Policy – Part 2 Council Standing Committees.

### **3.8. Quorum**

A quorum for decision-making will consist of half the number of members of the Finance & Corporate Standing Committee plus one. Council staff members in attendance are not counted in the determination of a quorum.

### **3.9. Voting**

Decision making of the Finance and Corporate Standing Committee will be by majority vote.

The Chairperson has a casting vote.

If a member present fails to vote, the member is taken to have voted in the negative.

### **3.10. Frequency and Location**

Meetings of the Finance and Corporate Standing Committee will be held monthly, at a location advised. A schedule of meetings is to be forwarded to Council at least twice per annum, for adoption detailing dates and times for these meetings.

Additional / Extraordinary meetings of the Committee may be called, at the discretion of the Chairperson, as required.

### **3.11. Meeting Agenda**

The agenda for this Committee will be distributed in accordance with *Section 254C (Notice of meetings and agendas for councillors or committee members)* of the *LOGR12*. Council aims to distribute the Committee agenda at least three (3) clear business days prior to the meeting date.

### **3.12. Reporting**

The Committee will keep minutes of its proceedings in accordance with *Section 254F* of the *LOGR12*.

### **3.13. Council Staff**

The Finance and Corporate Standing Committee will be resourced by officers of the Finance and Corporate Department as agreed by the Chief Executive Officer.

Council employees can attend committee meetings to present reports, answer questions and provide guidance to the Committee. They are not committee members and will not vote on any recommendations before the Finance and Corporate Standing Committee.

## **4. DEFINITIONS**

**Council Employee** – a person employed by Council who performs work, under the direction and control of Council, on an ongoing basis with an ongoing expectation of work entitled to superannuation contributions paid by Council.

## **5. LEGISLATIVE REFERENCE**

The Finance and Corporate Standing Committee has been established as an Advisory Committee in accordance with *Section 264* of the *Local Government Regulation 2012*.

## **6. RELATED DOCUMENTS**

If there is a dispute regarding meeting procedure or the conduct of an individual, the Chairperson

will refer to the SBRC Conduct of Council and Committee Meetings Policy – Statutory-017.

Attendance by relevant staff from other Departments of Council may be requested by the Committee Chairperson the SBRC Acceptable Request Guidelines Policy – Statutory-004.

#### 7. NEXT REVIEW

As prescribed by legislation or every two (2) years – June 2022.

#### 8. VERSION CONTROL

Version	Revision Description	Approval/Adopted Date	ECM Reference
1	New Terms of Reference	14 October 2020	2728633

Mark Pitt PSM

**CHIEF EXECUTIVE OFFICER**

Date: 14 October 2020

### **5.3 ADDITIONAL ROUND FOR APPLICATIONS TO COMMUNITY AUSTRALIA DAY EVENT SPONSORSHIP**

**File Number:** 18 November 2020  
**Author:** Manager Social and Corporate Performance  
**Authoriser:** Chief Executive Officer

#### **PRECIS**

Additional round for applications to the Community Australia Day Event Sponsorship category within Council's Community Grants Program.

#### **SUMMARY**

Council adopted a Community Grants Program Policy ('Policy') which recognises the important contribution community organisations make to the South Burnett area.

Under the Policy, Council opens two (2) rounds per year for applications to the Community Australia Day Event Sponsorship category whereby local not-for-profit community organisations can seek funding to provide free community breakfasts in our towns.

Council has approved funding for two (2) breakfasts to be hosted in 2021 in the following localities:

- Kumbia
- Nanango

It would be prudent to open an additional round for applications so as to allow local not-for-profit community organisations in the remaining towns to host a community breakfast on Australia Day 2021, as this will assist in building social cohesion especially in these unprecedented times.

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#### **OFFICER'S RECOMMENDATION**

That the committee recommends to Council:

That Council approve to open an additional round for applications to the Community Australia Day Event Sponsorship category within Council's Community Grants Program commencing 23 November and closing 21 December 2020.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

The funding for the additional round is within the current budget allocation for the Community Grants Program 2020/2021. Council has sufficient resources to be able to accommodate an additional round on this occasion given the positive impact additional community breakfast events will generate.

#### **LINK TO CORPORATE/OPERATIONAL PLAN**

Corporate Plan 2018/19 to 2022/23:

- EC2 Sustainable community groups
- EC3 An active, safe and healthy community

Annual Operational Plan 2020/2021:

- Delivery of the program on behalf of Council within budget complying with the Community Grants Program Policy

#### **COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Community Grants Assessment Panel comprising Cr Danita Potter, Cr Kirstie Schumacher, Cr Gavin Jones, Cr Roz Frohloff, Cr Kathy Duff and Cr Scott Henschen.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

No direct legal implications arise from this report.

*Section 4(b) of the Human Rights Act 2019* (the 'Act') requires public entities to act and make decisions in away compatible with human rights. The Act requires public entities to only limit human rights in certain circumstances and after careful consideration. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:

- |   |  |
|---|--|
| 1. Recognition and equality before the law;                           | 13. Cultural rights—generally;   |
| 2. Right to life;   | 14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples; |
| 3. Protection from torture and cruel, inhuman or degrading treatment; | 15. Right to liberty and security of person;                               |
| 4. Freedom from forced work;  | 16. Humane treatment when deprived of liberty;                             |
| 5. Freedom of movement;   | 17. Fair hearing;  |
| 6. Freedom of thought, conscience, religion and belief;               | 18. Rights in criminal proceedings;  |
| 7. Freedom of expression;   | 19. Children in the criminal process;                                      |
| 8. Peaceful assembly and freedom of association;                      | 20. Right not to be tried or punished more than once;                      |
| 9. Taking part in public life;  | 21. Retrospective criminal laws;   |
| 10. Property rights;  | 22. Right to education;  |
| 11. Privacy and reputation;   | 23. Right to health services.  |
| 12. Protection of families and children;                              |  |

**POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

Variance to the Community Grants Program policy as per the recommendation in this report.

No local law or delegation implications arise from this report.

**ASSET MANAGEMENT IMPLICATIONS**

No asset management implications arise from this report.

**REPORT**

Council adopted a Community Grants Program Policy ('Policy') which recognises the important contribution community organisations make to the South Burnett area.

Under the Policy, Council opens two (2) rounds per year for applications to the Community Australia Day Event Sponsorship category whereby local not-for-profit community organisations can seek funding to provide free community breakfasts in our towns.

Council has approved funding for two (2) breakfasts to be hosted in 2021 in the following localities:

- Kumbia
- Nanango

It would be prudent to open an additional round for applications so as to allow local not-for-profit community organisations in the remaining towns to host a community breakfast on Australia Day 2021, as this will assist in building social cohesion especially in these unprecedented times.

**ATTACHMENTS**

Nil

#### **5.4 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL CUSTOMER SERVICE CHARTER**

**File Number:** 18 November 2020

**Author:** Manager Social and Corporate Performance

**Authoriser:** Chief Executive Officer

#### **PRECIS**

Adoption of the South Burnett Regional Council Customer Service Charter - Strategic- 008

#### **SUMMARY**

South Burnett Regional Council's ('Council') desire to establish a framework that supports how the Council will respond to contact by customers of Council, is the foundation to delivering good customer service.

The purpose of Council's Customer Service Charter is to:

- Set, manage and communicate expectations for our internal and external customers;
- Ensure consistency and fairness in how Council responds to customer requests;
- Guide and inform both customers and Council representatives of Council's management of customer requests and standard response times;
- Deliver workflow efficiencies and accountability at Council;
- Ensure customers receive an appropriate level of service within the bounds of the available resources;
- Improve customer service and enhance systems and processes based on feedback provided through public consultation; and
- Ensure clear and consistent information is provided across all of Council's communication channels.

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#### **OFFICER'S RECOMMENDATION**

That the committee recommends to Council:

That the South Burnett Regional Council Customer Service Charter – Strategic-008 be adopted as presented.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

No direct impact on financial and resource implications have been identified at this time.

#### **LINK TO CORPORATE/OPERATIONAL PLAN**

Corporate Plan 2018/19 to 2022/23:

EXC2.1 - Deliver governance that provides sound organisational management and complies with relevant legislation

EXC5.1 - Develop and implement Customer Service Charter

Annual Operational Plan 2020/21:

Develop and implement the Council Policy Framework to support strategic planning and compliance with relevant legislation, policies, codes of practice and standards.

Introduce a program that embeds customer service industry best practice across the organisation.

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Internal consultation was initially undertaken with the Coordinator Customer Contact.

The draft Customer Service Charter was circulated for review by Councillors and Council's Senior Management Team.

Feedback was received with suggested changes considered and included in the policy by the Manager Social & Corporate Performance having consulted the General Manager Finance & Corporate and the Chief Executive Officer.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

*Section 4(b) of the Human Rights Act 2019* (the 'Act') requires public entities to act and make decisions in a way compatible with human rights. The Act requires public entities to only limit human rights in certain circumstances and after careful consideration. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:

- |   |  |
|---|--|
| 1. Recognition and equality before the law;                           | 13. Cultural rights—generally;   |
| 2. Right to life;   | 14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples; |
| 3. Protection from torture and cruel, inhuman or degrading treatment; | 15. Right to liberty and security of person;                               |
| 4. Freedom from forced work;  | 16. Humane treatment when deprived of liberty;                             |
| 5. Freedom of movement;   | 17. Fair hearing;  |
| 6. Freedom of thought, conscience, religion and belief;               | 18. Rights in criminal proceedings;  |
| 7. Freedom of expression;   | 19. Children in the criminal process;                                      |
| 8. Peaceful assembly and freedom of association;                      | 20. Right not to be tried or punished more than once;                      |
| 9. Taking part in public life;  | 21. Retrospective criminal laws;   |
| 10. Property rights;  | 22. Right to education;  |
| 11. Privacy and reputation;   | 23. Right to health services.  |
| 12. Protection of families and children;                              |  |

**POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

No direct local law or delegation implications arise from this report

**ASSET MANAGEMENT IMPLICATIONS**

No direct asset management implications arise from this report.

**REPORT**

South Burnett Regional Council's ('Council') desire to establish a framework that supports how the Council will respond to contact by customers of Council, is the foundation to delivering good customer service.

The purpose of Council's Customer Service Charter is to:

- Set, manage and communicate expectations for our internal and external customers;
- Ensure consistency and fairness in how Council responds to customer requests;

- Guide and inform both customers and Council representatives of Council's management of customer requests and standard response times;
- Deliver workflow efficiencies and accountability at Council;
- Ensure customers receive an appropriate level of service within the bounds of the available resources;
- Improve customer service and enhance systems and processes based on feedback provided through public consultation; and
- Ensure clear and consistent information is provided across all of Council's communication channels.

## **ATTACHMENTS**

- 1. South Burnett Regional Council Customer Service Charter - Strategic-008**





**POLICY CATEGORY - NUMBER:** Strategic - 008  
**POLICY OWNER:** Social & Corporate Performance

**ECM ID:**  
**ADOPTED:**

## Customer Service Charter

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Social & Corporate Performance Branch. **A hard copy of this electronic document is considered uncontrolled.**

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### 1. POLICY STATEMENT

This policy establishes the framework that supports how the South Burnett Regional Council ('Council') will respond to contact by customers of Council.

The purpose of this policy is to;

- Set, manage and communicate expectations for our internal and external customers;
- Ensure consistency and fairness in how Council responds to customer requests;
- Guide and inform both customers and Council representatives of Council's management of customer requests and standard response times;
- Deliver workflow efficiencies and accountability at Council;
- Ensure customers receive an appropriate level of service within the bounds of the available resources;
- Improve customer service and enhance systems and processes based on feedback provided through public consultation; and
- Ensure clear and consistent information is provided across all of Council's communication channels.

### 2. SCOPE

This policy applies to all interactions between Council representatives and customers of Council. As a customer focused organisation, customer service is the responsibility of all Council Representatives. It deals with expected standards of service and outlines response times for general service requests.

### 3. GENERAL INFORMATION

#### 3.1. Our Service Commitment to our Customers

Council Representatives will communicate clearly and work collaboratively to refine our internal processes so that each customer receives quality and timely service.

Council Representatives shall comply with Council's Code of Conduct in their dealings with

customers, employing Council's corporate values of accountability, community, harmony, innovation, ethical conduct, vision and excellence in all exchanges.

Any general information and/or advice provided will be premised on relevant legislation and Council's current policies and procedures.

Customer interactions and all reasonable service requests will be appropriately recorded in Council's customer request system for informative decision making and to allow Council to monitor the quality of the service provision.

Council will provide our customers with opportunities to comment and make suggestions on our services and standards to assist Council to enhance the quality of services we provide.

Council is committed to protecting customer privacy, ensuring any personal information collected will be handled in accordance with the *Information Privacy Act 2009* and will be used for the purposes of liaising directly with customers on Council related matters. This information will not be disclosed to a third party without the customer's consent, unless required or authorised by law.

### **3.1.1. General Service Principles**

Council is committed to being accessible and responsive to all customers who seek assistance with a request for service, request for information or a complaint.

Council will:

- set, manage and communicate expectations for internal and external customers supporting each other to deliver these expectations; and
- promote and invest in safe workplaces and training where Council representatives can achieve high levels of service outcomes for its customers.

Council's processes and decision making will focus on objectivity, consistency, reliability, transparency and accountability with complaints taken seriously and used to improve service quality.

Council requests and queries can be submitted over the counter at any Council Customer Service Centre, via the telephone, Council's website or email.

Council is committed to implementing processes and practices to ensure the services delivered are fully inclusive and accessible to all members of the community.

### **3.1.2. Our Service Standards**

Council representatives will be rostered to ensure the continuation of service levels are kept during opening hours.

#### **3.1.2.1. Telephone Calls**

In normal circumstances, a Council representative will endeavour to answer a customer call within three (3) minutes, having contacted the main Council service number (07) 4189 9100.

Council's customer contact team will attempt to resolve the enquiry at the first point of contact or otherwise direct the customer to the relevant department. When transferring calls, the customers information and the reason for the call will be relayed accurately to the relevant Council representative to efficiently handover of the call.

If a Council representative is unable to answer the customer query immediately or the relevant department is unable to take the call, the customer's contact details will be recorded to ensure the enquiry or service request is acknowledged by the responsible department within 10 business days providing the name of the responsible officer and an anticipated timeframe for resolution. Customers submitting complex enquiries or service requests involving planning or scheduling of Council resources will receive regular updates.

#### **3.1.2.2. Written Correspondence**

All written correspondence once received by Council will be issued a reference number.

Customers submitting a request for service will be provided with a reference number within five (5) business days.

The enquiry or service request will be acknowledged in writing by the responsible department within 10 business days providing the name of the responsible officer and an anticipated timeframe for resolution. Customers submitting complex enquiries or service requests involving planning or scheduling of Council resources will receive regular updates.

Written correspondence should be submitted either over the counter at any Council customer service centre, via email [info@southburnett.qld.gov.au](mailto:info@southburnett.qld.gov.au) or by mail to South Burnett Regional Council, PO Box 336, Kingaroy Qld 4610.

#### 3.1.2.3. Social Media

Council will respond to general enquiries submitted through our social media platforms during Council hours of operation. This platform may be monitored but not active outside of these hours.

Requests for service should be logged directly with Council via telephone (07) 4189 9100 or written correspondence [info@southburnett.qld.gov.au](mailto:info@southburnett.qld.gov.au)

#### 3.1.2.4. In Person

Customers who presents to a Council customer service centre with a straightforward request for factual and easily accessible information, forms or general advice will be accommodated at the time of enquiry.

Requests which require follow up or response from another department will be logged as a customer request. A reference number for the request will be provided to the customer at that time. The request will be acknowledged by the relevant department within 10 business days providing the name of the responsible officer and an anticipated timeframe for resolution.

Customers requiring technical advice will be provided with this information via phone or in writing. Appointments will be made by mutual agreement.

Customers who identify as a person with a disability should, where appropriate, advise the customer contact officer who will endeavour to respond effectively to the customer's need for assistance.

#### 3.1.2.5. Exclusions or Exemptions to response timeframes:

Applications / permits / items of correspondence forwarded to Council may require processing in various ways and alternate timeframes exist for these matters. Requests with timeframes listed in policy or legislation will be adhered to and advised to the customer in the acknowledgment correspondence.

#### 3.1.3. Hours of Operation

Council's customer service functions will be available during Council's advertised hours of operation (generally 8.30am to 4.30pm Monday to Friday). An 'After-Hours' telephone emergency service through the main telephone number (07) 4189 9100 will be provided to enable customers to contact Council outside normal business hours for urgent matters.

#### 3.1.4. Requests that are Unreasonable or Abusive

Council representatives are trained to deal fairly, objectively and empathetically with all customers. However, in some cases a customer's conduct can go beyond what is acceptable.

It is important that Council manages unreasonable or abusive customer conduct. Council reserves the right to terminate or restrict communications channels with customers behaving unreasonably.

Council identify three (3) main types of 'unreasonable' behaviours:

- Customers who become physically or verbally aggressive; and / or
- Customers that make substantial and unreasonable demands on the workload and resources of Council; and / or

- Customers acting in a manner which threatens or vilifies.

The Chief Executive Officer will determine the appropriate measures to be put in place to protect Council representatives and the general public. The customer will be advised of the measures put in place by Council and the reason for the measures.

#### 4. DEFINITIONS

**Customer** means any person or organisation that has any interaction with Council. This includes but not limited to residents, ratepayers, business operators, government officers and elected representatives.

**Customer Service Request** means a request for provision of a Council service that a member of the public may generally make such as a road repair request or the reporting of a non-compliance issue.

**Council Representative** means all Councillors and Council employees, including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

#### 5. LEGISLATIVE REFERENCE

*Information Privacy Act 2009*

*Local Government Act 2009*

*Local Government Regulation 2012*

#### 6. RELATED DOCUMENTS

Complaint Management Policy

Councillor Code of Conduct

Employee Code of Conduct

Information Privacy Policy

Workplace Health and Safety Policy

#### 7. NEXT REVIEW

As prescribed by legislation or every two (2) years – November 2022

#### 8. VERSION CONTROL

Version	Revision Description	Approval/Adopted Date	ECM Reference
1	New Policy	29 July 2009	536218
2	Revised Policy	25 November 2020	

Mark Pitt PSM

**CHIEF EXECUTIVE OFFICER**

Date:

## 5.5 NOTICE TO REPEAL SOUTH BURNETT REGIONAL COUNCIL RESOLUTIONS - MINUTE NUMBERS 1732, 2080 AND 2077

**File Number:** 18/11/2020

**Author:** Manager Social and Corporate Performance

**Authoriser:** Chief Executive Officer

### PRECIS

Notice to repeal South Burnett Regional Council ('Council') resolutions (Minute numbers 1732, 2080 and 2077) adopting the Employee Assistance Program Policy, Exit Interview Policy and Corporate Rehabilitation Policy.

### SUMMARY

The Social & Corporate Performance branch through the implementation of Council's Policy Governance Framework is undertaking a review of all current policies adopted by Council.

It has been identified through this review that the following policies are no longer required/ relevant:

- Employee Assistance Program Policy adopted by Council at its Ordinary Meeting held on 27 May 2009;
- Exit Interview Policy adopted by Council at its Ordinary Meeting held on 29 July 2009; and
- Corporate Rehabilitation Policy adopted by Council at its Ordinary Meeting held on 29 July 2009.

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### OFFICER'S RECOMMENDATION

That the committee recommends to Council:

That in accordance with *Section 262* of the *Local Government Regulation 2012*, the following resolutions be repealed:

1. Item 9.2.1 of the General Meeting held on 27 May 2009 – HR-50814 - Employee Assistance Program Policy– Minute Number 1732.
2. Item 9.2.2 of the General Meeting held on 29 July 2009 – HR–633362 - Exit Interview Policy – Minute Number 2080.
3. Item 9.2.1 of the General Meeting held on 29 July 2009 – HR-533519 - Corporate Rehabilitation Policy - Minute Number 2077.

### FINANCIAL AND RESOURCE IMPLICATIONS

No direct financial or resource implications which arise from this report.

### LINK TO CORPORATE/OPERATIONAL PLAN

Corporate Plan 2018/19 to 2022/23:

EXC2.1 - Deliver governance that provides sound organisational management and complies with relevant legislation

EXC3 A skilled and sustainable workforce

Annual Operational Plan 2020/21:

Develop and implement the Council Policy Framework to support strategic planning and compliance with relevant legislation, policies, codes of practice and standards.

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Internal consultation was undertaken with the Chief Executive Officer and the Manager People and Culture (People & Culture being the branch responsible for the polices).

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

*Section 4(b) of the Human Rights Act 2019 ('Act')* requires public entities to act and make decisions in away compatible with human rights. The Act requires public entities to only limit human rights in certain circumstances and after careful consideration. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:

- |   |  |
|---|--|
| 1. Recognition and equality before the law;                           | 13. Cultural rights—generally;   |
| 2. Right to life;   | 14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples; |
| 3. Protection from torture and cruel, inhuman or degrading treatment; | 15. Right to liberty and security of person;                               |
| 4. Freedom from forced work;  | 16. Humane treatment when deprived of liberty;                             |
| 5. Freedom of movement;   | 17. Fair hearing;  |
| 6. Freedom of thought, conscience, religion and belief;               | 18. Rights in criminal proceedings;  |
| 7. Freedom of expression;   | 19. Children in the criminal process;                                      |
| 8. Peaceful assembly and freedom of association;                      | 20. Right not to be tried or punished more than once;                      |
| 9. Taking part in public life;  | 21. Retrospective criminal laws;   |
| 10. Property rights;  | 22. Right to education;  |
| 11. Privacy and reputation;   | 23. Right to health services.  |
| 12. Protection of families and children;                              |  |

**POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

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

**ASSET MANAGEMENT IMPLICATIONS**

No direct asset management implications arise from this report.

**REPORT**

The Social & Corporate Performance branch through the implementation of Council's Policy Governance Framework is undertaking a review of all current policies adopted by Council.

It has been identified through this review that the following policies are no longer required/ relevant:

- Employee Assistance Program Policy adopted by Council at its Ordinary Meeting held on 27 May 2009;
- Exit Interview Policy adopted by Council at its Ordinary Meeting held on 29 July 2009; and
- Corporate Rehabilitation Policy adopted by Council at its Ordinary Meeting held on 29 July 2009

**Rationale**

Council's Employee Assistance Program Policy has been incorporated into Council's Learning & Development Policy.

Council's Exit Interview Policy has been incorporated into the organisation's on/offboarding process and is offered to employees prior to exiting the organisation.

Council's Corporate Rehabilitation Policy has been incorporated into Council's Fitness for Work Policy.

**ATTACHMENTS**

- 1. Corporate Rehabilitation Policy**
- 2. Exit Interview Policy**
- 3. Employee Assistance Program Policy**



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## Corporate Rehabilitation Policy

This organisation is a member of the Queensland Local Government Workers' Compensation Self-Insurance Scheme, Local Government Workcare (LGW).

- LGW is responsible for the management of workers' compensation claims for employees of this organisation and is committed to providing best practice services in Claims Management, Injury Prevention & Management and OH&S Risk Management to Scheme Members and their employees.
- LGW supports the initiatives implemented by Scheme Members aimed at providing a safe work environment and in recognition of the value of their employees, implementing an effective workplace-based rehabilitation system to proactively assist in the recovery and return to work of those employees who have sustained an injury or illness.

This policy outlines the Scheme Member's commitment to providing an effective workplace-based rehabilitation system available to all its employees. As a minimum standard, the workplace-based strategies are in accordance with the LGW Corporate Rehabilitation Procedures.

The rehabilitation process will be goal focussed and will commence as soon as possible following injury. In consultation with the injured employee, a rehabilitation and return to work plan will be developed and the goal will be to assist the employee to either:

- Return to pre-injury duties; or
- If a return to work is not medically achievable, maximise independent functioning.

To facilitate this process, the Scheme Member will engage the services of an accredited Rehabilitation and RTW Coordinator (RRTWC). The role of the RRTWC is to coordinate the process and ensure all employees have access to the workplace-based rehabilitation system. A team approach will be used, with co-operation, consultation and confidentiality being key requirements for all involved in the process.

The treating doctor's approval will be sought throughout the rehabilitation process. A key element of the workplace-based rehabilitation system is the provision of suitable duties to assist the employee's return to pre-injury duties in a safe and supportive environment.

It is expected that at the workplace, management, supervisors, injured workers and their co-workers will be supportive of and committed to the rehabilitation process.

To ensure ongoing effectiveness and in accordance with the *Workers' Compensation and Rehabilitation Act 2003*, the LGW Corporate Rehabilitation Policy and Procedures and the outcomes of rehabilitation programs will be reviewed on or before 31 May 2010.

### **DATE REVIEWED**

July 2009

### **NEXT REVIEW**

2010





## Exit Interview Policy

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### **1. POLICY STATEMENT**

This Policy states South Burnett Regional Council's ("Council") commitment to collect and consider information from departing employees in order to facilitate strategic planning for improvement to Council and its operations.

### **2. SCOPE**

This Policy applies to all Council employees except volunteers, work experience students, trainees and consultants.

### **3. POLICY OBJECTIVES**

To clearly construct the responsibilities of Council and employees in the appropriate conduct and utilisation of Exit Interviews.

### **4. BACKGROUND AND/OR PRINCIPLES**

Council places great importance on continual improvement of its processes and practices in terms of efficiency, service and satisfaction levels. Employees who are leaving Council are uniquely positioned to provide an honest and comprehensive perspective on Council's strengths and weaknesses and, accordingly, such employees will be invited to participate in an Exit Interview. The information gathered through the Exit Interview process will assist Council to identify any impediments preventing an optimally productive, satisfactory and safe workplace (e.g. recurring problems with an employee or process); measure the effectiveness of human resources practices and processes (e.g. Learning and Development program); and allow for responsive strategic planning, particularly in relation to employee attraction and retention.

### **5. GENERAL INFORMATION**

#### **5.1 Exit Interview Participation**

Completion of an Exit Interview is strictly voluntary, but will be encouraged by Council as a valuable information-gathering tool. Human Resources will generally invite all long-term that employees whose employment is ceasing through resignation, retirement, redundancy, or the completion of a contractual agreement of at least twelve (12) months duration, to participate in an Exit Interview. Any employee leaving Council may request an Exit Interview, however it will be at the discretion of Human Resources as to whether an Exit Interview would be appropriate and meaningful. Specifically, Exit Interviews by employees dismissed for unsatisfactory performance/conduct, may be inappropriate.

The Exit Interview, wherever possible, will be conducted in person and prior to the employee's cessation date. If circumstances prevent this, or if the employee requests it, the Exit Interview may be conducted via telephone, self-completion and/or after the employee's cessation date.

A Human Resources representative will perform the role of Interviewer, however with the employee's consent other person/s may be invited to participate in the Exit Interview process (e.g. Chief Executive Officer).

## **5.2 Responsibilities for Exit Interviewing**

The Interviewer is responsible for establishing an appropriate environment to conduct the Exit Interview. An appropriate environment is one that allows for privacy and confidentiality, and has an impartial, supportive and encouraging atmosphere.

Human Resources is responsible for identifying, conducting, collating and analysing Exit Interviews, including the analysis and presentation of information for strategic management planning.

The Interviewer, Human Resources and management (as appropriate) will be responsible for initiating any actions or investigations arising from an employee's Exit Interview – for instance, where performance/conduct issues of another employee have been raised.

All persons involved in the Exit Interview process are responsible for protecting the confidentiality of information that arises from the Exit Interview. This includes verbal comments given by the employee during the Exit Interview that are not documented. The completed Exit Interview form and any associated documentation bearing the employee's name may only be viewed by the Interviewer, Human Resources and the Chief Executive Officer. Information arising from Exit Interviews will be presented to management to assist strategic planning; however this information will usually be of a general nature, presented in statistical format, or collated with other responses, and will not bear details identifying the participating employees.

## **6. DEFINITIONS**

**Employee** – for the purposes of this Policy, "employee" refers to any Council employee, including temporary and permanent employees, and excludes volunteers, work experience students, trainees and consultants.

**Interviewer** – for the purposes of this Policy, "Interviewer" will refer to the person conducting the Exit Interview. A Human Resources representative will generally perform the role of Interviewer.

## **7. DATE REVIEWED**

July 2009

## **8. NEXT REVIEW**

July 2011



## Employee Assistance Program Policy

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### 1. POLICY STATEMENT

This Policy states South Burnett Regional Council's ("Council") commitment to the health, safety and general well-being of its employees, particularly in relation to mental and emotional health.

### 2. SCOPE

This Policy applies to all employees and Councillors, and their immediate family members.

### 3. POLICY OBJECTIVES

To clearly formulate the rights and responsibilities of Council, employees, Councillors, and the immediate family of employees and Councillors, regarding access to and utilisation of a free, confidential counselling service ("Employee Assistance Program").

### 4. BACKGROUND AND/OR PRINCIPLES

Council places priority on the health, safety and general well-being of its employees, and recognises the effects that a safe and supportive environment can have on Council's efficiency, service and satisfaction levels. As this includes relief from stress-related factors, Council is committed to providing an accessible, confidential counselling service to assist with the resolution of personal and work-related issues which may affect a Councillor or employee's quality of life or work performance.

### 5. LEGISLATIVE AUTHORITY

*Workplace Health and Safety Act 1995.*

### 6. GENERAL INFORMATION

#### 6.1 Access to Employee Assistance Program

Council's Employee Assistance Program, operated by Assure Programs, may be accessed by all employees, Councillors and their immediate family members who desire professional counselling assistance. Assure Programs offers the services of registered psychologists and clinical social workers, and can provide assistance with a wide range of personal and work-related issues, including bereavement, financial stress, substance abuse, relationship difficulties, and job or career issues. Assure Programs can also offer an introductory session on legal and/or financial advice, provided by a qualified professional via telephone consultation.

At arranged and advertised times, Assure Programs will visit Council's workplaces to initiate and maintain contact with employees, and to promote the counselling service. Persons who wish to receive a counselling session shall contact Assure Programs on their 24-hour telephone number (1800 808 374), or email [info@assureprograms.com.au](mailto:info@assureprograms.com.au). Telephone counselling is easily accessible to both parties, and can be undertaken at any time of the day, however the person seeking counselling may request a session in person if they prefer. This may require travelling to the counsellor's Practice (generally based in Kingaroy).

Where the employee wishes to utilise work time to undertake private counselling they will utilise Time In Lieu, Personal Leave or Leave Without Pay, with the normal leave application and approval process applying. Where possible, the employee is expected to liaise with their Supervisor to ensure that counselling sessions align with operational circumstances; in turn, the Supervisor is expected to make every effort to accommodate the employee, and must act with discretion and sensitivity towards the employee's request. The employee is not required to provide details of their session or discuss their issues with their Supervisor.

Assure Programs will generally provide up to four (4) hours of private counselling to an employee, Councillor and their immediate family members in a single twelve (12) month period. After this maximum number of sessions, or when Assure Programs deems it appropriate, the Employee Assistance Program will provide referral to other health professionals, including occupational medical practitioners, psychiatrists, mental health facilities and community agencies. Council will not bear the cost of counselling above and beyond maximum entitlement of its contract with Assure Programs, or any other associated service, unless approved in writing by the Chief Executive Officer or Human Resources Manager.

Council recognises the Employee Assistance Program as a vital intervention measure, and encourages early participation to prevent further development of personal and work-related problems.

## **6.2 Information from Employee Assistance Program**

Assure Programs are required to make and keep client records as per the Australian Psychological Society Code of Ethics and relevant legislation. However, authorised Council representatives (e.g. Human Resources Manager, Chief Executive Officer) will have only limited access to information generated by the Employee Assistance Program. This information will be of a general nature, indicating utilisation of the Program, and general reasons for accessing the Program, with no identification of who has accessed the service. Unless authorised in writing by the person undertaking the counselling, Assure Programs will not divulge the names of participating persons, or any specific information discussed during the counselling sessions.

Where a serious or criminal offence (e.g. workplace harassment; sexual harassment) is reported to the Employee Assistance Program provider, they will encourage the affected person to report this to management or Human Resources as appropriate, in the interests of workplace health and safety and ethical disclosure.

## **6.3 Additional Services**

On occasion, Council may access additional Assure Programs services – or other counselling/mediation services – which fall outside the scope of the Employee Assistance Program. For instance, counselling of an employee may be required as part of the employee's Performance Management Program, designed to address unacceptable performance or conduct. It should be noted that such counselling is distinct from the Employee Assistance Program, and therefore the voluntary and confidential aspects of the Employee Assistance Program may not apply, or apply to a lesser degree. For instance, participation in counselling may be required by the Performance Management Program, and therefore the employee may face disciplinary measures if they fail to participate. Also, management may be entitled to access information from the service on the employee's progress in relation to identified performance/conduct issues, and such information may be retained on the employee's personnel file.

Additional services may also be retained by Council to offer group counselling sessions, trauma counselling, or mediation as appropriate. Accessing additional services will require approval from Human Resources or the Chief Executive Officer.

#### **6.4 Cancellation and Failure to Attend**

Where an individual has scheduled a counselling session with the Employee Assistance Program provider, cancellation notice of a minimum of twenty-four (24) hours is required. Failure to attend scheduled counselling, or to provide sufficient notice of cancellation, will be monitored by Assure Programs and may decrease the employee's Employee Assistance Program entitlement.

#### **7. DEFINITIONS**

**Councillor** – elected representative.

**Employee** – for the purposes of this Policy, “employee” refers to any Council employee, including temporary and permanent employees, trainees, and excludes volunteers, work experience students and consultants.

**Employee Assistance Program** – an objective, professional, confidential counselling service provided to Councillors, employees and their immediate family members to assist with resolution of personal and work-related issues which may affect an employee's quality of life or work performance.

**Immediate Family** – those persons with a familial relationship to a Councillor or employee, including the Councillor/employee's spouse (marital, de facto), and the progeny (biological or otherwise), siblings, parents, grandchildren and/or grandparents of the Councillor/employee or their spouse.

#### **8. RELATED POLICIES AND PROCEDURES**

Council's related Policies and Procedures are available from Council's intranet site, or upon request from Human Resources.

#### **9. DATE REVIEWED**

19 May 2009

#### **10. NEXT REVIEW**

May 2011

**5.6 ADOPTION OF COUNCIL'S DEFENCE SERVICE POLICY - STATUTORY-013****File Number:** 2733965**Author:** Manager Social and Corporate Performance**Authoriser:** Chief Executive Officer**PRECIS**

Adoption of the South Burnett Regional Council Defence Service Policy - Statutory-013

**SUMMARY**

South Burnett Regional Council ('Council') recognises the importance of the Australian Defence Force Reserve and their contribution to the community and the Nation.

Council is required to comply with the legislation governing employees who are members of the Australian Defence Force Reserves and as such the adoption of the Defence Service Policy will ensure that Council meets its obligations under the *Defence Reserve Service (Protection) Act 2001* and the *Queensland Local Government Industry Award – State 2017*.

**OFFICER'S RECOMMENDATION**

That the committee recommends to Council:

That the South Burnett Regional Council Defence Service Policy – Statutory-013 be adopted as presented.

**FINANCIAL AND RESOURCE IMPLICATIONS**

The direct financial or resource implications which arise from this report will be met within the existing Council budget allocation for 2020/21.

**LINK TO CORPORATE/OPERATIONAL PLAN**

Corporate Plan 2018/19 to 2022/23:

EXC2.1 - Deliver governance that provides sound organisational management and complies with relevant legislation

EXC3 A skilled and sustainable workforce

Annual Operational Plan 2020/21:

Develop and implement the Council Policy Framework to support strategic planning and compliance with relevant legislation, policies, codes of practice and standards.

Review of People and Culture policies along with Health and Safety policies

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Internal consultation was undertaken with the Manager People and Culture.

During September 2020, the draft Defence Service Policy was circulated for review by Councillors and Council's Senior Management Team.

Feedback was received with no suggested changes for consideration by the Manager People & Culture.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

*Section 4(b) of the Human Rights Act 2019* (the 'Act') requires public entities to act and make decisions in away compatible with human rights. The Act requires public entities to only limit

human rights in certain circumstances and after careful consideration. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:

1. Recognition and equality before the law;
2. Right to life;
3. Protection from torture and cruel, inhuman or degrading treatment;
4. Freedom from forced work;
5. Freedom of movement;
6. Freedom of thought, conscience, religion and belief;
7. Freedom of expression;
8. Peaceful assembly and freedom of association;
9. Taking part in public life;
10. Property rights;
11. Privacy and reputation;
12. Protection of families and children;
13. Cultural rights—generally;
14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples;
15. Right to liberty and security of person;
16. Humane treatment when deprived of liberty;
17. Fair hearing;
18. Rights in criminal proceedings;
19. Children in the criminal process;
20. Right not to be tried or punished more than once;
21. Retrospective criminal laws;
22. Right to education;
23. Right to health services.

#### **POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

No direct local law or delegation implications arise from this report

#### **ASSET MANAGEMENT IMPLICATIONS**

No direct asset management implications arise from this report.

#### **REPORT**

South Burnett Regional Council ('Council') recognises the importance of the Australian Defence Force Reserve and their contribution to the community and the Nation.

Additionally, Council acknowledges the skill sets and experience gained while rendering Defence Service enhances the professional and personal growth of the Council employee.

Council is required to comply with the legislation governing employees who are members of the Australian Defence Force Reserves and as such the adoption of the Defence Service Policy will ensure that Council meets its obligations under the Defence Reserve Service (Protection) Act 2001 and the Queensland Local Government Industry Award – State 2017.

#### **ATTACHMENTS**

1. **Defence Services Policy - Statutory-013**



**POLICY CATEGORY - NUMBER:** Statutory-013  
**POLICY OWNER:** People & Culture  
**ECM ID:** 2733965  
**ADOPTED:** 25 November 2020

## Defence Service Policy

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Social & Corporate Performance Branch. **A hard copy of this electronic document is considered uncontrolled.**

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### 1. POLICY STATEMENT

This policy confirms South Burnett Regional Council's ('Council') commitment to the recognition and support of members of the Australian Defence Force Reserve ('ADFR').

### 2. SCOPE

This policy applies to all Council employees, and persons seeking employment with Council, who are members of the ADFR including conditions of employment, such as leave and salary entitlements.

### 3. GENERAL INFORMATION

#### 3.1. Protection of Employment and Conditions

Council recognises the importance of the ADFR and their contribution to the community and Nation. Council recognises that the skill sets and experience gained while rendering Defence Service enhances the professional and personal growth of the Council employee. Accordingly, Council will provide employment protection and additional leave and pay entitlements (e.g. top-up pay) to members of the ADFR, to assist them in undertaking their ADFR roles.

Council will not discriminate or disadvantage any Council employee, or prospective employee, for their ADFR membership status, as directed by the *Defence Reserve Service (Protection) Act 2001*. Council will not terminate employment, or alter an employee's conditions of employment, based on the fact that the employee:

- has rendered Defence Service;
- may be required to render Defence Service; or
- is currently rendering Defence Service.

Council will not refuse an application for employment upon the basis of a person's ADFR membership.

Council will provide employees rendering prolonged Defence Service with access to employment entitlements, such as salary reviews.

Where an employee has returned to work from Defence Service, the continuity of their employment



is taken to have not been broken by their Defence Service absence for the purposes of seniority and employment. Except for periods of Continuous Full-time Defence Service, accrual of leave and other entitlements will generally still occur for the Defence Service period (e.g. Annual Leave, Long Service Leave) as stipulated by the *Defence Reserve Service (Protection) Act 2001*. Accrual will also occur where top-up pay has been granted to the employee for the period of Defence Service Leave.

Where the employee has performed continuous full-time Defence Service, their entitlements in relation to the period of Defence Service must be no less beneficial than they would have been if they had been absent on normal Leave Without Pay for the period.

Where an employee has undertaken an extensive period of Defence Service, or otherwise prolonged absence associated with their Defence Service (e.g. Sick Leave), Council will ensure that upon their return, the employee is employed in a similar capacity as prior to their absence, and otherwise assist their reintegration into the workforce.

### **3.2. Notification of Participation**

Employees are encouraged to inform People & Culture of their Defence Reserve status upon their commencement with Council, or on becoming a Defence Reserve member. A written copy of the employee's Defence Reserve status is necessary to access Defence Service Leave and associated entitlements, and if provided will be retained on the employee's personnel file for future reference.

Employees are encouraged to advise their Supervisor of ADFR commitments as soon as they are known, to allow for planning of team and operational adjustment measures. ADFR advice is usually disseminated to members at the start of each Calendar year.

If the employee is undertaking a course of education associated with their employment with Council (including a traineeship/apprenticeship), the employee may be required to notify the educational institution prior to their Defence Service, and make a submission for re-enrolment/resumption upon their return from Defence Service, as stipulated by the *Defence Reserve Service (Protection) Act 2001*.

### **3.3. Application and Approval of Leave**

Where an employee is required to render Defence Service, they will be granted Defence Service Leave from Council to do so, with approval by the Chief Executive Officer. The employee may also elect to access additional leave entitlements, including Annual Leave and Long Service Leave. Employees will not be expected or compelled to use paid leave entitlements, such as Annual Leave or Long Service Leave, for the purposes of Defence Service.

Employees will apply for any required leave by submission of a Leave Application form, with the relevant ADFR Unit Training Notice or Defence Unit Notification attached.

Where the employee's absence from work may pose operational difficulties, Council will contact the ADFR member and the ADFR Unit Point of Contact to discuss possible alternatives to service dates and requirements. Where an alternate resolution is not reached, the ADFR member will be released as requested by the Defence Unit Notification.

### **3.4. Provision of Pay Entitlements**

To access the arrangement provided for in this Clause, the employee will be required to sign a written authorisation for the future deduction of wages, prior to commencing their Defence Service Leave.

As a courtesy, Council will continue to pay the employee their ordinary rate of pay whilst the employee is undertaking Defence Service Leave, to a maximum of eight (8) consecutive weeks. When the employee receives their Defence Service Pay from the ADFR for the period of Defence Service Leave, the employee will provide Payroll with a copy of the ADFR payslip for the Defence Service Leave period. Council will then recoup the remuneration issued to the employee for that same period. The recoupment will occur in consultation with the employee; however, the period of recoupment will not exceed six (6) months.

If the Defence Service Pay awarded to the employee by the ADFR for their period of Defence Service

Leave is less than the employee's ordinary rate of pay with Council, then Council will pay the employee top-up pay to cover the difference, as follows:

- for the full period of Defence Service Leave where the Defence Service is rendered for the purposes of training; or
- to the maximum of twelve (12) weeks where the Defence Service is rendered for any purpose other than training.

### 3.5. Employer Support Payments

Council may be entitled to claim Employer Support Payments (ESP) from the Department of Defence to offset the cost of releasing an employee for Defence Service. ESP may be available where an employee has served a qualifying period of two (2) weeks' Defence Service in the current financial year, and the employee's periods of Defence Service are at least five (5) consecutive days. ESP may also be available for the recovery period of any employee who becomes injured or ill as a result of their Defence Service. The weekly ESP rate is set at 1 July each year and is equivalent to the average weekly full-time adult ordinary time earnings (for full-time employees).

ESP cannot be accessed where the employee has used accrued leave entitlements (e.g. Annual or Long Service Leave) to render Defence Service.

In instances where Council is eligible to claim ESP, the employee is expected to assist the People and Culture and payroll teams in claiming such payments.

### 3.6. Voluntary Defence Service

The stipulations and entitlements of this policy may differ for, or not apply to, certain voluntary continuous full-time Defence Service, as directed by the *Defence Reserve Service (Protection) Act 2001* (e.g. the utilisation of leave for periods of Defence Service; and education entitlements).

### 3.7. Dispute Resolution Procedure

Employees have the right to lodge a grievance with Council where they believe that inappropriate or unreasonable action has been initiated as a result of an employee being a member of the ADFR. Employees may also contact their ADFR Unit or the Office of Reserve Service Protection in accordance with the *Defence Reserve Service (Protection) Regulations 2001*.

## 4. DEFINITIONS

**ADFR** – Australian Defence Force Reserve (the Royal Australian Navy, Australian Army or Royal Australian Air Force Reserve).

**Defence Service** – the rendering of Defence Service by an ADFR member as required by the Department of Defence under provisions of the *Defence Act 1903* and protected by the *Defence Reserve Service (Protection) Act 2001* (e.g. deployments, continuous full-time service, training).

**Defence Service Leave** – leave without pay (apart from top-up provisions), granted to Council employees who are members of the ADFR required to attend ADFR training.

**Defence Service Pay** – includes all payments received by the employee from the ADFR for their Defence Service during the period of Defence Service Leave. Defence Service Pay is based on the rank and position held by the ADFR member.

**Employee** – a person employed by Council who performs work, under the direction and control of Council, on an ongoing basis with an ongoing expectation of work entitled to superannuation contributions paid by Council.

**Employer Support Payment** – funding provided by the Department of Defence to Council to offset the costs of releasing an employee for Defence Service.

**Top-up Pay** – where the Defence Service Pay awarded to the employee by the ADFR for their period of Defence Service Leave is less than the employee's ordinary rate of pay with Council, then Council will pay the employee the amount of the difference.

**Training** – includes instructive camps, courses and schools operated and administered by the Department of Defence.

**5. LEGISLATIVE REFERENCE**

*Defence Reserve Service (Protection) Act 2001*  
*Queensland Local Government Industry Award – State 2017*

**6. RELATED DOCUMENTS**

Nil

**7. NEXT REVIEW**

As prescribed by legislation or every two (2) years – November 2022

**8. VERSION CONTROL**

Version	Revision Description	Adopted Date	ECM Reference
1	New Policy	30 September 2009	795059
2	Policy Review	25 November 2020	2733965

Mark Pitt PSM  
**CHIEF EXECUTIVE OFFICER**

Date: 25 November 2020

## **5.7 ADOPTION OF COUNCIL'S TRADING ON LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES & ROADS POLICY-STATUTORY-023**

**File Number:** 2734024

**Author:** Manager Social and Corporate Performance

**Authoriser:** Chief Executive Officer

### **PRECIS**

Adoption of the South Burnett Regional Council Trading on Local Government Controlled Areas, Facilities & Roads Policy-Statutory-023.

### **SUMMARY**

South Burnett Regional Council's ('Council') management of local government-controlled areas, facilities and roads is focused on the greater good of the community protecting public amenity, reducing risk, minimising safety concerns and allowing general community access for the enjoyment of these public spaces.

Council's Trading on Local Government Controlled Areas, Facilities & Roads Policy covers all local government-controlled areas, facilities & roads within the South Burnett Local Government Area to:

- ensure pedestrians and other road users are kept safe at all times; and
- to regulate business on public land providing some clarity around Council's position on the commercial use.

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### **OFFICER'S RECOMMENDATION**

That the committee recommends to Council:

That the South Burnett Regional Council Trading on Local Government Controlled Areas, Facilities & Roads Policy – Statutory-023 be adopted as presented

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There are no new financial implications as a result of Council adopting this Policy.

### **LINK TO CORPORATE/OPERATIONAL PLAN**

#### Corporate Plan 2018/19 to 2022/23:

EC Enhancing our Community

ENV Our environment

GO Growth and Opportunity

EXC Organisational Excellence

INF Infrastructure that meets our communities needs ENV1 Our region's environmental assets are promoted, protected and enhanced.

#### Annual Operational Plan 2020/21:

Develop and implement the Council Policy Framework to support strategic planning and compliance with relevant legislation, policies, codes of practice and standards.

### **COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

The Environment & Waste branch reviewed the Trading on Local Government Controlled Areas, Facilities & Roads Policy with assistance from the Social & Corporate Performance branch.

The draft Trading on Local Government Controlled Areas, Facilities & Roads Policy was circulated for review to Councillors and Council's Senior Management Team.

Feedback was received suggesting changes to section names within the policy, however after clarification these changes were not required as they referred to branches within Council's organisation structure.

### **LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

The *Local Government Act 2009* provides the head of power for Council to make laws for the good governance of its local area. Council's Local Laws do not permit a business to operate from a Local Government Controlled Area, a Local Government Facility or a Road within the South Burnett region without the necessary approval(s) being issued by Council under its applicable Local Law. Additionally, the appropriate Permit issued from the Department of Main Roads may be required, if a Main Road area is involved. Council is responsible for what occurs on land under its care and therefore needs to have strict controls over what activities it allows and how it regulates such.

*Section 4(b)* of the *Human Rights Act 2019* (the 'Act') requires public entities to act and make decisions in away compatible with human rights. The Act requires public entities to only limit human rights in certain circumstances and after careful consideration. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:

- |   |  |
|---|--|
| 1. Recognition and equality before the law;                           | 13. Cultural rights—generally;   |
| 2. Right to life;   | 14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples; |
| 3. Protection from torture and cruel, inhuman or degrading treatment; | 15. Right to liberty and security of person;                               |
| 4. Freedom from forced work;  | 16. Humane treatment when deprived of liberty;                             |
| 5. Freedom of movement;   | 17. Fair hearing;  |
| 6. Freedom of thought, conscience, religion and belief;               | 18. Rights in criminal proceedings;  |
| 7. Freedom of expression;   | 19. Children in the criminal process;                                      |
| 8. Peaceful assembly and freedom of association;                      | 20. Right not to be tried or punished more than once;                      |
| 9. Taking part in public life;  | 21. Retrospective criminal laws;   |
| 10. Property rights;  | 22. Right to education;  |
| 11. Privacy and reputation;   | 23. Right to health services.  |
| 12. Protection of families and children;                              |  |

### **POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

Council's Local Laws and Subordinate Local Laws, detailed below, govern activities on Local Government Controlled Areas, Facilities & Roads:

- *Local Law No. 1 (Administration) 2011*
- *Subordinate Local Law No. 1.2 (Commercial Use of LG Controlled Areas and Roads) 2011*
- *Subordinate Local Law No 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas & Roads) 2011*
- *Local Law No. 4 (LG Controlled Areas, Facilities and Roads) 2011*

- *Subordinate Local Law No. 4 (LG Controlled Areas, Facilities and Roads) 2011*

## **ASSET MANAGEMENT IMPLICATIONS**

Council is responsible for what occurs on land under its care and therefore needs to have strict controls over what activities it allows and how it regulates such.

## **REPORT**

South Burnett Regional Council's ('Council') management of local government-controlled areas, facilities and roads is focused on the greater good of the community protecting public amenity, reducing risk, minimising safety concerns and allowing general community access for the enjoyment of these public spaces.

Council's Trading on Local Government Controlled Areas, Facilities & Roads Policy ('Policy') covers all local government-controlled areas, facilities & roads within the South Burnett Local Government Area to:

- ensure pedestrians and other road users are kept safe at all times; and
- to regulate business on public land providing some clarity around Council's position on the commercial use

This Policy is to formalise the current position and practice that Council holds, which reflects what the former Kingaroy, Murgon, Nanango and Wondai Shire Councils held to prior to Amalgamation.

## **ATTACHMENTS**

1. **Trading on Local Government Controlled Areas, Facilities & Roads Policy - Statutory-023**



**POLICY CATEGORY - NUMBER:** Statutory-023  
**POLICY OWNER:** Environment & Waste Service

**ECM ID:** 2734024  
**ADOPTED:** 25 November 2020

## Trading on Local Government Controlled Areas, Facilities & Roads Policy

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Social & Corporate Performance Branch. **A hard copy of this electronic document is considered uncontrolled.**

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### 1. POLICY STATEMENT

South Burnett Regional Council ("Council") does not permit a business to operate from a Local Government Controlled Area, a Local Government Facility or a Road within the South Burnett Local Government Area without the necessary Approval being issued by Council under its applicable Local Law and the appropriate Permit being issued from the Department of Main Roads, if a Main Road area is involved.

### 2. SCOPE

This policy covers all Local Government Controlled Areas, Facilities & Roads within the South Burnett Local Government Area to;

1. ensure pedestrians and other road users are kept safe at all times; and
2. to regulate business on public land; and

To provide some clarity around Council's position on the commercial use of Local Government Controlled Areas, Facilities & Roads across the South Burnett Local Government Area.

Any business wishing to operate from Local Government Controlled Areas, Facilities & Roads within the South Burnett Local Government Area requires an Approval under the Council's Local Law(s). Further, if the Activity is to be conducted within a Main Road reserve, then a Permit issued by the Department of Main Roads will also be required. This State permitting function has been delegated to the Council by written agreement from the chief executive under the *Transport Operations (Road Use Management) Act 1995, section 66(5)(b)* as part of the Local Law review in 2011.

Council does not, as a general rule, permit the activity known as "Stationary Roadside Vending" in the South Burnett Local Government Area, unless at an approved event. This is due to a determination being made that this type of Activity will not generally be able to comply with the Performance Objectives (refer 3.1) set out in the subordinate Local Law for the commercial use of Local Government Controlled Areas and Roads.

In comparison "Mobile Roadside Vending" is not prohibited, however there may be some trading restrictions within the Central Business District (CBD). "Mobile Roadside Vending" must comply with

Main Road legislation, in particular road safety as it relates to the operator, its customers and other road users.

Prior to Amalgamation in 2008, there were some historical roadside vending standing stall site arrangements in place, which the Council still honours. However, if these arrangements are not renewed by the current operators then Council will cancel them and not reissue such an Approval for that site again. There are only three (3) long term legacy standing site permits in place being the Kingaroy Peanut van, the Nanango Peanut van and the Nanango Pie Van.

A vendor may be able to operate on private land that has an existing commercial use approval, in accordance with the Council's Town Plan, without requiring a permit to also be obtained from Council. For example, a flower stall or mobile seafood van (a food business licence for this particular activity would also be mandatory) may park on private land such as a service station, not the footpath, and with the consent of the landowner. Note: regular use of such a land area by a mobile food van or temporary facility may trigger the requirement to obtain Town Planning Approval for a permanent structure. Council is generally not in favour of this type of development.

### **3. GENERAL INFORMATION**

#### **3.1. Performance Objectives**

1. The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the Local Government Controlled Area or road.
2. There must be a public demand for the prescribed activity in respect of which the approval is sought.
3. The physical characteristics of the Local Government Controlled Area or road must be suitable for the prescribed activity.
4. The prescribed activity must not cause nuisance, inconvenience or annoyance to-
  - (a) the occupier of any land which adjoins the location of the prescribed activity; or
  - (b) vehicular traffic; or
  - (c) pedestrian traffic.
5. The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
6. If the prescribed activity is mobile roadside vending or stationary roadside vending-
  - (a) whether the prescribed activity for which the approval is sought is competitive with business activities operated from fixed premises in the Local Government Controlled Area; and
  - (b) whether the business activities operated from the fixed premises are sufficient to meet public demand for the goods or services proposed to be sold as part of the operation of the prescribed activity; and
  - (c) whether the grant of the approval will result in substantial competition between the applicant for the approval and operators of business activities operated from fixed premises in the local government area; and
  - (d) whether the goods or services proposed to be sold as part of the operation of the prescribed activity, or similar goods or services, are available for sale from fixed premises near the location of the prescribed activity.

#### **3.2. Operational Assessment and Management Framework:**

Council's Natural Resource Management (NRM) and Parks, Works and/or Environment & Waste sections will potentially have involvement in processing any applications for the use of any Local Government Controlled Areas, Facilities & Roads within the South Burnett Local Government Area. Assessment of any application would include an evaluation against the Subordinate Local Law for



the Commercial Use of Local Government Controlled Areas and Roads Performance Objectives. Activities that meet the Performance Criteria may be issued with an Approval.

### 3.3. Resourcing

Enforcement of breaches in relation to Local Government Controlled Areas, Facilities & Roads is regulated internally by Council's NRM and Parks, Works or Environment & Waste sections.

### 3.4. Education and Advice

This policy will be provided to the necessary parties when applicable and will also be made available to interested parties upon request.

### Sustainability Implications

Council's general position is not to permit the commercial use of any of its Local Government Controlled Areas, Facilities or Roads, with the exception of some major public events. This is because if Council allows one (1) business operator to utilise public space for its private commercial gain then Council is obliged to allow all businesses to do so. This in practice would be extremely difficult to implement and manage, while achieving the Performance Objectives. There would also be liability concerns around a commercial entity utilising Council controlled 'land'.

### Social Implications

By not allowing businesses to generally utilise public space for their own commercial gain is deemed to be for the greater good of the community in order to protect public amenity, reduce risk, minimise safety concerns, allow the general community access to and the potential for enjoyment of these public areas as well as encouraging business in the established central business district precinct as provided for in the Council's Town Plan.

### Economic Implications

Restricting or regulating commercial ventures on public controlled spaces potentially will have an impact upon the potential revenues of businesses. However, this would be offset by the social benefits as outlined above under the Social Implications section. Further, the direct facilitation, support and the effective underwriting of a commercial business is not generally the core function of local government.

### Environmental Implications

By not allowing businesses to utilise the public space minimises the potential for any environmental impact. If an Approval was to be issued then conditions would need to be included on the Approval to address any anticipated environmental issues.

## 4. DEFINITIONS

Mobile Roadside Vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator travels from place to place; and
- (b) the operator supplies the goods or services to a customer in response to the customer waving down the operator.

Stationary Roadside Vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator carries on the activity from—
  - (i) a specified place; or
  - (ii) a number of specified places; but
- (b) the activity is not footpath dining.

**5. LEGISLATIVE REFERENCE***Local Government Act 2009**Local Law No. 1 (Administration) 2011**Subordinate Local Law No. 1.2 (Commercial Use of LG Controlled Areas and Roads) 2011**Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas & Roads) 2011**Local Law No. 4 (LG Controlled Areas, Facilities and Roads) 2011**Subordinate Local Law No. 4 (LG Controlled Areas, Facilities and Roads) 2011***6. RELATED DOCUMENTS**

Nil.

**7. NEXT REVIEW**

As prescribed by legislation or every two (2) years – November 2022

**8. VERSION CONTROL**

Version	Revision Description	Adopted Date	ECM Reference
1	New Policy	12 October 2016	1664834
2	Policy Review	25 November 2020	2734024

Mark Pitt PSM

**CHIEF EXECUTIVE OFFICER**

Date: 25 November 2020

## 5.8 ADOPTION OF COUNCIL'S WORKPLACE HEALTH AND SAFETY POLICY - STATUTORY-015

**File Number:** 2734000

**Author:** Manager Social and Corporate Performance

**Authoriser:** Chief Executive Officer

### PRECIS

Adoption of the South Burnett Regional Council Workplace Health and Safety Policy-Statutory-015.

### SUMMARY

South Burnett Regional Council ('Council') is committed to providing a safe and healthy work environment for Council representatives and visitors to Council premises and worksites.

Council's primary workplace health and safety objective is to eliminate or reduce risk by developing proactive strategies and adopting a risk management approach to workplace health and safety. We understand that creating and maintaining a safe and healthy working environment is a major part of our overall responsibilities, and that all employees must ensure the health and safety of their fellow employees and visitors in their respective work areas.

Council's workplace health and safety obligations will be achieved by adopting the Workplace Health and Safety Policy which promotes the provisions of the *Work Health and Safety Act 2011* and its associated regulation, codes, standards and strategies.

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### OFFICER'S RECOMMENDATION

That the committee recommends to Council:

That the South Burnett Regional Council's Workplace Health and Safety Policy – Statutory-015 be adopted as presented

### FINANCIAL AND RESOURCE IMPLICATIONS

The direct financial or resource implications which arise from this report will be met within the existing Council budget allocation.

### LINK TO CORPORATE/OPERATIONAL PLAN

#### Corporate Plan 2018/19 to 2022/23:

EC Enhancing our Community

ENV Our environment

GO Growth and Opportunity

EXC Organisational Excellence

INF Infrastructure that meets our communities needs

#### Annual Operational Plan 2020/21:

Develop and implement the Council Policy Framework to support strategic planning and compliance with relevant legislation, policies, codes of practice and standards.

Review of People and Culture Policies along with Health and Safety Policies.

**COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

The People & Culture branch reviewed the Workplace Health & Safety Policy with assistance from the Social & Corporate Performance branch.

The draft Workplace Health and Safety Policy was circulated for review by Councillors and Council's Senior Management Team.

Feedback was received with no suggested changes for consideration.

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

*Section 4(b) of the Human Rights Act 2019* (the 'Act') requires public entities to act and make decisions in a way compatible with human rights. The Act requires public entities to only limit human rights in certain circumstances and after careful consideration. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:

1. Recognition and equality before the law;
2. Right to life;
3. Protection from torture and cruel, inhuman or degrading treatment;
4. Freedom from forced work;
5. Freedom of movement;
6. Freedom of thought, conscience, religion and belief;
7. Freedom of expression;
8. Peaceful assembly and freedom of association;
9. Taking part in public life;
10. Property rights;
11. Privacy and reputation;
12. Protection of families and children;
13. Cultural rights—generally;
14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples;
15. Right to liberty and security of person;
16. Humane treatment when deprived of liberty;
17. Fair hearing;
18. Rights in criminal proceedings;
19. Children in the criminal process;
20. Right not to be tried or punished more than once;
21. Retrospective criminal laws;
22. Right to education;
23. Right to health services.

**POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

No direct local law or delegation implications arise from this report

**ASSET MANAGEMENT IMPLICATIONS**

No direct asset management implications arise from this report.

**REPORT**

South Burnett Regional Council ('Council') is committed to providing a safe and healthy work environment for Council representatives and visitors to Council premises and worksites.

Council's primary workplace health and safety objective is to eliminate or reduce risk by developing proactive strategies and adopting a risk management approach to workplace health and safety. We understand that creating and maintaining a safe and healthy working environment is a major part of

our overall responsibilities, and that all employees must ensure the health and safety of their fellow employees and visitors in their respective work areas.

Council's workplace health and safety obligations will be achieved by adopting the Workplace Health and Safety Policy which promotes the provisions of the Work Health and Safety Act 2011 and its associated regulation, codes, standards and strategies.

## **ATTACHMENTS**

### **1. Workplace Health & Safety Policy - Statutory 015**



**POLICY CATEGORY - NUMBER:** Statutory-015  
**POLICY OWNER:** People & Culture  
**ECM ID:** 2734000  
**ADOPTED:** 25 November 2020

## Workplace Health and Safety Policy

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Social & Corporate Performance Branch. **A hard copy of this electronic document is considered uncontrolled.**

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### 1. POLICY STATEMENT

South Burnett Regional Council ('Council') is committed to providing a safe and healthy work environment for Council representatives and visitors to Council premises and worksites.

### 2. SCOPE

This policy applies to all Council representatives and includes entities over which Council has direct ownership, management and/or financial control.

### 3. GENERAL INFORMATION

Council's workplace health and safety obligations will be achieved by adopting and promoting the provisions of the *Work Health and Safety Act 2011* and its associated regulation, codes and standards, together with significant importance placed in the areas of hazard and risk management and injury prevention strategies.

Council's primary workplace health and safety objective is to eliminate or reduce risk by developing proactive strategies and adopting a risk management approach to workplace health and safety.

Council understands that creating and maintaining a safe and healthy working environment is a major part of its overall responsibilities, and that all employees must ensure the health and safety of their fellow employees and visitors in their respective work areas.

In support of this policy, Council is committed to the provision of workplace health and safety information to people working at or visiting its workplaces as well as ensuring effective employee and contractor consultation on health and safety matters. Council will also provide employees with workplace health and safety training relevant to their work.

To ensure continuous improvement, Council will establish and monitor measurable workplace health and safety objectives and targets. Council is also committed to the successful implementation and continual improvement of its Safety Management System.

Council expects all Council representatives and visitors to its workplaces to follow safe work practices as prescribed by legislation and Council's Safety Management System and that they make every effort to reduce the risk of injury to themselves and others.

Council regards its workplace health and safety responsibilities with the utmost importance and, resources will be made available to allow Council to comply with relevant legislation and implement its Safety Management System.

To achieve a safe and healthy work environment, commitment and co-operation from all Council's employees, contractors, volunteers and visitors is essential.

#### 4. DEFINITIONS

**Council representative** - all Councillors and council employees including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

#### 5. LEGISLATIVE REFERENCE

*Electrical Safety Act 2002*

*Electrical Safety Regulations 2013*

*Local Government Act 2009*

*Workplace Health and Safety Act 2011*

*Workplace Health and Safety Regulation 2011*

*Worker's Compensation & Rehabilitation Act 2003*

*Worker's Compensation & Rehabilitation Regulations 2014*

#### 6. RELATED DOCUMENTS

Corporate Rehabilitation Policy – Local Government Workcare

Employee Code of Conduct

#### 7. NEXT REVIEW

As prescribed by legislation or every two (2) years – November 2022

#### 8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Workplace Health & Safety Policy	6 January 2016	1602758
2	Workplace Health & Safety Policy	1 February 2018	2459060
3	Workplace Health & Safety Policy	26 July 2018	2522988
4	Workplace Health & Safety Policy	25 November 2020	2734000

Mark Pitt PSM

**CHIEF EXECUTIVE OFFICER**

Date: 25 November 2020

## **5.9 ADOPTION OF COUNCIL'S DISCOVERY HANDLING & MANAGEMENT OF HUMAN REMAINS POLICY - STATUTORY-016**

**File Number:** 2734685

**Author:** Manager Social and Corporate Performance

**Authoriser:** Chief Executive Officer

### **PRECIS**

Adoption of the South Burnett Regional Council Discovery Handling & Management of Human Remains Policy-Statutory-016.

### **SUMMARY**

South Burnett Regional Council ('Council') is committed to setting guidelines and responsibilities for Council representatives when faced with the discovery, handling and management of human remains within the Council area.

Council operates a number of cemeteries throughout the region and within those cemeteries there is the potential for burials to have taken place without Council knowledge or in locations that Council is not aware. Further, Council regularly undertakes excavations as part of its day to day operations.

As a result, there is the potential for human remains to be disturbed either within Council cemeteries or at Council worksites.

Council's Discovery Handling & Management of Human Remains Policy assists Council to limit further disturbance and provides procedures for the proper management of such remains.

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### **OFFICER'S RECOMMENDATION**

That the committee recommends to Council:

That the South Burnett Regional Council Discovery Handling & Management of Human Remains Policy – Statutory-016 be adopted as presented

### **FINANCIAL AND RESOURCE IMPLICATIONS**

No direct financial or resource implications arise from this report.

### **LINK TO CORPORATE/OPERATIONAL PLAN**

Corporate Plan 2018/19 to 2022/23:

EC3.4 - Manage identified public health and environmental issues in accordance with relevant legislation

EC3.5 - Recognise and embrace the region's cultural diversity

Annual Operational Plan 2020/21:

Develop and implement the Council Policy Framework to support strategic planning and compliance with relevant legislation, policies, codes of practice and standards.

### **COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

The NRM& Parks branch reviewed the Discovery Handling & Management of Human Remains Policy with assistance from the Social & Corporate Performance branch.

The draft Discovery Handling & Management of Human Remains Policy was circulated for review by Councillors and Council's Senior Management Team.



Feedback was received with suggested changes considered resulting in a flowchart as provided by the Department of Aboriginal and Torres Strait Islander Partnerships Guidelines being included in the Procedure.

### **LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

The relevant Queensland legislation has been noted within the Discovery Handling & Management of Human Remains Policy:

- *Aboriginal Cultural Heritage Act 2003*;
- *Coroners Act 2003*;
- *Criminal Code Act 1899*;
- *Local Government Act 2009*; and
- *Torres Strait Islander Cultural Heritage Act 2003*.

Section 4(b) of the *Human Rights Act 2019* (the 'Act') requires public entities to act and make decisions in away compatible with human rights. The Act requires public entities to only limit human rights in certain circumstances and after careful consideration. The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:

- |   |  |
|---|--|
| 1. Recognition and equality before the law;                           | 13. Cultural rights—generally;   |
| 2. Right to life;   | 14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples; |
| 3. Protection from torture and cruel, inhuman or degrading treatment; | 15. Right to liberty and security of person;                               |
| 4. Freedom from forced work;  | 16. Humane treatment when deprived of liberty;                             |
| 5. Freedom of movement;   | 17. Fair hearing;  |
| 6. Freedom of thought, conscience, religion and belief;               | 18. Rights in criminal proceedings;  |
| 7. Freedom of expression;   | 19. Children in the criminal process;                                      |
| 8. Peaceful assembly and freedom of association;                      | 20. Right not to be tried or punished more than once;                      |
| 9. Taking part in public life;  | 21. Retrospective criminal laws;   |
| 10. Property rights;  | 22. Right to education;  |
| 11. Privacy and reputation;   | 23. Right to health services.  |
| 12. Protection of families and children;                              |  |

### **POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

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

### **ASSET MANAGEMENT IMPLICATIONS**

No direct asset management implications arise from this report.

### **REPORT**

South Burnett Regional Council ('Council') is committed to setting guidelines and responsibilities for Council representatives when faced with the discovery, handling and management of human remains within the Council area.

Council operates a number of cemeteries throughout the region and within those cemeteries there is the potential for burials to have taken place without Council knowledge or in locations that Council is not aware. Further, Council regularly undertakes excavations as part of its day to day operations.

As a result, there is the potential for human remains to be disturbed either within Council cemeteries or at Council worksites.

Council's Discovery Handling & Management of Human Remains Policy assists Council to limit further disturbance and provides procedures for the proper management of such remains.

## **ATTACHMENTS**

- 1. Discovery Handling & Management of Human Remains Policy - Statutory-016**



**POLICY CATEGORY - NUMBER:** Statutory-016  
**POLICY OWNER:** Natural Resource Management & Parks

**ECM ID:** 2734685  
**ADOPTED:** 25 November 2020

## Discovery, Handling and Management of Human Remains Policy

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Social & Corporate Performance Branch. **A hard copy of this electronic document is considered uncontrolled.**

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### 1. POLICY STATEMENT

South Burnett Regional Council ('Council') is committed to setting guidelines and responsibilities for Council representatives when faced with the discovery, handling and management of human remains within the Council area.

### 2. SCOPE

This policy applies to all Council representatives and includes entities over which Council has direct ownership, management and/or financial control.

### 3. GENERAL INFORMATION

Council operates a number of cemeteries throughout the South Burnett Local Government Area. Within those cemeteries there is the potential for burials to have taken place without Council knowledge or in locations that Council is not aware. Further, Council regularly undertakes excavations as part of its day to day operations.

As a result, there is the potential for human remains to be disturbed either within Council cemeteries or at Council worksites.

This policy has been developed under the provisions of the *Aboriginal Cultural Heritage Act 2003*, the *Torres Strait Islander Cultural Heritage Act 2003*, *Criminal Code Act 1899* and the *Coroners Act 2003*.

If bones are found and it is suspected that they are human, it is **essential that you do not disturb them. You must report the findings to the Queensland Police Service (QPS)**. The QPS will determine if the remains represent a crime scene.

If it is established that the remains are not a crime scene and the Coroner is satisfied that the remains are ancestral Aboriginal or Torres Strait Islander remains, the procedures related to this policy will apply.

#### 3.1. General Guiding Principles

Death in all human societies is a significant event. It occurs on a regular but unpredictable basis, removing individuals from family, close relations and friends. Death is often associated with complex

rituals. This was and is still the case with Aboriginal and Torres Strait Islander people. Disturbance to burials and human remains is therefore of major concern to them, as it is for all members of Australian society.

Aboriginal and Torres Strait Islander people have been in Australia for more than 40,000 years. In that time, they have buried hundreds of thousands of their ancestors in a variety of ways. In some cases, people were cremated; in others their bones were placed in hollowed-out logs or trees or wrapped in bark cylinders and placed in rock shelters. Many were also buried in the ground with grave goods.

Burials commonly occurred in sand dunes and alluvial deposits, which were easy to dig. However, wind and water easily erode such locations and frequently these natural processes expose remains.

Other common burial locations are rock shelters, rocky overhangs and hollow trees. All are vulnerable to human disturbance. The close proximity of scarred or carved trees and stone arrangements and the remains of fireplaces, stone artefacts and food refuse may be suggestive of an Aboriginal or Torres Strait Islander burial. In view of possible natural or human disturbance to Aboriginal or Torres Strait Islander places the Queensland Government has in place a legislative framework that will ensure such burials are treated in a manner consistent with legal requirements and Aboriginal and Torres Strait Islander traditions.

There is also provision for Aboriginal or Torres Strait Islander people who have traditional or familial links with human remains to seek ownership of these remains regardless of who claimed previous ownership.

### 3.2. Desired Outcomes

This policy has a number of general desired outcomes: -.

- (i) While natural or human processes can inadvertently expose human remains, including Aboriginal or Torres Strait Islander human remains, all attempts will be made to limit further disturbance.
- (ii) If further investigation and disturbance is required, procedures are in place for the proper handling of such remains.
- (iii) All such procedures are sensitive to the wishes of the Aboriginal or Torres Strait Islander owners of the remains or any other person with links to the remains.
- (iv) That Aboriginal or Torres Strait Islanders who have traditional or familial links with human remains are able to claim ownership of those remains.

## 4. DEFINITIONS

**Council Representative** - All Councillors and Council employees including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

**Human Remains** - parts of the bodies of dead people; an area where ancient human remains have been found.

## 5. LEGISLATIVE REFERENCE

*Aboriginal Cultural Heritage Act 2003*

*Coroners Act 2003*

*Criminal Code Act 1899*

*Local Government Act 2009*

*South Burnett Regional Council Local Law No 1.9 - Operation of Cemeteries 2011*

*Torres Strait Islander Cultural Heritage Act 2003*

## 6. RELATED DOCUMENTS

Guidelines for the discovery, handling and management of human remains (Department of Aboriginal and Torres Strait Islander Partnerships, Queensland Government)

SBRC's Discovery, Handling and Management of Human Remains Procedure – Procedure-012

**7. NEXT REVIEW**

As prescribed by legislation or every two (2) years – November 2022

**8. VERSION CONTROL**

<b>Version</b>	<b>Revision Description</b>	<b>Adopted Date</b>	<b>ECM Reference</b>
1	New Policy	25 March 2009	504121
2	Policy Review	25 November 2020	2734685

Mark Pitt PSM  
**CHIEF EXECUTIVE OFFICER**

Date:

## **5.10 ADOPTION OF THE SOUTH BURNETT REGIONAL COUNCIL COUNCILLOR CONDUCT COMPLAINTS INVESTIGATION POLICY**

**File Number:** 18 November 2020  
**Author:** Manager Social and Corporate Performance  
**Authoriser:** Chief Executive Officer

### **PRECIS**

Adoption of the South Burnett Regional Council Councillor Conduct Complaints Investigation Policy – Statutory-028

### **SUMMARY**

South Burnett Regional Council ('Council') has an obligation to state how complaints about the alleged inappropriate conduct of Councillors will be dealt with as required by the *Section 150AE* of the *Local Government Act 2009* ('Act').

Council's Councillor Conduct Complaints Investigation Policy ('Policy') applies to investigations and determinations of a complaint about the alleged inappropriate conduct which has been referred by the Independent Assessor.

This Policy has been revised following the changes to the Act and correspondence from the Office of the Independent Assessor providing details of a panel of suitably qualified investigators for use by Council.

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### **OFFICER'S RECOMMENDATION**

That the committee recommends to Council:

That the South Burnett Regional Council Councillor Conduct Complaints Investigation Policy-Statutory-028 be adopted as presented.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

No direct impact on financial and resource implications have been identified at this time.

### **LINK TO CORPORATE/OPERATIONAL PLAN**

Corporate Plan 2018/19 to 2022/23:

EXC2.1 - Deliver governance that provides sound organisational management and complies with relevant legislation

Annual Operational Plan 2020/21:

Develop and implement the Council Policy Framework to support strategic planning and compliance with relevant legislation, policies, codes of practice and standards.

### **COMMUNICATION/CONSULTATION (INTERNAL/EXTERNAL)**

Council received correspondence from the Office of the Independent Assessor identifying suitably qualified external investigators for engagement, when seeking assistance with an investigation into alleged inappropriate conduct.

The draft Councillor Conduct Complaints Investigation Policy was circulated for review by Councillors and Council's Senior Management Team.

### **LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

*Section 4(b)* of the *Human Rights Act 2019* ('HRAAct') requires public entities to act and make decisions in away compatible with human rights. The HRAAct requires public entities to only limit

human rights in certain circumstances and after careful consideration. The human rights protected under the HRAct are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:

- |   |  |
|---|--|
| 1. Recognition and equality before the law;                           | 13. Cultural rights—generally;   |
| 2. Right to life;   | 14. Cultural rights—Aboriginal peoples and Torres Strait Islander peoples; |
| 3. Protection from torture and cruel, inhuman or degrading treatment; | 15. Right to liberty and security of person;                               |
| 4. Freedom from forced work;  | 16. Humane treatment when deprived of liberty;                             |
| 5. Freedom of movement;   | 17. Fair hearing;  |
| 6. Freedom of thought, conscience, religion and belief;               | 18. Rights in criminal proceedings;  |
| 7. Freedom of expression;   | 19. Children in the criminal process;                                      |
| 8. Peaceful assembly and freedom of association;                      | 20. Right not to be tried or punished more than once;                      |
| 9. Taking part in public life;  | 21. Retrospective criminal laws;   |
| 10. Property rights;  | 22. Right to education;  |
| 11. Privacy and reputation;   | 23. Right to health services.  |
| 12. Protection of families and children;                              |  |

### **POLICY/LOCAL LAW DELEGATION IMPLICATIONS**

No direct local law or delegation implications arise from this report

### **ASSET MANAGEMENT IMPLICATIONS**

No direct asset management implications arise from this report.

### **REPORT**

South Burnett Regional Council ('Council') has an obligation to state how complaints about the alleged inappropriate conduct of Councillors will be dealt with as required by the *Section 150AE* of the *Local Government Act 2009* ('Act').

Council's Councillor Conduct Complaints Investigation Policy ('Policy') applies to investigations and determinations of a complaint about the alleged inappropriate conduct which has been referred by the Independent Assessor.

This Policy has been revised following the changes to the Act and correspondence from the Office of the Independent Assessor providing details of a panel of suitably qualified investigators for use by Council.

### **ATTACHMENTS**

- 1. Councillor Conduct Complaints Investigation Policy-Statutory028**



**POLICY CATEGORY - NUMBER:** Statutory-028

**POLICY OWNER:** Social & Corporate Performance

**ECM ID:**

**ADOPTED:** 18 November 2020

## Councillor Conduct Complaints Investigation Policy

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Social & Corporate Performance Branch. **A hard copy of this electronic document is considered uncontrolled.**

### Table of Contents

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### 1. POLICY STATEMENT

This policy states how complaints about the alleged inappropriate conduct of Councillors will be dealt with as required by the *Section 150AE* of the *Local Government Act 2009* ('Act').

### 2. SCOPE

This policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

South Burnett Regional Council ('Council') has developed a Councillor conduct complaints management process in accordance with the Act which is intended to ensure that breaches of Council's Councillor Code of Conduct Policy or any other inappropriate Councillor conduct are handled in accordance with legislative and regulatory requirements.

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

The local government principles are:

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

### 3. GENERAL INFORMATION

#### 3.1. Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise



specifically provided for either in the Act or this policy.

**Note:** It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the local government. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to the local government may be contrary to *Section 171(3)* of the Act and dealt with as misconduct.

### **3.2. Natural Justice**

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

"Natural justice" or procedural fairness, refers to three (3) key principles:

- the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing);
- the investigator(s) should be objective and impartial (absence of bias); and
- any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided, with an opportunity to put their case in writing at least three (3) business days before the investigation report is provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon logical proof or evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

### **3.3. Protection from Reprisal**

As part of the system of Councillor complaint management, another Council representative who makes a complaint or notification or intends to make a complaint or notification against a Councillor, are protected from acts of reprisal, payback or revenge.

### **3.4. Independent Assessor's Referral**

The Council may receive from the Independent Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s.

#### **3.4.1. Receipt of the Independent Assessor's Referral**

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Independent Assessor ('IA'), the Council's Chief Executive Officer ('CEO') will forward a copy of that referral notice to the Mayor and all Councillors as a confidential document.

Should the Mayor or a Councillor/s (other than the subject of the complaint or the complainant) disagree with any recommendation accompanying the IA's referral notice or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor/s may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council's Conduct of Council & Committee Meetings Policy.

### **3.5. Investigator**

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct that in the circumstances, the Mayor

believes, it is in the best interests of the investigation to refer the matter for external investigation, then the CEO must refer the suspected inappropriate conduct to an external investigator as identified by the Office of the Independent Assessor ('OIA'), to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves:

- an allegation about the conduct of the Mayor, or
- the Mayor as the complainant,

then the CEO must refer the suspected inappropriate conduct to an external investigator as identified by the OIA, to investigate and make recommendations to the Council about dealing with the conduct.

### **3.6. Early Resolution**

Before beginning an investigation, the investigator must consider whether the matter is appropriate for resolution prior to the investigation. This consideration includes any recommendation made by the IA.

A matter is only appropriate for early resolution if the parties to the matter agree to explore early resolution.

The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this policy.

If the matter is resolved prior to investigation, the investigator will advise the CEO of this outcome. In turn, the CEO will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The CEO will also ensure that the 'Councillor Conduct Register' is updated to reflect this outcome.

### **3.7. Timeliness**

The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than 12 weeks after the receipt of the complaint.

**Note:** If the investigator is of the opinion that it may take longer than 12 weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.

### **3.8. Assistance for investigator**

If the Mayor is the investigator of a matter of suspected inappropriate conduct, the Mayor may use *section 170A* of the Act to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

### **3.9. Possible misconduct or corrupt conduct**

If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the CEO. The CEO will then notify the IA of the possible misconduct.

If during the course of an investigation, the investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the CEO. The CEO will then notify the Crime and Corruption Commission ('CCC') of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the IA or CCC to be inappropriate conduct.

### 3.10. Completion of investigation

On the completion of an investigation, the investigator will provide a report to the Council outlining the investigation process, the investigation findings, any recommendations about dealing with the conduct and a record of the investigation costs. This report is to be provided utilising the template investigation report provided by the OIA to support timely investigations that comply with best practice and natural justice.

The Council will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under *Section 150AH* of the Act.

In the event that inappropriate conduct is substantiated, and to assist Councillors to objectively decide on appropriate sanctions, the IA provides 'Inappropriate Conduct Disciplinary Action Guideline' to guide decision making.

Provisions for internal and external review of decisions are set out in *Sections 150CO* to *150CS* of the Act.

### 3.11. Notice about the outcome of investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation.

### 3.12. Councillor conduct register

The CEO must ensure decisions about suspected inappropriate conduct of a Councillor/s must be entered into the 'Councillor Conduct Register'.

Where a complaint has been resolved under section 3.6 of this policy, the CEO will update the register to reflect that the complaint was withdrawn.

### 3.13. Expenses

Council must pay any reasonable expenses of Council associated with the informal early resolution or investigation of suspected inappropriate conduct of a Councillor including any costs of:

- the external investigator in undertaking an investigation for Council;
- a mediator engaged under this investigation policy;
- travel where the investigator needed to travel to undertake the investigation or to interview witnesses;
- seeking legal advice; and
- engaging an expert.

Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.

Any costs incurred by complainants or the subject Councillors will not be met by Council.

## 4. DEFINITIONS

**Act** means the *Local Government Act 2009*

**Behavioural standard** means a standard of behaviour for Councillors set out in the Councillor Code of Conduct Policy approved under *Section 150E* of the Act.

**Conduct** includes -

- a) failing to act; and
- b) a conspiracy, or attempt, to engage in conduct.

**Councillor conduct register** means the register required to be kept by Council as set out in *Section 150DX* of the Act.

**Council Representative** - All Councillors and Council employees including permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

**Inappropriate conduct** see *Section 150K* of the Act.

**Independent Assessor** means the Independent Assessor ('IA') appointed under *Section 150CV* of the Act.

**Investigator** means the person responsible under this policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor.

**Local government** meeting means a meeting of -

- a) a local government; or
- b) a committee of a local government.

**Misconduct** see *Section 150L* of the Act model procedures see *Section 150F* of the Act.

**Natural justice** - a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

**Referral notice** see *Section 150AC* of the Act.

**Tribunal** means the Councillor Conduct Tribunal as established under *Section 150DK* of the Act.

**Unsuitable meeting conduct** see *Section 150H* of the Act.

## 5. LEGISLATIVE REFERENCE

*Crime and Corruption Act 2001*

*Local Government Act 2009*

## 6. RELATED DOCUMENTS

Acceptable Request Guidelines

Councillor Code of Conduct Policy

Conduct of Council & Committee Meetings Policy

Expenses Reimbursement Policy for Councillors

Office of the Independent Assessor Investigation Report Template

Office of the Independent Assessor Panel of Investigators

Office of the Independent Assessor Inappropriate Conduct Disciplinary Action Guideline

## 7. NEXT REVIEW

As prescribed by legislation or every two (2) years – November 2022

**8. VERSION CONTROL**

<b>Version</b>	<b>Revision Description</b>	<b>Approval/Adopted Date</b>	<b>ECM Reference</b>
1.	Adoption of policy	8 April 2008	
2.	Revision of policy	24 June 2014	
3.	Revision of policy	15 February 2017	
4.	Creation of separate complaints policy for Councillors	12 December 2018	2556506
5.	Policy Review – Legislation Update	18 November 2020	

Mark Pitt PSM  
**CHIEF EXECUTIVE OFFICER**

Date: 18 November 2020

**5.11 STATUS OF OUTSTANDING DEBTORS - OVERDUE BY 90 DAYS**

**File Number:** 18.11.2020  
**Author:** Financial Accountant  
**Authoriser:** Chief Executive Officer

**PRECIS**

Provide an update on the status of debtor accounts that have been outstanding for 90 days or more.

**SUMMARY**

Listing of Council's debtors that are overdue by 90 days or more and their current status for collection.

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**OFFICER'S RECOMMENDATION**

That the report on the status of debtor accounts that have been outstanding for 90 days or more be received for information.

**BACKGROUND**

This report provides a brief overview of the status of Council's outstanding debtors who currently have debts sitting in the over 90 days category. This report does not include any debts sitting in property and rating (P&R) modules other than those in sundry debtors. Debts arising from these other modules, will be reported on in a future Finance and Corporate Standing Committee Meeting.

As at the 6<sup>th</sup> November 2020, Council had \$170k in debts outstanding for 90 days or more which equated to approximately 29% of the combined total debt in the P&R sundry debtors and AR debtors modules. Of this, \$49k sat in P&R sundry debtors and \$121k was in AR debtors.

Out of the \$170k recognised as being over 90 days, \$93k (55%) has been submitted to R&R Debt Collectors to pursue, \$24k (14%) are on payment plans, \$9k (5%) are being considered for write-off against the current bad debt provision and the remainder are being followed up internally. It is expected that a portion of the amounts being followed up internally will be sent to R&R in the next few months if internal collection avenues have been exhausted.

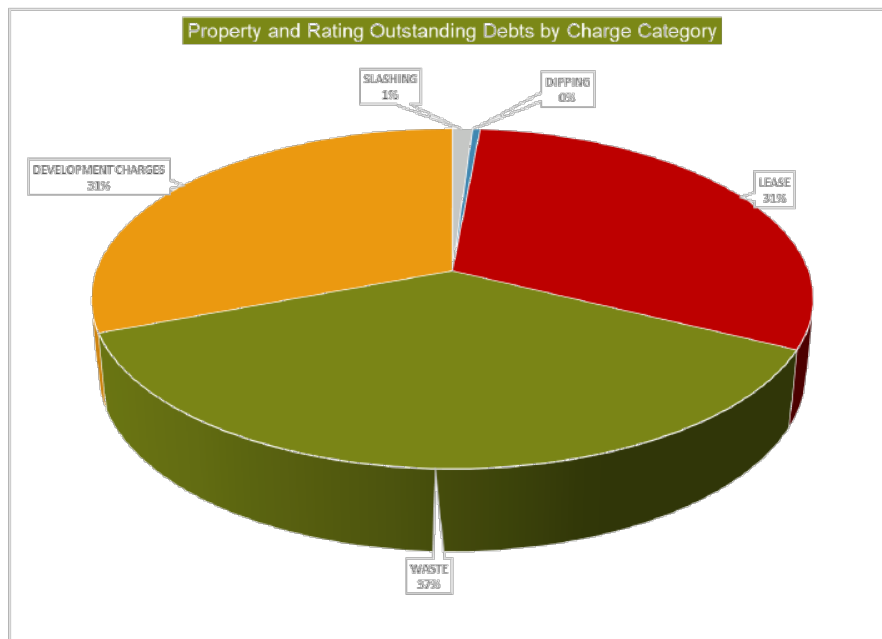
Council currently has 6 debtors that have had claims submitted to R&R. Out of these 6 claims, one debtor is currently on a payment plan which is being monitored and the other 5 have proceeded to the statement of claim served status with the debt collection agency.

Finance will continue to keep a close eye on debtors and will provide regular updates on how these debts are progressing.

**ATTACHMENTS****1. Outstanding Debt Data**

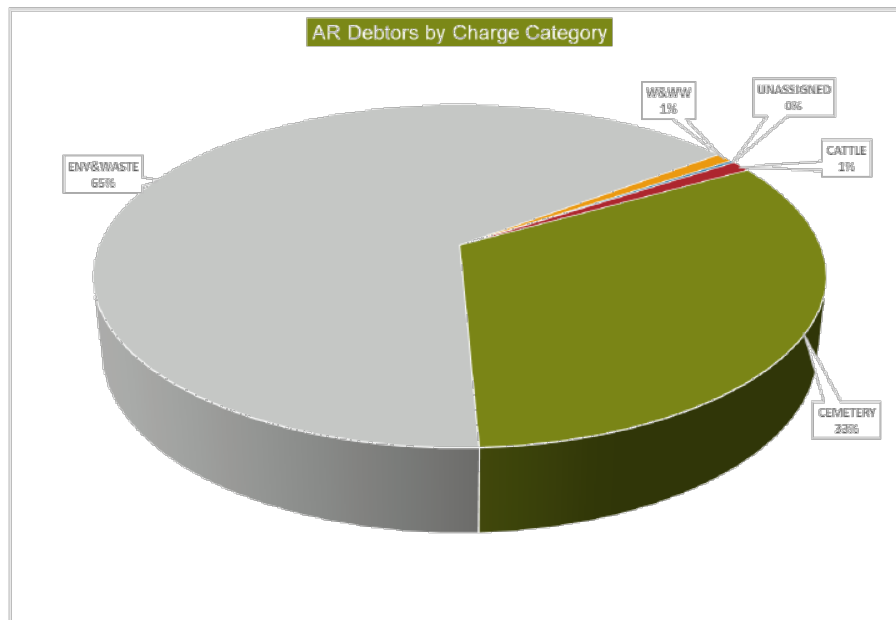
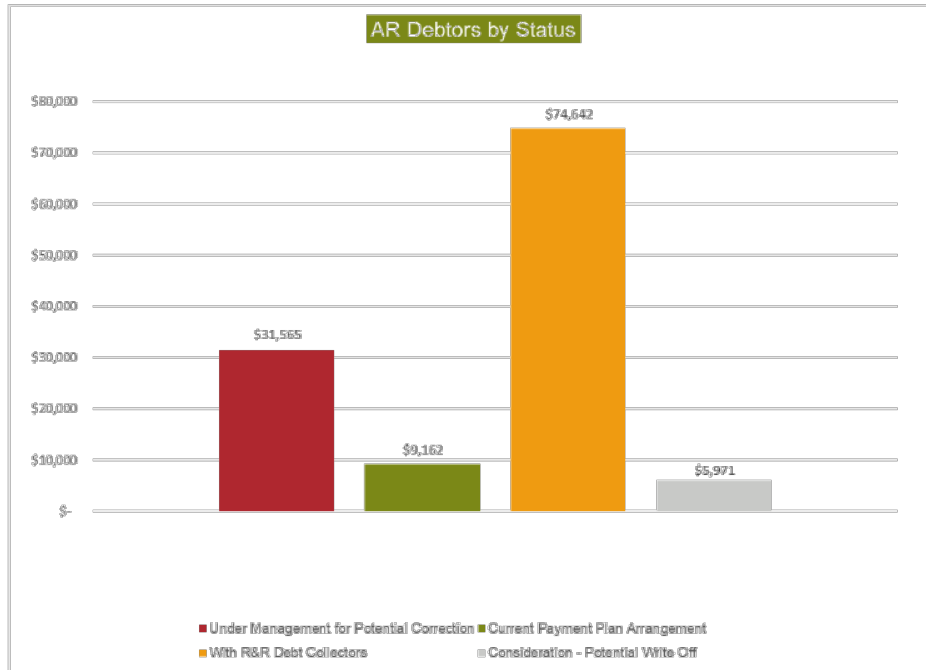
**PROPERTY AND RATING OUTSTANDING DEBTS - NOVEMBER 2020**

SLASHING	DIPPING	LEASE	WASTE	DEVELOPMENT CHARGES	TOTAL	PERCENTAGE	# OF DEBTORS	
	\$ 193	\$ 10,800	\$ 7,667		\$ 18,660	38%	3	With R&R Debt Collectors
				\$ 15,037	\$ 15,037	31%	1	Current Payment Plan Arrangement in Place
		\$ 4,284	\$ 7,625		\$ 11,909	24%	2	Consideration - potential submission with R&R
\$ 514			\$ 2,738		\$ 3,252	7%	10	Consideration - potential write off
<b>\$ 514</b>	<b>\$ 193</b>	<b>\$ 15,084</b>	<b>\$ 18,030</b>	<b>\$ 15,037</b>	<b>\$ 48,859</b>	<b>100%</b>	<b>16</b>	
1%	0%	31%	37%	31%	100%			



**AR Debtors - NOVEMBER 2020**

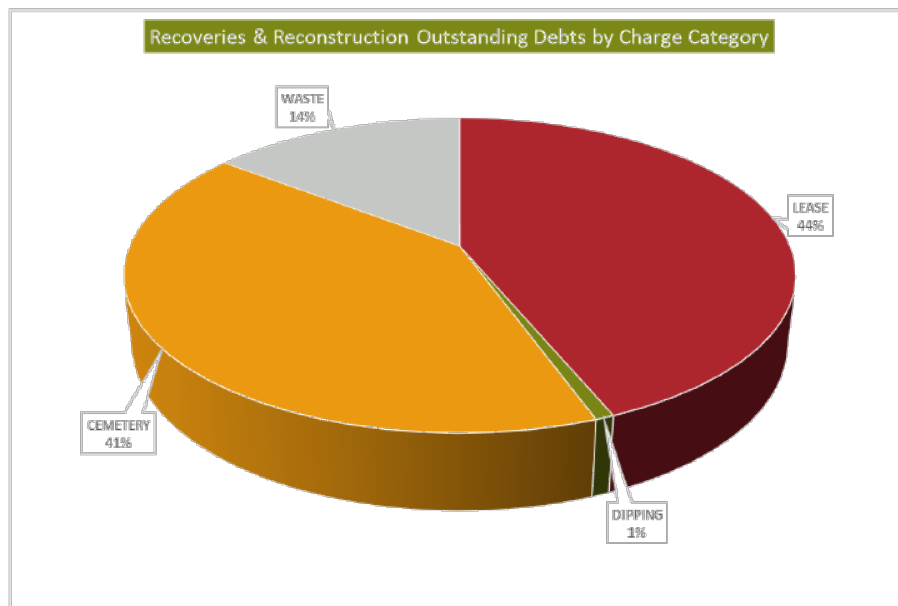
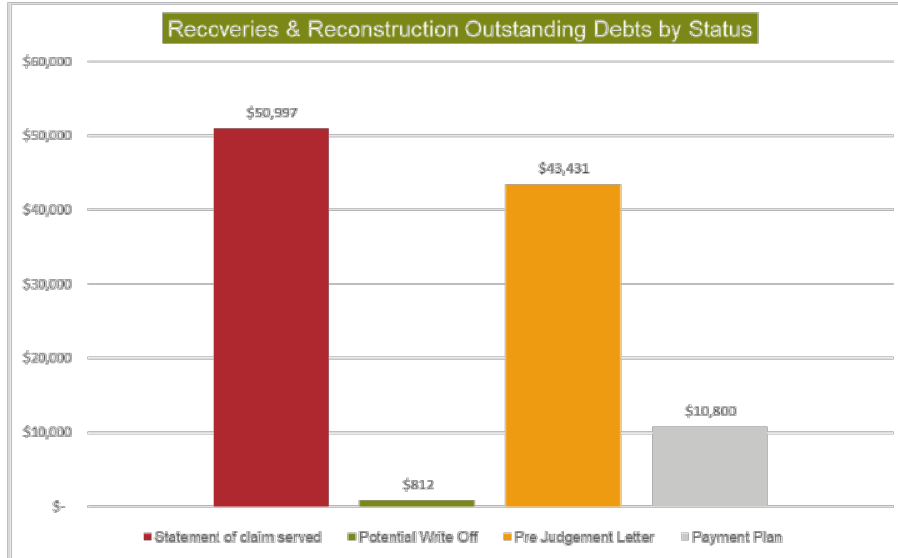
UNASSIGNED	CATTLE	CEMETERY	ENV&WASTE	W&WW	TOTAL	PERCENTAGE	# OF DEBTORS	
\$ 292	\$ 1,070		\$ 30,203		\$ 31,565	26%	20	Under Management for Potential Correction
			\$ 9,162		\$ 9,162	8%	4	Current Payment Plan Arrangement
		\$ 39,420	\$ 34,153	\$ 1,068	\$ 74,642	62%	6	With R&R Debt Collectors
	\$ 159		\$ 5,812		\$ 5,971	5%	4	Consideration - Potential Write Off
<b>\$ 292</b>	<b>\$ 1,229</b>	<b>\$ 39,420</b>	<b>\$ 79,330</b>	<b>\$ 1,068</b>	<b>\$ 121,339</b>	<b>100%</b>	<b>34</b>	
0%	1%	33%	65%	1%	100%			





**RECOVERIES & RECONSTRUCTION OUTSTANDING DEBTS - NOVEMBER 2020**

LEASE	DIPPING	CEMETERY	WASTE	TOTAL	PERCENTAGE	# OF DEBTORS	
\$ 35,541			\$ 15,456	\$ 50,997	48%	2	Statement of claim served
	\$ 812			\$ 812	2%	1	Potential Write Off
		\$ 43,431		\$ 43,431	40%	2	Pre Judgement Letter
\$ 10,800				\$ 10,800	10%	1	Payment Plan
<b>\$ 46,341</b>	<b>\$ 812</b>	<b>\$ 43,431</b>	<b>\$ 15,456</b>	<b>\$ 106,040</b>	<b>100%</b>	<b>6</b>	
44%	1%	41%	15%	100%			



**5.12 BUSINESS SYSTEMS - SAAS MIGRATION****File Number:** 18-11-2020**Author:** TBC**Authoriser:** Chief Executive Officer**PRECIS**

Provide an update on the status of the TechOne SaaS Migration Project

**SUMMARY**

Council has invested in migrating its corporate ERP (Technology One) to the cloud. The project is currently underway.

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**OFFICER'S RECOMMENDATION**

That the Finance & Corporate Standing Committee Project status update be received for information.

**BACKGROUND**

Council has appointed a Project Lead to manage the Technology One SaaS migration project. The project is currently progressing through the discovery phase and a tentative go live date has been pencilled in for 22 March 2021.

**ATTACHMENTS**

1. T1 SaaS Project plan overview

# Project Phases & Milestones



**6 CONFIDENTIAL SECTION**

**7 CLOSURE OF MEETING**