



GLADSTONE
REGIONAL COUNCIL

**GENERAL MEETING NOTICE
AND AGENDA**

**TO BE HELD AT THE COUNCIL CHAMBERS – CIVIC CENTRE
101 GOONDOON STREET, GLADSTONE**

On Tuesday 4 October 2022

Commencing at 9.00am

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

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G/1. MAYORAL STATEMENT OF CURRENT ISSUES

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 20 SEPTEMBER 2022

Responsible Officer: Chief Executive Officer

Council Meeting Date: 4 October 2022

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 20 September 2022.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 20 September 2022 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 20 September 2022.

Tabled Items:

Nil

Report Prepared by: Executive Secretary

G/3. OFFICERS' REPORTS

G/3.1. REVISED UNREASONABLE CUSTOMER CONDUCT POLICY

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 4 October 2022

File Ref: CM28.2

Purpose:

This report presents a revised Unreasonable Customer Conduct Policy for Council's consideration.

Officer's Recommendation:

That Council:

1. Repeal existing P-2017-40 Unreasonable Customer Conduct Policy; and
2. Adopt P-2022-08 Unreasonable Customer Conduct Policy tabled as Attachment 1 to this report.

Background:

In 2017 based on legal advice from King and Company, Council resolved to adopt a policy to provide for an open and transparent way for Council to achieve a robust and equitable system of dealing with customers that engage in unreasonable conduct.

In developing the policy and accompanying corporate standard, Officers relied on the guidance and wealth of information available from the NSW Ombudsman's 'Managing Unreasonable Customer Conduct Practice Manual' which has been developed by the NSW Ombudsman's Office with the support and involvement of other State and Australasian Parliamentary Ombudsman Offices. The Manual is a culmination of years of extensive experience that these agencies have dealt with on a wide variety of issues and behaviours. It is considered best practice in the public service industry. Council has modelled its policy and corporate standard on the manual. The policy and corporate standard have been successfully applied for the last five years.

As a result of a recent incident involving an aggressive customer at the public service counter at 101 Goondoon Street, Gladstone one of the outcomes of the subsequent investigation was that Officers conduct an administrative review of Council's Policy and Corporate Standard to ensure that there is sufficient guidance at the policy level relating to aggressive, abusive and offensive behaviours. The review has also provided the opportunity to update legislative references, particularly the commencement of the *Human Rights Act 2019*.

The major change presented in the revised policy is the inclusion of additional guidance around dealing with 'Unreasonable Behaviour' as shown in red text in Attachment 1.

Options, Risk and Opportunity Analysis:

Option 1 – Recommendation

The opportunities associated with this option is that the business provides clear direction to the community on what it considers to be unreasonable conduct and sets the framework on how the business will respond should that occur. The amendment provides additional clarity for Council Officers in relation to dealing with customers that engage in both physical and verbal aggression, abuse or offensive behavior.

The risks of not having a Policy that deals with unreasonable customer conduct is the potential for staff to sustain physical and mental injuries and for resources to be allocated unnecessarily where customers engage in unreasonable persistence, demands and arguments.

Option 2 – Adopt the Revised Policy subject to Amendments

The opportunities and risks associated with this option largely remain unchanged. Should Council seek to include, remove or amend provisions of the proposed Policy, the resolution to enact this option is as follows:

“That Council:

- 1. Repeal existing P-2017-40 Unreasonable Customer Conduct Policy; and*
- 2. Adopt P-2022-08 Unreasonable Customer Conduct Policy tabled as Attachment 1 to this report, subject to the following amendments:
(a) Insert amendment;
(b) Insert amendment.....”*

Communication and Consultation:

The proposed policy has been communicated to Business Units and Teams that are the primary users of the Policy and Corporate Standard including Customer Experience, Local Laws and other frontline staff. Safety have reviewed it from a risk assessment perspective.

Legal Strategy and Policy Implications:

By providing a structured approach to managing unreasonable customer conduct, Council is better positioned legally in defending any action or restrictions it may need to place on those customers that engage in unreasonable conduct. The review of the associated Corporate Standard has ensured that assessment against the Human Rights Act principles are comprehensively considered in decision making.

Financial and Resource Implications:

Internal resources will be required to ensure that staff are educated on changes to the Policy and Corporate Standard.

Summary:

The review of the Unreasonable Customer Conduct Policy provides an opportunity for Council to consider its position on this issue and provide additional strategic guidance relating to unreasonable customer behaviour.

Anticipated Resolution Completion Date:

7 October 2022

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Attachments:

1. Proposed P-2022-08 Unreasonable Customer Conduct Policy
2. Proposed P-2022-08 Unreasonable Customer Conduct Policy (changes in red)
3. Existing P-2017-40 Unreasonable Customer Conduct Policy

Tabled Items:

Nil

Report Prepared by: Governance Business Partner

G/3.2. REVISED COMMUNITY INVESTMENT POLICY

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 4 October 2022

File Ref: CM28.2

Purpose:

This report seeks the adoption of a revised Community Investment Policy following a review of funding streams.

Officer's Recommendation:

That Council:

1. Repeal existing P-2021-09 Community Investment Policy; and
2. Adopt proposed P-2022-09 Community Investment Policy attached as Attachment 1 to this report.

Background:

The Community Investment Policy provides for a consistent, equitable, transparent and efficient approach to the granting of financial support to organisations delivering initiatives within the Gladstone Region and ensures Council conforms to the legislative requirements prescribed under Section 194 and 195 of the *Local Government Regulation 2012* in disseminating Council funds through donations, grants, in-kind contributions and sponsorships.

The Community Investment Program has several funding streams as defined below: -

1. Grassroots Fund
2. Elevator Fund
3. Community Celebration Fund
4. Community Hall Fund
5. Charity Waste Fund
6. Bursary and Scholarships Fund
7. Gladstone and District Sports Foundation Fund
8. Strategic Projects Fund
9. Community-led Investment Fund
10. Mayor's Discretionary Fund

Following recent changes to the *Local Government Act 2009* and *Local Government Regulation 2012* with respect to Councillor Discretionary Funds, it is proposed to remove the Mayor's Discretionary Fund funding stream from the Policy and Program to bring the policy into alignment with the amended legislative provisions. The recent changes provided that if Council proposes to budget for Councillor Discretionary Funding it must ensure that each Councillor has the same amount available for discretionary allocation for a community purpose. During budget considerations, Council elected not to budget for Councillor Discretionary Funds.

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To ensure the community is not disadvantaged by this change, it is proposed to replace the Mayor's Discretionary Fund with a Community Donations Fund that is administered by Officers aligning with criteria stated in the associated funding guidelines.

Due to the change in legislation, the Mayor's Discretionary Fund was suspended in May 2022 with no funding disbursed from the funding stream since then. Several applications were received following the suspension, however, most requests were able to be accommodated under other streams. There are several requests for small donations that are pending the outcome of this policy review.

Should Council approve the recommendation, the Community Investment Program funding streams would be revised as follows: -

1. Grassroots Fund
2. Elevator Fund
3. Community Celebration Fund
4. Community Hall Fund
5. Charity Waste Fund
6. Bursary and Scholarships Fund
7. Gladstone and District Sports Foundation Fund
8. Strategic Projects Fund
9. Community Donations Fund

In addition, it is recommended that Council remove the Community-Led Investment Fund from the Community Investment Program funding streams. This funding stream was designed to introduce a participatory budgeting process to the community, however, in its current form it is not achieving the desired objectives. The removal of this fund is low risk with only \$10,000 allocated and very few eligible applications received.

The Chief Executive Officer will also consider amendments to the supporting Corporate Standard to ensure the Corporate Standard aligns with recent Councillor discussions in relation to partial funding of applications and the composition of Assessment Panels.

Options, Risk and Opportunity Analysis:

Option 1 – Adopt the Recommendation

The opportunities associated with this option is that Council will meet the amended legislative requirements regarding Councillor Discretionary Funding by replacing it with a general Donations Funding Stream to ensure that the community is not disadvantaged in accessing grant funding for community purposes that do not currently align with the other Community Investment Funding Streams. There is a risk in not amending the policy as it would not be compliant with the *Local Government Act 2009* and *Local Government Regulation 2012* in that only one Councillor is allocated discretionary funding.

Option 2 – Adopt the Policy with Amendments

The opportunities and risks associated with this option are similar to those outlined in Option 1. Should Council elect to make amendments to the proposed policy in Attachment 1, the resolution to give this option effect would be:

“That Council:

1. *Repeal existing P-2021-09 Community Investment Policy; and*
2. *Adopt proposed P-2022-09 Community Investment Policy attached as Attachment 1 to this report, subject to the following amendments:*
 - a) *Insert amendment.....*
 - b) *Insert amendment.....”*

Communication and Consultation:

Council has communicated with applicants to the Mayor's Discretionary Fund that the fund has been suspended pending the outcome of the Policy review and support has been provided to applicants to apply for funding under alternate streams where possible.

The Community Investment Fund principles and practical implementation of the policy have been the subject of Councillor discussions.

Council's Executive and Governance Teams have been consulted in relation to the legislative amendments and policy implications.

Legal Strategy and Policy Implications:

Section 195 of the *Local Government Regulation 2012* requires Councils to have a policy about grants to community organisations which includes the criteria for a community organisation to be eligible for a grant. The Community Investment Policy meets this legislative requirement. Section 194 of the *Local Government Regulation 2012* specifies that a grant to a community organisation can only be given where Council is satisfied that:

- *The grant will be used for a purpose that is in the public interest; and*
- *The community organisation meets the criteria stated in the local government's community grants policy.*

Section 109 of the *Local Government Act 2009* and Sections 201A, 201B, 202 and 202A of the *Local Government Regulation 2012* relate to Councillor Discretionary Funds.

Financial and Resource Implications:

Council has an amount of \$50,000 that would have previously been allocated to the Mayor's Discretionary Fund. Should Councillors resolve to include a Community Donations Fund in the Community Investment Program, it is proposed that the \$50,000 would be transferred to the Donations Stream of the Community Investment budget allocation. If the Policy amendment is adopted, it is intended to review the requests to the Community Donations Fund during the financial year to inform the budget allocation for 2023/24.

Summary:

This report presents an amended Community Investment Policy to achieve legislative compliance under the *Local Government Act 2009* and *Local Government Regulation 2012*.

Anticipated Resolution Completion Date:

11 October 2022

Attachments:

1. Proposed P-2022-09 Community Investment Policy
2. Existing P-2021-09 Community Investment Policy (with tracked changes)
3. Existing P-202109 Community Investment Policy

Tabled Items:

Nil

Report Prepared by: General Manager Community Development and Events and Governance Business Partner

G/3.3. ENDORSEMENT OF QUEENSLAND POLICE SERVICE LOCAL DISASTER MANAGEMENT GROUP MEMBER CHANGE

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 4 October 2022

File Ref: ED1.6 and ES8.2

Purpose:

The purpose of this report is to endorse the change in membership for Queensland Police Service (QPS) in the Local Disaster Management Group (LDMG).

Officer's Recommendation:

That Council endorse Senior Sergeant Glen Fletcher, as the Queensland Police Service nomination for the Local Disaster Management Group.

Background:

There have been changes to staff within the Gladstone QPS Office. Therefore, this has meant a need to change the endorsed QPS member for the LDMG.

Senior Sergeant Fletcher has the necessary expertise and experience to perform the functions of the LDMG core member, having been involved in the response to several previous disaster events and having acted as deputy/proxy for previous QPS LDMG members.

Options, Risk and Opportunity Analysis:

LDMG having a current QPS representative is critical to appropriate disaster planning, preparedness, response and recovery arrangements.

Communication and Consultation:

QPS will be notified of the outcome of their pending nomination following this meeting.

Legal Strategy and Policy Implications:

Part 2, Section 9 of the Disaster Management Regulations 2014 outlines the requirement for members of an LDMG to be appointed to the group by the relevant local government.

The Delegations Register for Exercise of Statutory Powers identifies that Council elected to retain the authority to confirm nominations of core LDMG members.

Financial and Resource Implications:

Nil

Summary:

This report has been provided to Council to confirm the changes in the QPS membership for LDMG.

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Anticipated Resolution Completion Date:

31 October 2022

Attachments:

4. CONFIDENTIAL – Notice of Change to LDMG Member Form

Tabled Items:

Nil

Report Prepared by: Disaster Response Specialist

G/3.4. REGIONAL ARTS DEVELOPMENT FUND ROUND 2 2021/22**Responsible Officer:** General Manager Community Development and Events**Council Meeting Date:** 4 October 2022**File Ref:** CC7.16**Purpose:**

The purpose of this report is to seek Council endorsement of the Regional Arts Development Fund committee's recommendations for funding of projects submitted to the 2021/22 second round.

Officer's Recommendation:

That:

1. Council accept the recommendations of its RADF Committee and approve funding the following applications for the Round Two 2021-22:

Applicant	Project Title	Project Description	Artform	Total project value, including in-kind support	Total Funding Requested	RADF investment recommended (committee meeting held 14/9/2022)
Melissa Peacock – A Country Arts Practice	<i>Art-Port's Eco Community Christmas Tree Project</i>	Phase Two of An eco-champion project for all ages and abilities which contributes to the only of its kind public and community art exhibit in a regional airport, Australia.	Visual Arts, Community arts & cultural development	\$13,000	\$8,325.96	\$8,325.96
Captain Creek Community Sports and Recreation Club – Craig Walters	<i>Captain Creek Festival of Small Halls and Workshops</i>	Folk Music Festival for the Community, and a workshop for local musicians with Woodfordia artists covering instrumentation. Also platform for an emerging local artists to perform.	Festivals	\$15,100	\$5,800	\$5,800
Eloise Brown – Adagio	<i>Coppelia</i>	Young dancers from the	Dance	\$29,033	\$8,100	\$8,100

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		Gladstone Region to stage the production of Coppelia with International professional ballerina Wendy Barker directing/choreographing				
The Embroiderers Guild of Qld Inc – Gladstone Branch	<i>A Stitch in Time - 40 Years</i>	Develop and document in digital form our works, increase Social Media presence and celebrate our 40years	Craft, Visual Arts	\$12,442	\$2,400	\$2,400
Gladstone Chamber of Commerce (GCCl) - Carey McIntosh	<i>This is Us: These Are Our Stories</i>	A visual arts project featuring women in business in the Gladstone Region	Visual Arts	\$21,122.75	\$9,490.16	\$7,195
William Debois – Photopia	<i>Voices of Resilience</i>	Voices of Resilience mixes photography, writing and graphic art to showcase the strength of individuals who have had to overcome barriers and challenges	Visual Arts	\$27,760	\$9,600	\$9,600
The Blue Mirror – Helen Holden	<i>Postcards from Gladstone: Mural Walk</i>	The first mural will be designed and painted for the <i>Postcards from Gladstone</i> mural walk along Auckland Street and surrounds	Visual Arts	\$34,750	\$10,500	\$10,500
Joseph Brown	<i>Agnes Originals</i>	Agnes Originals is a performance platform for local and traveling original music held monthly to	Music	\$12,000	\$8,000	\$8,000

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		promote original music and entertainment				
Vincent Howard	<i>Soundtrack: The emotional wilderness</i>	An EP containing my songs	Music	\$4,300	\$1,800	\$1,800
Queensland Ballet – Katrina George	<i>Community Engagement and Education Regional Tour</i>	Building Community Cultural Capacity	Dance	\$4,186	\$3,000	\$0
Natalie Heinemann	<i>Storytellers Songwriting Retreat</i>	Opportunity for songwriters to co-write under the guidance of experienced facilitators and also learn about recording and releasing music	Music	\$1123.50	\$730.28	\$730.28
TOTAL				\$170,631.25	\$67,745.40	\$62,451.24

2. Council note the acceptance of Outcome Reports (7) for the following RADF projects:
 - a. Margaret Worthington
 - b. Paulette Flint
 - c. Rotary Middy
 - d. William Debois
 - e. Miriam Vale State School
 - f. Adrian Thomas
 - g. Collen McCray

Background:

Regional Arts Development Fund (RADF) is a Queensland Government and Gladstone Regional Council partnership to support local arts and culture in region Queensland. Each year, a public invitation is advertised for people to become involved in the administration of RADF through appointment to its committee.

Council appointed Cr Glenn Churchill as chair of RADF, 4 December 2018, and provides a secretariat service to the committee through the Gladstone Regional Art Gallery & Museum.

Eleven (11) applications were received, requesting \$67,745.40 and ten (10) were recommended for funding, totaling \$62,451.24.

Options, Risk and Opportunity Analysis:

One project is recommended not to fund due to being an incomplete or unsatisfactory application. Another application was recommended for partial funding, based on the inclusion of ineligible expenses. The committees recommendations are in line with the fund guidelines therefore, despite having sufficient funds to contribute to the projects, the risks associated with this decision are low.

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Council's RADF Liaison Officer (Cultural Projects Specialist) will provide feedback to participants that will assist in future applications. It is worth noting that the applicants who did not receive funding also did not participate in the workshops or the mentoring component of the program.

Communication and Consultation:

The committee assessing this round's applications included 5 members, a Council appointed representative - Cr Glenn Churchill and 2 ex-officio members; GRAGM Curator and GRC's Manager Arts and Entertainment.

The RADF Committee in general, consists of up to 15 representatives across art forms, community groups and region geographically as well as a Council appointed representative Cr Glenn Churchill and 3 ex-officio members; Curator, GECC Team Lead and Manager Arts & Entertainment.

This variety of experience, location and areas of interest provides a broad community voice and perspective.

Legal Strategy and Policy Implications:

RADF is a financial partnership between the Queensland Government (Arts Queensland) and Gladstone Regional Council.

RADF is informed by Council's Arts & Culture Policy

<https://www.gladstone.qld.gov.au/downloads/file/462/arts-and-cultural-development-policy> developed in conjunction with the advisory committee and the community, adopted 18 June 2019.

Financial and Resource Implications:

Council has budgeted \$168,311 (gross) for the RADF program in 2021-22 which includes \$33,811 surplus from RADF 2020-21 and \$54,500 from the Queensland Government. \$92,334.79 was spent in Round One leaving the overall position for Round Two at \$71,316.16

Pending the endorsement of the Committee's recommendations, unspent funds for the RADF funding year total \$8,864.92. The previous year's surplus, coupled with a reduction in the number of professional development opportunities being delivered in the last 12 months has had a flow-on effect. It is anticipated that conference and professional development programs will be more readily available this year, post-COVID which should see more applications coming to RADF for capacity building.

The current surplus is proposed to be used for capacity building for the committee and/or arts workers locally, in the area of arts law, contracts and agreements. Funds may also be used to support the upcoming Public Art Master Plan work.

Summary:

RADF and the funding partnership offered by Arts Queensland is an important component of arts and culture development in Gladstone Region. The applications received were generally of a high quality and demonstrated alignment to the RADF priorities.

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Anticipated Resolution Completion Date:

5 October 2022

Attachments:

Nil

Tabled Items:

Nil

Report Prepared by: Manager Arts and Entertainment

G/4. DEPUTATIONS

G/5. COUNCILLORS REPORT

G/6. URGENT BUSINESS

G/7. NOTICE OF MOTION

G/8. CONFIDENTIAL ITEMS