



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING MINUTES

**HELD AT THE COUNCIL CHAMBERS - CIVIC CENTRE
101 GOONDOON STREET, GLADSTONE**

On 4 December 2018

Commencing at 11.51am

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

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Elected Members

Councillor - Mayor M J Burnett
Councillor G Churchill
Councillor K Goodluck
Councillor R A Hansen
Councillor P J Masters
Councillor N Muszkat
Councillor D V O'Grady
Councillor P J Sobhanian
Councillor C A Trevor

Officers

Mrs L A Dowling (Chief Executive Officer)
Ms L M Hendrick (Executive Assistant)

APOLOGIES

Nil.

G/18 /3587 Council Resolution:

Moved Cr O'Grady
Seconded Cr Churchill

That Council grant a leave of absence to Mayor Burnett and Cr Muszkat for the General Meeting of 18 December 2018.

CARRIED

G/0.3.2. DISCLOSURE OF INTERESTS

Nil.

G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Good morning all and welcome to Cr Natalia Muszkat who is attending her first Council meeting as a Councillor. (All responded with acclamation).

The remainder of my statement will focus on the bushfire disasters that have been dominating our region in the recent weeks.

I wish to acknowledge the good work of the Queensland Fire and Emergency Services (QFES), Queensland Police Service (QPS), the State Emergency Service (SES), Queensland Ambulance Service and everybody involved in the Disaster Management Groups. I think we have the best Local Disaster Management Group (LDMG) in Queensland. Everybody involved has been totally committed to getting the job done. We have had volunteers from New South Wales, Victoria, Canberra and from across the country and what a Godsend they were. The interstate fireies joined our local rural firefighters who worked around the clock to save hundreds of homes right across the Region.

The Queensland Government has readily answered our requests for assistance. Thank you to the Premier Anastacia Palaszczuk, Member for Gladstone Glenn Butcher, Member for Burnett Steve Bennett, QPS Assistant Commissioner Bob Gee, QFES Commissioner Katarina Carroll and LGAQ CEO Greg Hallam for their support.

I would also like to thank the Acting Prime Minister Michael McCormack, Senator Linda Reynolds, Senator Matt Canavan, Member for Flynn Ken O'Dowd and I look forward to welcoming Queensland Ministers Shannon Fentiman, Mark Ryan and Stirling Hinchliffe who will be here later this week. QFES Assistant Commissioners Steve Barber and Dave Herman as well as QFES Southern Zone Commander Paul Smeath have been with us all the way and their advice and assistance has been extremely valuable.

Our community has banded together once again in what has been a relentless week of bushfires. QPS Inspector Darren Sommerville has advised this morning residents of Baffle Creek/Deepwater area can return home with some residents being out of their homes for about ten days.

During this unprecedented event residents were evacuated from Baffle Creek, Deepwater, Oyster Creek, Rules Beach, Captain Creek, Winfield, Lowmead, Mount Larcom and Ambrose. It has been one hell of an event and it is not over. Assistant Commission Steve Barber advises we need to remain vigilant, the LDMG remains in "Stand Up" however our recovery plans are well underway. Thank you to the many individuals who have stepped up again.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 20 NOVEMBER 2018

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 20 November 2018.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 20 November 2018 be confirmed.

G/18 /3588 Council Resolution:

Moved Cr Sobhanian
Seconded Cr Trevor

That the Officer's Recommendation be adopted.

CARRIED

G/3. OFFICERS' REPORTS

G/3.1. OFFICE OF THE CEO

G/3.1.1. AMENDMENT TO COUNCILLOR APPOINTMENTS TO EXTERNAL ORGANISATION BOARDS/COMMITTEE'S

File Ref: CM7.2

Purpose:

The purpose of this report is to seek amendments to the existing Councillor appointments to the Gladstone Area Promotion & Development Ltd (GAPDL) board and the Regional Arts Development Fund (RADF) committee.

Officer's Recommendation:

That Council:

1. Note the resignation of Cr Goodluck from the board of Gladstone Area Promotion and Development Ltd;
2. Appoint Cr Hansen to the board of Gladstone Area Promotion and Development Ltd;
3. Nominate Cr Churchill as chair of the Regional Arts Development Fund Committee.

G/18 /3589 Council Resolution:

Moved Cr Masters
Seconded Cr O'Grady

That the Officer's Recommendation be adopted.

CARRIED

G/3.2. STRATEGY AND TRANSFORMATION

Nil.

G/3.3. STRATEGIC ASSET PERFORMANCE

Nil.

G/3.4. OPERATIONS

Nil.

G/3.5. COMMUNITY DEVELOPMENT AND EVENTS

G/3.5.1. FORMATION AND APPOINTMENTS - GLADSTONE REGIONAL COUNCIL RECONCILIATION ACTION PLAN (RAP) REFERENCE GROUP

File Ref: CR3.2, CM7.1

Purpose:

To seek formal approval to form a Reconciliation Action Plan (RAP) Reference Group and appoint members to the group.

Officer's Recommendation:

That Council:

1. Approve the formation of a Reconciliation Action Plan Reference Group; and
2. Approve the attached Terms of Reference, noting that the group will review, and may make minor amendments to its contents in the spirit of collaboration, at the inaugural meeting of the Reconciliation Action Plan Reference Group; and
3. Nominate and appoint Councillor _____ and Councillor _____ to the Reconciliation Action Plan Reference Group; and
4. Nominate and appoint Councillor _____ as a Chairperson of the Reconciliation Action Plan Reference Group noting that the group will also nominate a Co-Chairperson for the Reconciliation Action Plan Reference Group; and
5. Council appoint the following persons to Gladstone Regional Council's inaugural Reconciliation Action Plan Reference Group:
 - Belynda Waugh
 - Marilyn Smith
 - Annette Rutherford
 - Patricia Coleman
 - Joyce Pinel
 - Bettina Nissen

G/18 /3590 Council Resolution:

Moved Cr Hansen
Seconded Cr Churchill

That Council:

1. Approve the formation of a Reconciliation Action Plan Reference Group; and
2. Approve the attached Terms of Reference, noting that the group will review, and may make minor amendments to its contents in the spirit of collaboration, at the inaugural meeting of the Reconciliation Action Plan Reference Group; and
3. Nominate and appoint Councillor O'Grady and Councillor Muszkat to the Reconciliation Action Plan Reference Group; and

4. Request the Reconciliation Action Plan Reference Group to nominate a Co-Chairperson for the Reconciliation Action Plan Reference Group; and
5. Council appoint the following persons to Gladstone Regional Councils inaugural Reconciliation Action Plan Reference Group:
 - Belynda Waugh
 - Marilyn Smith
 - Annette Rutherford
 - Patricia Coleman
 - Joyce Pinel
 - Bettina Nissen

CARRIED

G/3.5.2. GLADSTONE REGION YOUTH COUNCIL

File Ref: CR 8.3

Purpose:

For Council to appoint membership of local young people representatives to the Gladstone Region Youth Council for 2019.

Officer's Recommendation:

That Council:

1. Endorse the Youth Council Advisory Committee membership to contain eleven (11) members for 2019; and
2. Appoint eleven (11) young people to the Gladstone Region Youth Council for 2019 as nominated below:
 - a. Brooke Assman
 - b. Kylie Fleming
 - c. Nikita Korableff
 - d. Eden Graham
 - e. Penny Hoffman
 - f. Mitchell Porteous
 - g. Sidney Stuart
 - h. Salvador Zuniga Aguirre
 - i. Tyrone Fernandes
 - j. Werner Bierman
 - k. Sarah Chadwick

G/18 /3591 Council Resolution:

Moved Cr Masters
Seconded Cr Goodluck

That the Officer's Recommendation be adopted.

CARRIED

G/3.6. CUSTOMER EXPERIENCE

Nil.

G/3.7. PEOPLE CULTURE AND SAFETY

Nil.

G/3.8. FINANCE GOVERNANCE AND RISK

G/3.8.1. AMENDMENT TO COUNCILLOR CODE OF CONDUCT AND OTHER COUNCILLOR RELATED POLICIES

File Ref: CM28.2

Purpose:

The purpose of this report is to provide Councillors with revisions to existing and new Councillor Code of Conduct and related policies for adoption.

Officer's Recommendation:

That Council:

1. Repeal P-2016-02 – Councillor Conduct Code Policy; and
2. Adopt P-2018-07 – Councillor Code of Conduct Policy, attached as **Addendum 1**; and
3. Repeal P-2016-01 – Conduct of Council Meetings Policy; and
4. Adopt P-2018-27 – Council Meetings Procedures Policy; attached as **Addendum 2**; and
5. Adopt P-2018-32 – Councillor Acceptable Request Guidelines Policy; as **Addendum 3**; and
6. Adopt P-2018-35 – Councillor Complaints Investigation Policy; attached as **Addendum 4**; and
7. Repeal P-2018-06 – Development Interaction Protocol Policy; and
8. Adopt P-2018-36 – Councillor Interaction Protocol Policy – Lobbyists, Developers and Tenderers; attached as **Addendum 5**; and
9. In accordance with section 257(1) of the *Local Government Act 2009*, delegate to the Mayor and Chief Executive Officer the powers contained in section 150DL and 150DU of the *Local Government Act 2009*.

G/18 /3592 Council Resolution:

Moved Cr Sobhanian
Seconded Cr Goodluck

That Council:

1. Repeal P-2016-02 – Councillor Conduct Code Policy; and
2. Adopt P-2018-07 – Councillor Code of Conduct Policy, attached as **Addendum 1**; and
3. Repeal P-2016-01 – Conduct of Council Meetings Policy; and
4. Adopt P-2018-27 – Council Meetings Procedures Policy; attached as **Addendum 2**; and
5. Adopt P-2018-32 – Councillor Acceptable Request Guidelines Policy; attached as **Addendum 3**; and
6. Adopt P-2018-35 – Councillor Complaints Investigation Policy; attached as **Addendum 4**; and
7. Repeal P-2018-06 – Development Interaction Protocol Policy; and
8. In accordance with section 257(1) of the *Local Government Act 2009*, delegate to the Mayor and Chief Executive Officer the powers contained in section 150DL and 150DU of the *Local Government Act 2009*.

CARRIED

Council resolved not to adopt P-2018-36 – Councillor Interaction Protocol Policy – Lobbyists, Developers and Tenderers; as it is seeking further clarification on the implications of the policy. The meeting agreed to discuss the matter at a future meeting of Council.

G/3.8.2. REVIEW OF BUSINESS IMPROVEMENT COMMITTEE POLICY AND ETHICS INTEGRITY AND AUDIT POLICY

File Ref: CM28.2

Purpose:

To present a revised Business Improvement Committee Policy and an Ethics Integrity and Audit Policy (formerly Business Improvement Function Policy) for Council's consideration.

Officer's Recommendation:

That Council:

1. Repeal P-2015-08 – Business Improvement Committee Policy; and
2. Adopt P-2018-28 – Business Improvement Committee Policy, attached as **Addendum 5**;
3. Repeal P-2016-30 – Business Improvement Function Policy; and
4. Adopt P-2018-29 – Ethics Integrity and Audit Policy, attached as **Addendum 6**.

G/18 /3593 Council Resolution:

Moved Cr Trevor
Seconded Cr Sobhanian

That the Officer's Recommendation be adopted.

CARRIED

G/3.8.3. NAMING OF INFRASTRUCTURE ASSETS POLICY

File Ref: CM28.2

Purpose:

To present a revised Naming of Infrastructure Assets Policy for Council's consideration.

Officer's Recommendation:

That Council:

1. Repeal P-2015-13 – Naming of Infrastructure Assets Policy, and
2. Adopt P-2018-09 – Naming of Infrastructure Assets Policy.

G/18 /3594 Council Resolution:

Moved Mayor Burnett
Seconded Cr O'Grady

That Council hold over the adoption of the Naming of Infrastructure Assets Policy to a future Council meeting to allow for a revision of delegated positions for the naming of minor infrastructure assets.

CARRIED

G/3.8.4. REVIEW OF COMPLAINTS MANAGEMENT POLICY AND CORPORATE STANDARD

File Ref: CM28.2 and CM29.2

Purpose:

To present a revised Complaint Management Policy and Complaint Management Process Corporate Standard for Council's consideration.

Officer's Recommendation:

That Council:

1. Repeal P-2016-25 Administrative Action Complaint Management Policy; and
2. Repeal CS-07-2016 Administrative Action Complaint Management Corporate Standard; and
3. Adopt P-2018-25 Complaint Management Policy, attached as **Addendum 7**; and
4. Adopt CS-11-2018 Complaint Management Process Corporate Standard, attached as **Addendum 8**.

G/18 /3595 Council Resolution:

Moved Cr Churchill
Seconded Cr Hansen

That the Officer's Recommendation be adopted.

CARRIED

The meeting adjourned for lunch at 1.27 pm and reconvened at 1.58 pm.

G/4. COUNCILLORS REPORT

Nil.

G/5. URGENT BUSINESS

Nil.

G/6. NOTICE OF MOTION

Nil.

G/7. CONFIDENTIAL ITEMS

G/18 /3596 Procedural Motion:

Moved by Cr Sobhanian
Seconded Cr Churchill

That in accordance with Section 275 (1) of the Local Government Regulation 2012, the meeting be closed to the public to discuss business relating to the following: -

e) contracts proposed to be made by it; and

(h) other business for which a public discussion would be likely to prejudice the interest of the local government or someone else, or enable a person to gain a financial advantage.

CARRIED

G/18 /3597 Procedural Motion:

Moved by Cr Goodluck
Seconded Cr Muszkat

That Council re-open the meeting to the public.

CARRIED

G/7.1. STINGER NET BARNEY POINT

File Ref: CM8.7

G/18 /3598 Council Resolution:

Moved Cr Churchill
Seconded Cr Hansen

That Council:

1. Resolve, in accordance with Section 235(a) of the *Local Government Regulation 2012*, that it is satisfied that Uninet Enclosure Systems Ltd is the only supplier reasonably available to it to supply stinger resistant swimming enclosures to Council; and
2. Authorise the Chief Executive Officer to enter into a five (5) year contract for the supply and maintenance of the stinger net enclosure for Barney Point Beach.

CARRIED

G/7.2. COMMERCIAL INVESTMENT

File Ref: CC10.4

G/18 /3599 Council Resolution:

Moved Cr O'Grady
Seconded Cr Goodluck

That Council endorse to proceed with Option 1 of the Officers Report and delegate authority to the Chief Executive Officer to negotiate and execute contractual terms.

CARRIED

A Division was called on the motion:

In Favour of the Motion: Councillors Burnett, Churchill, Goodluck, Hansen, Masters, Muszkat and O'Grady.

Against the Motion: Councillors Sobhanian and Trevor

There being no further business the Mayor formally closed the meeting.

THE MEETING CLOSED AT 2.40 pm

CERTIFICATION

I hereby confirm that I have read the minutes and they are a true and correct record of the proceedings of the meeting.

I certify that these 99 pages form the official copy of Gladstone Regional Council General Meeting Minutes of the 4 December 2018.

.....
Mayor Matt Burnett

...../...../.....
Date

ATTACHMENTS

ADDENDUM 1



Gladstone Regional Council

Council Policy

Title	COUNCILLOR CODE OF CONDUCT
Policy Number	P-2018-07
Business Unit/s	OFFICE OF THE CHIEF EXECUTIVE OFFICER
Date of Adoption	
Resolution Number	
Review Date	
Date Repealed	

1.0 PURPOSE:

This policy outlines and endorses the State Government framework for the standard of conduct and behaviour expected of all Mayors and Councillors whilst acting in their capacity as an elected member.

Gladstone Regional Council supports the consistent adoption of a Councillor Code of Conduct and accordingly in adopting the policy, confirms its commitment to adhere to the standards of ethics and acceptable behaviour as outlined in the attached '*Code of Conduct for Councillors in Queensland*'.

The requirements of this policy are in addition to the roles, responsibilities and obligations of Councillors, as set out in the *Local Government Act 2009*.

2.0 SCOPE:

This policy applies to all Councillors.

3.0 RELATED LEGISLATION¹:

- Crime & Corruption Act 2001*
- Integrity Act 2009*
- Local Government Act 2009*
- Local Government Regulation 2012*
- Public Sector Ethics Act 1994*

¹ This is an indicative and not an exhaustive list of Acts which apply to Councillors as individuals acting in their role as a Councillor.

4.0 RELATED DOCUMENTS:

Queensland Government – Code of Conduct for Councillors in Queensland
Councillor Acceptable Request Guidelines Policy
Council Meeting Procedures Policy
Councillor Complaint Investigation Policy
Councillor Expenses Reimbursement and Provision of Facilities Policy

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

Acts	means all legislation including State legislation and Commonwealth legislation.
Chief Executive Officer	means the chief executive officer of Council
Council	means Gladstone Regional Council
Councillor	means a councillor of Council as defined under the <i>Local Government Act 2009</i> and includes the Mayor of Council.
Council Officer	means a local government employee as defined under the <i>Local Government Act 2009</i> .

6.0 POLICY STATEMENT:

This policy seeks to demonstrate Council's commitment to the following local government principles contained in the *Local Government Act 2009*:

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

The standards of ethics and acceptable behaviour of Councillors is set out in the '*Code of Conduct for Councillors in Queensland*' which forms part of this policy. In addition, the following additional policies contain acceptable standards for Councillor interactions with employees and particular constituents:

- Council Meeting Procedures Policy;
- Council's Acceptable Request Guidelines Policy; and
- Councillor Interaction Guidelines with Applicants (including Lobbyists, Developers & Submitters) for Council Approval Policy.

7.0 ATTACHMENTS:

Queensland Government – '*Code of Conduct for Councillors in Queensland*'

8.0 REVIEW TRIGGER:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	19 April 2011	G/11/523	
Amendment 1	19 July 2016	G/16/2850	Finance & Governance Committee 12/07/2016 - FCGC/16/0036
Amendment 2	6 January 2017		Updated Table 1 Administratively
Amendment 3	23 January 2018		Updated Table 1 Administratively to add Policy adopted (Aboriginal and Torres Strait Islander Cultural Protocol – Events Policy)
Amendment 4	4 December 2018		Updated to reference State Government mandated Code of Conduct for Councillors and remove other material to separate policies.

.....
LEISA DOWLING
CHIEF EXECUTIVE OFFICER



Code of Conduct for Councillors in Queensland

September 2018

Working towards White Ribbon accreditation



GLADSTONE REGIONAL COUNCIL
POLICY P-2018-07 - COUNCILLOR CODE OF CONDUCT POLICY
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Department of Local Government, Racing and Multicultural Affairs



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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available on the Department of Local Government, Racing and Multicultural Affairs' website at www.dlqma.qld.gov.au.



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Purpose of the Code of Conduct

The Code of Conduct sets out the principles and standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in Local Government and Council decisions.

Background

Under section 150D of the *Local Government Act 2009* (the Act), the Minister for Local Government must make a Code of Conduct stating the standards of behaviour for Councillors in the performance of their responsibilities as Councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, Councillors must understand and commit to complying with the Local Government principles and obligations of Councillors in accordance with section 169 of the Act, as well as the standards of behaviour set out in this Code of Conduct. All Councillors are required to make a declaration of office under section 169 of the Act. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.



The Local Government Principles and Values

The Act is founded on five Local Government principles with which Councillors must comply while performing their roles as elected representatives. These principles are listed below:

1. Transparent and effective processes, and decision-making in the public interest
2. Sustainable development and management of assets and infrastructure, and delivery of effective services
3. Democratic representation, social inclusion and meaningful community engagement
4. Good governance of, and by, Local Government
5. Ethical and legal behaviour of Councillors and Local Government employees.

This Code of Conduct provides a set of values that describe the types of conduct Councillors should demonstrate under each principle. These values are listed below:

1. In making decisions in the public interest, Councillors will:
 - make decisions in open council meetings
 - properly inform relevant personnel of all relevant information
 - make decisions in accordance with law and policy
 - commit to exercising proper diligence, care and attention.
2. To ensure the effective and economical delivery of services, Councillors will:
 - manage Council resources effectively, efficiently and economically
 - foster a culture of excellence in service delivery.
3. In representing and meaningfully engaging with the community, Councillors will:
 - show respect to all persons
 - clearly and accurately explain Council's decisions
 - accept and value differences of opinion.
4. In exercising good governance, Councillors are committed to:
 - the development of open and transparent processes and procedures
 - keeping clear, concise and accessible records of decisions.
5. To meet the community's expectations for high level leadership, Councillors will:
 - be committed to the highest ethical standards
 - uphold the system of Local Government and relevant laws applicable.

This Code of Conduct also sets out standards of behaviour aimed at helping Councillors understand how the principles and values are put into practice while performing their official duties as elected representatives.

Each standard of behaviour is not intended to cover every possible scenario. However, they provide general guidance about the manner in which Councillors are expected to conduct themselves.

It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.



Standards of behaviour

This Code of Conduct sets out the standards of behaviour applying to all Councillors (excluding Councillors who are governed under the *City of Brisbane Act 2010*) in Queensland. The behavioural standards relate to, and are consistent with, the Local Government principles and their associated values.

The standards of behaviour are summarised as the three R's, being:

1. RESPONSIBILITIES
2. RESPECT
3. REPUTATION

Each standard of behaviour includes, but is not limited to, several examples to guide Councillors in complying with the Code of Conduct when carrying out their role as elected officials. Councillors are to understand and comply with the following standards of behaviour as set out in the Code of Conduct listed below.

1. Carry out **RESPONSIBILITIES** conscientiously and in the best interests of the Council and the community

For example, Councillors will, at a minimum:

- 1.1 Attend and participate meaningfully in all Council meetings, briefings, relevant workshops and training opportunities to assist Councillors in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given
- 1.2 Respect and comply with all policies, procedures and resolutions of Council
- 1.3 Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business
- 1.4 Report any suspected wrongdoing to the appropriate entity in a timely manner
- 1.5 Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
- 1.6 Cooperate with any investigation being undertaken by the Local Government or other entity.

2. Treat people in a reasonable, just, **RESPECTFUL** and non-discriminatory way

For example, Councillors will, at a minimum:

- 2.1 Show respect for fellow Councillors, Council employees and members of the public
- 2.2 Not bully, harass, intimidate or act in a way that the public would reasonably perceive a Councillor's behavior to be derogatory towards other Councillors, Council employees and members of the public
- 2.3 Be respectful of other people's rights, views and opinions.

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3. Ensure conduct does not reflect adversely on the **REPUTATION** of Council

For example, Councillors will, at a minimum:

- 3.1 When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the Council decision represents the majority view of the Council
- 3.2 When making public comment, clearly state whether they are speaking on behalf of Council or expressing their personal views
- 3.3 Avoid making unnecessary or irrelevant comments or accusations about Councillors or Council employees in order to undermine them or their position
- 3.4 Ensure behaviour and presentation is appropriate to maintain the dignity of the office of the Councillor.

Consequences of failing to comply with the Code of Conduct

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this Code of Conduct may give rise to a complaint against a Councillor's conduct and subsequent disciplinary action under the Act.

A complaint about the conduct of a Councillor must be submitted to the Independent Assessor who will assess the complaint and determine the category of the allegation. In order of most to least serious, the categories of complaint are *corrupt conduct*, *misconduct*, *inappropriate conduct* and then *unsuitable meeting conduct*.

Unsuitable meeting conduct

Under section 150H of the Act, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct that occurs within a meeting of Council (including standing committee meetings), is dealt with as *unsuitable meeting conduct*.

Unsuitable meeting conduct by a Councillor is dealt by the Chairperson of the meeting. It is important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest.

Note: Chairpersons of meetings are carrying out a statutory responsibility under the Act to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct (see below).



Inappropriate conduct

Under section 150K of the Act, any conduct by a Councillor that is contrary to the standards of behavior in the Code of Conduct or a policy, procedure or resolution of a Council, and is not unsuitable meeting conduct, misconduct or corrupt conduct (i.e. occurs outside of a meeting of Council) is dealt with as *inappropriate conduct*.

The conduct of a Councillor is also inappropriate conduct if the conduct contravenes an order by the Chairperson of a meeting of Council for the Councillor to leave the meeting, or is conduct at Council meetings that leads to orders for the Councillor's unsuitable meeting conduct being made on three occasions within a period of one year.

The Independent Assessor is responsible for assessing allegations of suspected inappropriate conduct. If the Independent Assessor chooses to refer the matter to the Council to deal with, the Council must deal with the matter as quickly and effectively as possible.

Misconduct

Councillors are required to comply with all laws that apply to Local Governments. This includes refraining from engaging in *misconduct*.

The Independent Assessor is responsible for assessing and investigating instances of suspected misconduct. The Independent Assessor may then refer the matter to the Councillor Conduct Tribunal to be heard and determined.

The conduct of a Councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions or exercise of powers, or
- is, or involves:
 - a breach of trust placed in the Councillor
 - misuse of information or material acquired by the Councillor, whether the misuse is for the benefit of the Councillor or for the benefit or to the detriment of another person
 - a Councillor giving a direction to any Council employee (other than the Mayor giving direction to the Chief Executive Officer and senior executive employees)
 - a release of confidential information outside of the Council
 - failure by a Councillor to report a suspected material personal interest, conflict of interest or perceived conflict of interest of another Councillor, or
- is a failure by the Councillor to comply with:
 - an order made by the Council or Tribunal
 - any acceptable request guidelines of the Council made under section 170A of the Act
 - the reimbursement of expenses policy of the Council.

The conduct of a Councillor is also misconduct if the conduct leads to the Councillor being disciplined for inappropriate conduct on three occasions within a period of one year, or is conduct that is identified in an order of Council that will be dealt with as misconduct if the Councillor engages in the conduct again.



Corrupt conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001* and must be referred to the Crime and Corruption Commission. For a Councillor, corrupt conduct involves behaviour that:

- adversely affects or could adversely affect the performance of the Councillors responsibilities, and
- involves the performance of the Councillors responsibilities in a way that:
 - is not honest or impartial, or
 - involves a breach of the trust placed in the Councillor, or
 - involves the misuse of information acquired by the Councillor, and
- is engaged in for the purpose of providing a benefit or a detriment to a person, and
- if proven would be a criminal offence.

More information

The Department's website provides further information and resources for Councillors.

The Department also provides and facilitates training for Councillors and Council employees to assist them to develop the knowledge, skills and understanding necessary to undertake their roles and responsibilities effectively and in the best interests of their communities.

For more information, please contact your regional office within Local Government and Regional Services in the Department on:

Telephone: 13 QGOV (13 74 68)
Post: PO Box 15009, City East, Queensland 4002
Website: www.dlgrma.qld.gov.au

ADDENDUM 2



Gladstone Regional Council

Council Policy

Title	COUNCIL MEETINGS PROCEDURES
Policy Number	P-2018-27
Business Unit/s	FINANCE, GOVERNANCE & RISK
Date of Adoption	
Resolution Number	
Review Date	
Date Repealed	

1.0 PURPOSE:

This policy sets out certain procedures to be followed to ensure the Local Government principles are reflected in the conduct of Local Government meetings.

This policy, as required under section 150F of the *Local Government Act 2009* (LGA), also sets out the process for how the Chairperson may deal with instances of unsuitable meeting conduct by Councillors in a Local Government meeting and the process for how suspected inappropriate conduct of a Councillor referred to the local government by the Independent Assessor is to be dealt with at a Local Government meeting.

2.0 SCOPE:

This Policy applies to all meetings of Gladstone Regional Council including local government committees as defined in Chapter 8 Part 2 of the *Local Government Regulation 2012*.

3.0 RELATED LEGISLATION:

Local Government Act 2009
Local Government Regulation 2012

4.0 RELATED DOCUMENTS:

Template – Councillor Notice of Motion
 Template – Councillors Report – Presenting Conference or General Update
 Template – Councillors Report – Request for Review of a Policy or Local Law

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

Term	Definition
Councillor	For the purposes of this Policy, the reference to Councillor includes the Mayor
Chief Executive Officer	For the purposes of this Policy, the reference to Chief Executive Officer includes the respective committee administrators
LGA	means the <i>Local Government Act 2009</i>
LGR	means the <i>Local Government Regulation 2012</i>
Local Government meeting	Means a Council General Meeting or Committee meeting as defined in the LGA and LGR.

6.0 POLICY STATEMENT:

6.1 RESPONSIBILITY & ATTENDANCE

The Mayor will preside at a meeting of Council. If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside. If both the Mayor and the Deputy Mayor, or the Mayor's delegate, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.

Council will choose the Chairperson for a Committee meeting. This Chairperson will normally preside over meetings of the Committee. If the Chairperson of a Committee is absent or unavailable to preside, a Councillor chosen by the Councillors present will preside over the Committee meeting.

The Chairperson who presides at the meeting is responsible for the conduct of the meeting.

6.1.1 Absence from Meetings

Councillors must seek a leave of absence from a General or committee meeting where a Councillor cannot attend for private ~~or business~~ reasons. Leave is granted at the discretion of Council. A leave of absence may be granted prior to the meeting or at the meeting itself. An application does not need to be made in person.

A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for a Councillor to attend a conference or the Councillor is nominated to represent Council at another event.

6.1.2 Teleconferencing

A Councillor may participate in a Local Government meeting using telephone, video conferencing or other means of instant communication with approval of the Mayor or Chief Executive Officer.

6.2 MEETINGS OPEN TO THE PUBLIC

All meetings are open to the public unless the meeting has been closed under Section 275 of the LGR.

6.3 FREQUENCY OF MEETINGS

Council will meet in accord with its adopted meeting cycle.

6.4 NOTICE OF MEETINGS

The dates and times of Council's General meetings and meetings of its Committees will be published at least once a year in a local newspaper and on Council's website (in accordance with section 277(2) of the LGR).

Written notice that includes the day and time of the meeting must be given to each Councillor at least two days before the meeting, unless it is impractical to give that notice.

A list of items on the agenda will be made available to the public at the time the agenda for the meeting is made available to Councillors. The meeting agenda is published on Council's website on the normal working day preceding the General or Committee meeting.

Special Meetings may be called by Council on two (2) days notice.

6.5 QUORUM AT MEETINGS

A quorum for meetings is a majority of Councillors. In the case of Gladstone Regional Council which has a Mayor and 8 Councillors, a quorum is 5 Councillors.

6.6 AGENDA FOR MEETINGS

In order to provide for timely compilation and distribution of agendas, it is important to adhere to an orderly timeframe for the submission of reports, questions on notice and notices of motion. Allowing for the various tasks required to compile and distribute an agenda and the statutory requirements for notice, a deadline 14 days prior to the meeting has been established. For meetings scheduled on a Tuesday morning, the deadline is 5:00pm on the Tuesday, two weeks prior. Items for inclusion on the agenda must be submitted in writing to the Chief Executive Officer and drafted using the appropriate template.

The deadline does not make allowance for preparation of written responses to questions on notice, so in cases where a Councillor anticipates that a business item requires a detailed response in the form of an Officer's report, the item should be submitted to the Chief Executive Officer well in advance of the deadline.

Business not on the agenda or reasonably arising from the agenda must not be considered at the meeting unless Council agrees to admit such business at the meeting. However, it is noted that at a Special Meeting of Council only those matters listed on the agenda may be considered.

6.6.1 Order of Business

Before proceeding with the business of the meeting, the Chairperson at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council.

The order of business shall be determined by resolution of Council from time to time as outlined in this policy. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.

The following items can be included on the agenda for General meetings.

- Apologies and granting of leaves of absence
- Messages of Condolence
- Prior notice of a Material Personal Interest or Conflict of Interest by Councillors
- Mayoral Statement on current issues (for General meetings only)
- Confirmation of Minutes of the previous meetings
- Deputations
- Consideration of any notice to repeal or amend a previous resolution of Council (for General meetings only)
- Officer reports
- Committee reports to Council referred to the meeting by the CEO Councillor reports (for General meetings only)
- Urgent business
- Notice of motions
- Any matters to be considered in closed session in accordance with the provisions of Section 275 of the LGR.
- Close of meeting

6.6.1 Committee Reports

Non-delegated committees will submit reports and/or recommendations to the Chief Executive Officer who will list them on the agenda for the next available General meeting. Recommendations to a General meeting from a committee are to be the same as that recommended by the committee.

If in a report of a committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation.

During presentation of the committee report by the respective committee Chairperson, any Councillor may request that an individual item is excluded from the committee report for separate debate at the General meeting. Following the request of a Councillor, the Chairperson of the General meeting will introduce the excluded item immediately following the conclusion of debate on the committee report.

6.6.2 Urgent Business

There is provision in the agenda for Councillors to raise questions or matters of a genuinely urgent or emergent nature that are not a change to Council policy and cannot be delayed until the next scheduled meeting.

6.6.3 Notice of Motion

A Notice of Motion is notice of a motion that a Councillor intends to move at a General meeting. A notice of rescission (or repeal) motion is a special type of notice of motion that is dealt with separately in section 6.12 below. All other Notices of Motion must be received in writing (using the appropriate template) by the Chief Executive Officer and the respective Chairperson prior to the agenda deadline (i.e. two weeks before meeting is to be held).

6.7 MINUTES OF MEETINGS

Minutes of the General meetings must record:

- a. The names of all Councillors in attendance and any apologies
- b. A précis of any Mayoral statement
- c. Confirmation of minutes
- d. Officer recommendations
- e. Resolutions proposed including mover and seconder
- f. The result of motions put to the vote
- g. A précis of written Councillor reports
- h. Any divisions called
- i. The name of the councillor who has declared a material personal interest in a matter, the nature of the material personal interest, and the fact that the Councillor left the room during its consideration.
- j. The name of the councillor/s who has declared a conflict of interest in a matter, the nature of the conflict of interest, and the fact that the Councillor left the room during its consideration or how the Councillor voted on the matter if it was resolved that they could remain in the room.
- k. In the circumstance where a majority of Councillors at a meeting have declared a material personal interest or conflict of interest where they have left the room resulting in a lack of quorum for the particular matter, the position to be delegated to make the decision in accordance with section 257 of the LGA.
- l. In the circumstance where a meeting moves into closed session, the nature of the matters to be considered while the meeting is closed.

A copy of the unconfirmed minutes of all Council meetings are published on Council's website within 10 days of the meeting.

6.8 MATERIAL PERSONAL INTEREST

Councillors are ultimately responsible for informing of a material personal interest on matters to be discussed at a Council or committee meeting. When dealing with a material personal interest, Councillors must abide by the following procedures:

- a) A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:
 - i). The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting
 - ii). How a person or other entity stands to gain the benefit or suffer the loss
 - iii). If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
- b) The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- c) Once the Councillor has left the area where the meeting is being conducted, the Local Government can continue discussing and deciding on the matter at hand.

-
- d) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
 - e) The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from item 6.8(a).
 - f) In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
 - i). the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
 - ii). if the matter cannot be delegated under the section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
 - g) Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (posted on the Council's website) record:
 - i). The name of the Councillor who has a material personal interest in the matter
 - ii). The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest
 - iii). Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

6.9 CONFLICT OF INTEREST

Councillors are ultimately responsible for informing of any personal interest where they have a real or perceived conflict of interest on matters to be discussed at Council or committee meetings (other than ordinary business matters). When dealing with a conflict of interest, Councillors must abide by the following procedures:

- a) A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their personal interest and set out the nature of the interest, including:
 - i). The nature of the interests
 - ii). If the Councillors personal interest arises because of the Councillors relationship with, or receipt of a gift or benefit from, another person:
 - 1. the name of the other person
 - 2. the nature of the relationship or value and date of receipt of the gift or benefit received, and
 - 3. the nature of the other persons interests in the matter.
- b) The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining

in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.

- c) The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) as to whether another Councillor may stay in the meeting.
- d) If the other Councillors decide there is no conflict of interest or perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- e) If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- f) When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
 - i). The size or significance of the benefit the subject Councillor stands to receive or benefit
 - ii). The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision
 - iii). The closeness of any relationship the subject Councillor may have with a given person or group
- g) In making the decision under f), it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- h) If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- i) The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 6.9(a).
- j) In the event the majority of Councillors inform of a personal interest in a matter:
 - i). the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
 - ii). if the matter cannot be delegated under the section 257 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

- k) Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
 - i). The name of the Councillor who has declared the conflict of interest
 - ii). The nature of the personal interest, as described by the Councillor
 - iii). The decision made under (c) and (e) above
 - iv). Whether the Councillor participated in the meeting under an approval by the Minister
 - v). If the Councillor voted on the matter, how they voted
 - vi). How the majority of Councillors voted on the matter.

6.10 CONDUCT DURING MEETINGS

6.10.1 General principles of conduct

- (a) Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behavior set out in the Code of Conduct.
- (b) After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
- (c) Councillors shall speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title, and shall confine their remarks to the matter then under consideration.
- (d) No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
- (e) When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

6.10.2 Questions

- (a) A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next Meeting.
- (b) A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- (c) The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.

6.10.3 Process for dealing with unsuitable meeting conduct by a Councillor in a meeting

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

- (a) The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- (b) If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature, refer to (g) for the steps to be taken.
- (c) If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - i. Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - ii. Apologising for their conduct
 - iii. Withdrawing their comments.
- (d) If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- (e) If the Councillor fails to comply with the Chairperson's request for remedial action, the Chairperson may warn the Councillor that failing to comply with the request may result in an order being issued.
- (f) If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- (g) If the Councillor still continues to fail to comply with the Chairperson's request for remedial action, the Chairperson may make one or more of the orders below:
 - i). an order reprimanding the Councillor for the conduct
 - ii). an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.¹
- (h) If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed.²
- (i) Following the completion of the meeting, the Chairperson must ensure:
 - i). details of any order issued is recorded in the minutes of the meeting³
 - ii). if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Local

¹ Section 150I(2) of the LGA.

² Section 150I(2)(c) of the LGA.

³ Section 150I(3) of the LGA.

- Government and treated as inappropriate conduct pursuant to the LGA.⁴
- iii). the Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Governments Councillor Conduct Register pursuant to the LGA.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts (a), (g) and (h) above.

6.10.4 Meeting process for dealing with suspected Inappropriate Conduct which has been referred to a Local Government

Pursuant to section 150AF of the LGA, after receiving a referral by the Independent Assessor or under paragraph 6.10.3 (i)ii) of this document of an instance of suspected inappropriate conduct, the Local Government must complete an investigation into the alleged conduct.

After the completion of the investigation, the Local Government must decide whether the Councillor has engaged in inappropriate conduct in a Council meeting, unless it has delegated responsibility for this decision under section 257 of the LGA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Local Government by the Independent Assessor, the Local Government must:

- (a) Be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. Where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the *Local Government Regulation 2012* (the LGR).
- (b) When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in Section 6.9⁵.
- (c) The Local Government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
- (d) If the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:
 - i). an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - ii). an order reprimanding the Councillor for the conduct
 - iii). an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - iv). an order that the Councillor be excluded from a stated Local Government meeting
 - v). an order that the Councillor is removed, or must resign, from a position representing the Local Government, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the Local

⁴ Section 150J of the LGA.

⁵ See section 6.9 for how to deal with a Councillor's conflict of interest in a meeting

- Government on a State board or committee
- vi). an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
 - vii). an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
- (e) When making an order, the Local Government can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Local Government is reasonably satisfied is true.
 - (f) The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made.
 - (g) The Local Government must ensure the meeting minutes reflect the resolution made.

6.11 PROCEDURE AT MEETINGS (i.e. STANDING ORDERS)

The procedure for dealing with business must be in accordance with the following standing orders however the Council may by agreement suspend a standing order, or by resolution, overrule a decision on a procedural question made by the Chairperson. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.

Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

6.11.1 Motion to be moved

- (a) A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.

A motion or an amendment to a motion shall not be debated at a meeting of the Council until the motion or the amendment is seconded (with the exception of procedural motions which are not debated at all).

When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.

- (b) Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- (c) Notwithstanding clause 6.11.1(a), a Councillor who moves a motion or an amendment to a motion may, with the permission of the Chairperson, explain the purpose or effect of the motion or amendment before it is seconded.
- (d) Nothing in these standing orders shall prevent discussion on any matters before a formal motion is moved.
- (e) The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.
- (f) Where a Councillor who has given notice of a motion is absent from the meeting of

Council at which the motion is to be considered, the motion may be:

- moved by another Councillor at the meeting; or
- deferred to the next meeting.

6.11.2 Amendment to Motions

- (a) An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
- (b) Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
- (c) A Councillor who proposes a motion shall not propose or second an amendment to that motion.
- (d) The mover of a motion may not amend or withdraw a motion without the leave of the meeting.
- (e) Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.
If an amendment is carried, it becomes the motion.

6.11.3 Withdrawal of a Motion

- (a) A Councillor who has moved or seconded a motion may elect to withdraw the motion:
 - (i) before an amendment to the motion is moved and seconded; or
 - (ii) after an amendment is seconded but not adopted.
- (b) A modification to a motion may be accepted by the Councillors who have moved and seconded the motion in which case the original motion is deemed to be withdrawn and the motion, as accepted, becomes the motion.

6.11.4 Speaking to Motions and Amendments

- (a) The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
- (b) The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- (c) A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- (d) A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.

- (e) The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- (f) Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- (g) Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine the order of speakers.
- (h) In accordance with Section 273 of the *Local Government Regulation 2012*, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.
- (i) Nothing in these standing orders shall prevent a Councillor from asking relevant questions of the Chairperson or officer in attendance at the meeting.

6.11.5 Method of Taking Vote

- (a) Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again by the Chief Executive Officer. The Chairperson shall, in taking the vote on a motion or amendment put the question first in the affirmative and then in the negative and may do so as often as necessary to determine and declare the result.
- (b) Voting shall be by a show of hands and a question is decided on a majority of the votes of Councillors present. Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.
- (c) If a Councillor present fails to vote the Councillor is taken to have voted in the negative.
- (d) If a vote is tied the Chairperson has a casting vote.
- (e) Any Councillor may call for a division on an item. If a division is taken, the minutes shall record the names of the Councillors voting in the affirmative and the negative.
- (f) Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- (g) If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

6.11.6 Closed Meetings

Local Government and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:

- Appointment, dismissal or discipline of employees
- Industrial matters affecting employees
- Local Government's budget
- Rating concessions or contracts proposed to be made by the Local Government or starting or defending legal proceedings involving the Local Government

- Any action to be taken by the Local Government under the *Planning Act 2009* (PA), including applications made to it under the PA
- Business for which a public discussion would be likely to prejudice the interests of the Local Government or someone else or enable a person to gain a financial advantage.

A Local Government or committee must not make a resolution (other than procedural) in a closed session meeting. If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation.

- a) To take an issue into a closed session, the Local Government must first pass a resolution to do so.
- b) In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
- c) If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
- d) The minutes of a Local Government must detail the matter discussed and reasoning for discussing the matter in closed session. The Local Government must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.
- e) Where a motion "**that the meeting be closed to the public**" is carried:
 - (i) the public will leave and not re-enter the meeting room until a procedural motion "**that the meeting be opened to the public**" is carried;
 - (ii) no motion (other than a procedural motion) can be moved or seconded and voted upon while the meeting is closed to the public; and
 - (iii) all debate in the course of the closed meeting will be considered to be confidential.

6.11.7 Procedural Motions

- (a) A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move one of the following procedural motions, without the need for a seconder:
 - (i) that the question/motion be now put;
 - (ii) that the motion and amendment now before the meeting be adjourned;
 - (iii) that the meeting proceed to the next item of business;
 - (iv) that the question lie on the table;
 - (v) a point of order;
 - (vi) a motion of dissent against the ruling of the Chairperson;
 - (vii) that this report/document be tabled;
 - (viii) to suspend the rule required that (insert requirement)
 - (ix) that the meeting stand adjourned.
- (b) A procedural motion, "**that the question be put**", may be moved and where such a procedural motion is carried, the Chairperson shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.

- (c) The procedural motion, **“that the motion and amendment now before the meeting be adjourned”**, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified,
- a further motion may be moved to specify such a time or date; or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- (d) Where a procedural motion **“that the meeting proceed to the next item of business”** is carried, debate on the matter subject of the motion shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
- (e) A procedural motion, **“that the question lie on the table”**, shall only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- (f) Any Councillor may ask the Chairperson to decide on a ‘point of order’ where it is believed that another Councillor has:
- failed to comply with proper procedures,
 - is in contravention of the Local Government Act/Regulations, or
 - is beyond the jurisdiction power of Council.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a ‘point of order’ is moved, consideration of the matter to which the motion was moved shall be suspended subject to clause 6.11.5(b). The Chairperson shall determine whether the point of order is upheld.

Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or order at any time arising shall, until decided, suspend the consideration and decision of every other question.

- (g) A Councillor may move **“a motion of dissent”** in relation to a ruling of the Chairperson on a point of order. Where such motion is moved and seconded, further consideration of any matter shall be suspended until after that ruling ~~motion~~ is decided. Where a motion of dissent is carried, the matter on which the ruling of the Chairperson was made shall proceed as though the ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
- (h) The motion, **‘that this report/document be tabled’**, may be used by a Councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

- (i) A procedural motion, "to suspend the rule requiring that", may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
- (j) Any procedural motion "that the meeting stand adjourned", may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and shall be put without debate. The procedural motion shall specify a date and time for the resumption of the meeting and on resumption of the meeting, the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment. Where such a procedural motion is lost, the Chairperson shall not accept a similar motion until the expiration of thirty minutes after the time the motion was lost.

6.12 REPEAL OR AMENDMENT OF RESOLUTIONS

- (a) A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the *Local Government Act 2009* or the *Local Government Regulation 2012*.

An adopted resolution of Council may be repealed or amended only if written notice of the intention to repeal or amend is given to each Councillor at least 5 days before the issue is set down for debate at a Council meeting. This provision does not extend to situations where Council resolves to amend a current policy or procedure.

- (b) Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three (3) months.

6.13 PUBLIC ATTENDANCE / PARTICIPATION AT COUNCIL MEETINGS

6.13.1 Attendance of public at meeting

- (a) An area shall be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
- (b) When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
- (c) The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 275 *Local Government Regulation 2012*. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

6.13.2 Public Participation at meetings

- (a) A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.

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- (b) In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
- (c) If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
- (d) For any matter arising from such an address, Council may take the following actions:
- refer the matter to a committee
 - deal with the matter immediately
 - place the matter on notice for discussion at a future meeting
 - note the matter and take no further action.
- (e) Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
- (f) Any person who is considered by the Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

6.13.3 Disorder at meetings

The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor. On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

6.14 Petitions

- (a) Any petition presented to a meeting of Council shall:
- be in legible writing or typewritten and contain a minimum of ten (10) signatures;
 - must include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue);
 - include the postcode of all petitioners; and
 - have the details of the specific request/matter appear on each page of the petition.
- (b) Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
- (c) Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

6.15 Deputations

- (a) A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than fourteen (14) days before the meeting.
- (b) The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO shall inform the

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deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.

- (c) For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- (d) If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may finalise the deputation.
- (e) The Chairperson may terminate an address by a person in a deputation at any time where:
 - the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards Councillors or staff members.
- (f) The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

7.0 ATTACHMENTS:

Nil.

8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	30 September 2008	08/952	
Amendment 1	1 December 2011	G/11/439	
Amendment 2	4 September 2012	G/12/1203	
Amendment 3	19 July 2016	G/16/2850	Finance and Corporate Governance Committee – FCGC/16/0036
Amendment 4	19 October 2017	S/17/3212	
Amendment 5	4 December 2018		Revision to include Qld Government Model Meeting Procedures & Standing Orders

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LEISA DOWLING
CHIEF EXECUTIVE OFFICER

ADDENDUM 3



Gladstone Regional Council

Council Policy

Title	COUNCILLOR ACCEPTABLE REQUEST GUIDELINES
Policy Number	P-2018-32
Business Unit/s	FINANCE GOVERNANCE AND RISK
Date of Adoption	
Resolution Number	
Review Date	
Date Repealed	

1.0 PURPOSE:

The purpose of this policy is to outline Acceptable Request Guidelines for Councillor requests for advice or access to information of Council officers as required by section 170A(6) of the *Local Government Act 2009*.

2.0 SCOPE:

This policy applies to all Councillors and also applies to all Council officers insofar as this policy sets out procedures to be followed by Council officers in their dealings with Councillors under this policy.

As this policy has been adopted by resolution of Council, Council accordingly considers this policy to be "*procedures*" as that term is used in section 176(4) of the *Local Government Act 2009*.

3.0 RELATED LEGISLATION:

Crime & Corruption Act 2001
Integrity Act 2009
Local Government Act 2009
Local Government Regulation 2012
Public Sector Ethics Act 1994

4.0 RELATED DOCUMENTS:

Councillor Code of Conduct Policy
 Council Meeting Procedures Policy
 Councillor Complaint Investigation Policy
 Councillor Expenses Reimbursement and Provision of Facilities Policy

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

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Acts	means all legislation including State legislation and Commonwealth legislation.
Chief Executive Officer	means the chief executive officer (CEO) of Council
Council	means Gladstone Regional Council
Councillor	means a councillor of Council as defined under the <i>Local Government Act 2009</i> and includes the Mayor of Council.
Council Officer	means a local government employee as defined under the <i>Local Government Act 2009</i> identified by position title in this policy.

6.0 POLICY STATEMENT:

6.1 Background

Section 13(3)(f) of the *Local Government Act 2009* provides that the Chief Executive Officer has the responsibility of:-

- (f) complying with requests from councillors under section 170A—
- (i) for advice to assist the councillor carry out his or her role as a councillor; or
 - (ii) for information, that the local government has access to, relating to the local government.

Section 170A of the *Local Government Act 2009* outlines the below provisions in relation to Acceptable Request Guidelines:

- (1) A councillor may ask a local government employee to provide advice to assist the councillor carry out his or her responsibilities under this Act.
- (2) A councillor may, subject to any limits prescribed under a regulation¹, ask the Chief Executive Officer to provide information, that the local government has access to, relating to the local government.
- (3) Subsection (2) does not apply to information—
 - (a) that is a record of the regional conduct review panel or the tribunal; or
 - (b) if disclosure of the information to the councillor would be contrary to an order of a court or tribunal; or
 - (c) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- (4) A request of a councillor under subsection (1) or (2) is of no effect if the request does not comply with the acceptable requests guidelines.
- (5) Subsection (4) does not apply to—
 - (a) the mayor; or
 - (b) the chairperson of a committee of the council if the request relates to the role of the chairperson.
- (6) The acceptable requests guidelines are guidelines, adopted by resolution of the local government, about—
 - (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under this Act; and
 - (b) reasonable limits on requests that a councillor may make.
- (7) In this section a local government employee includes a person prescribed under a regulation^{1s}.
- (8) The Chief Executive Officer must make all reasonable endeavours to comply with a request under subsection (2).

Accordingly, the below guidelines are to be followed by Councillors and identified Council Officers as the Acceptable Request Guidelines adopted by resolution of Council.

¹ Note: No limits have been set by regulation at the time of adoption of this policy and no regulation has been made on this under the Act.

6.2 Who Requests Should Go To

Council is of the view that requiring all councillor requests for advice or information to be submitted through the Chief Executive Officer is impractical. Council is also of the view that such requests need to be made of relatively senior Council officers.

Council guidelines as to the way that a Councillor may request advice or request information are provided below².

For clarity these guidelines do not apply when:

- a Councillor:
 - o seeks advice from any Council officer where that matter is a minor matter that requires the Council officer no more than a few minutes of time to address or is advice that is normally provided by that Council officer to any member of the public making a similar query; or
 - o seeks clarification from the Council officer who has authored a briefing paper or report to Council on an aspect of that briefing paper or report; or
- the Mayor gives a direction to the Chief Executive Officer or a senior executive employee³.

The Commentary to the Act as prepared by King and Company on behalf of the Local Government Association of Queensland provides a useful insight into the practical application of these provisions.

"One aspect of that concept is that the CEO and the senior executive officers should have full power and authority to organise the work schedules and work priorities of the officers under their control, and that it should not be possible for a councillor to disrupt those schedules or priorities by asking an employee to devote time to something which the councillor wants done (or wants done sooner rather than later).

Despite the concerns expressed by councillors when the corresponding provision in the 1993 Act was introduced, the regime established by this section has not caused major problems in practice and will not do so as long as the councillors and the CEO have a proper respect for each other's' role and responsibilities and are all genuinely committed to achieving effective local government."

To achieve practicality, Councillors may request advice or assistance to assist them in carrying out their roles from the following Council officers:

Department Officer Position	Subject Matter
Office of the CEO	
Chief Executive Officer	Any matter.
Executive Assistants	Minutes, agendas, general assistance, travel & accommodation.

² Such requests are beyond requests that may be sought by any member of the community of Council officers. For example - Asking how an animal can be registered is a general request that can be answered by many officers in Council without having to be a Councillor request.

³ Under section 196 (6) of the *Local Government Act 2009* "A senior executive employee, of a local government, is an employee of the local government—
 (a) who reports directly to the chief executive officer; and
 (b) whose position ordinarily would be considered to be a senior position in the local government's corporate structure."

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Strategy & Transformation	
General Manager Strategy & Transformation	Any matter including economic development.
Manager ICT or ICT Specialist	Assistance with computers and telephones.
Strategic Projects Specialist	Strategic Projects
Strategic Grants Specialist	Grants/ funding
Strategic Asset Performance	
General Manager Strategic Asset Performance	Any matter.
Property Acquisition & Disposal Specialist	Council property transactions including leases, sales, acquisitions, etc
Manager Asset Governance	Asset Management framework.
Manager Asset Planning	Infrastructure planning (i.e. Local Government Infrastructure Plan)
Manager Environment & Conservation	Environment and conservation
Community Development & Events	
General Manager Community Development & Events	Any matter.
Manager Brand & Communications	Branding, media, internal and external communications, marketing, social media, digital content, intranet, websites.
Manager & Curator Gladstone Regional Art Gallery & Museum	Arts and cultural activities and initiatives
Manager Regional Libraries	Libraries.
Manager Engagement & Partnerships	Community investment, community engagement, multicultural affairs, community development, seniors, disability and youth programming and development, sport and recreation, public swimming pools.
Manager Events & Entertainment	Community Events, Gladstone Entertainment & Convention Centre
Customer Experience	
General Manager Customer Experience	Any matter.
Manager Development Services	Regulatory functions of planning, building and plumbing assessments, operational works, planning scheme development, trade waste assessment.
Manager Biosecurity & Environmental Health	Environmental health (including food and public health matters), rural land management / biosecurity.
Team Leader Local Laws	Local laws enforcement and animal management.
Operations	
General Manager Operations	Any matter.
Manager Operations Support Services	Fleet vehicles and Council stores / warehouse.
Manager Works Planning & Scheduling	Operational project and program delivery (including maintenance and capital projects).
Manager Contracts & Procurement	Purchasing, tendering and disposal processes.

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Manager Roads Program Delivery	Road (and stormwater) operations.
Manager Water Program Delivery	Water (and wastewater) operations.
Manager Waste Program Delivery	Waste (and recycling) operations.
Manager Parks Program Delivery	Parks and cemeteries/crematorium operations.
Disaster Response Specialist	Disaster and emergency management.
Finance, Governance & Risk	
General Manager Finance, Governance & Risk	Any matter.
Manager Governance	Records, Council policies, committees, legal services, local law development, delegations, other governance advice.
Manager Revenue Services	Rating and Revenue matters.
People, Culture & Safety	
General Manager People, Culture & Safety	Any matter.
Manager Health Safety & Wellbeing	Safety matters.

6.3 Procedure to be Used for Requests for Advice or Information

Councillor requests from Council officers to assist them carry out their roles, must be made, and will be dealt with, as follows:

1. Councillor requests should be made in writing (e.g. letter, memo, facsimile or email) to a Council officer listed in the table above on matters which directly relate to that officers' duties and responsibilities as set out in the Table.
2. In making a request the Councillor will need to indicate the information or advice required and the reason for seeking access to that information or seeking that advice and any time requirements for receipt of requested information or advice.
3. Where a Councillor is unsure as to what information or advice to request, he or she may contact the Council officer of whom the request is to be made for assistance in clarifying the request.
4. Councillor requests for advice or access to information must not take the form of an attempt to direct or pressure any Council officer to prepare a response in a certain manner⁴.
5. Preference is that the request be made of the Council officer by email or in writing. If verbally requested, the Council officer may reproduce the verbal request in writing and seek confirmation from the Councillor that the written request is a fair representation of the request made by the Councillor.

⁴ Such action could constitute misconduct and be dealt with under the misconduct provisions of the Local Government Act 2009.

6. If Councillors have made a similar request of another Council officer they must advise the Council officer of that other request, the name of the Council officer of whom the other request was made and the time when it was made.
7. Council officers identified in this policy are to send a copy of the request to their General Manager (or the CEO where received by the General Manager) for noting and discussion as required.
8. Council officers receiving the request, or being tasked with the request, will respond to the request made in writing or email to the Councillor only if they:
 - a. are of the view that they are appropriately qualified and adequately informed to be able to respond in a competent manner; and
 - b. have adequate resources to handle the request in a timely manner; and
 - c. are satisfied that the handling of the request will not interfere with existing work priorities that have been assigned to them.
9. If the Council officer is of the view that they:
 - a. are not appropriately qualified and adequately informed to be able to respond in a competent manner; or
 - b. do not have adequate resources to handle the request in a timely manner; or
 - c. are not satisfied that the handling of the request will not interfere with existing work priorities that have been assigned to them,they will refer the request to their General Manager or the Chief Executive Officer with a request for allocation of the request to another Council officer.
10. In providing a response the Council officer will:
 - a. provide a copy of the response provided by them to the Councillor, their General Manager and the Chief Executive Officer as well as lodging the details of the response in Council's customer request system; and
 - b. ensure, where a request is for access to information, that the requesting Councillor is provided with access to all relevant information; and
 - c. explain any issues in the information or advice which relate to confidential or other sensitive matters; and
 - d. if appropriate, provide any other information necessary to place the information or advice being provided in context; and
11. The Chief Executive Officer or General Manager may, if in his or her view the advice provided or information provided is incomplete or inaccurate, provide the Councillor with updated advice or access to any required further information.
12. In accessing any information provided to a Councillor as a result of a Councillor request, Councillors are specifically made aware of their obligations under *Section 171 of the Local Government Act 2009 (Use of information by Councillors)* and *Section 171A of the Local Government Act 2009 (Prohibited conduct by councillor in possession of inside information)*.
13. Councillors must inform the Chief Executive Officer if they believe a Council officer of whom a request has been made by them has not appropriately responded to a request.

6.4 Reasonable Limit Guidelines

Council recognises that it has provided finite resources to the Chief Executive Officer for the undertaking of Council's endeavours as set out in Council's budget and policy documents. The diversion of resources towards the provision of advices or access to information requests from Councillors may, at times, jeopardise the provision of services by Council as the Council officers'

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time is taken away from their ordinary duties of implementing Council priorities to address requests from individual Councillors. The extent of the diversion of resources required may be extenuated by either the nature of the request made, the frequency of requests made, the timing of the request or a combination of these factors.

Where responding to a request made by a Councillor for advice or access to information raises concerns with the Council officer that the time involved in responding may create an issue with having to divert resources from existing priorities of Council at the detriment of implementing those priorities, the Council officer will liaise with their General Manager or CEO in the first instance. The General Manager or CEO may seek to negotiate an alternate timing for responding to the Councillor that may allow the request to be responded to without jeopardising the meeting of existing priorities by that Council officer.

In the event that a mutually acceptable timing cannot be found, the Council officer will refer the resourcing issue to their General Manager or the Chief Executive Officer for resolution.

Where the Council officer is the Chief Executive Officer or where the Chief Executive Officer concurs with the Council officers' concerns, the Chief Executive Officer will either:

- a) nominate another Council officer to deal with the request; or
- b) refer the request to the Mayor for discussion with the Councillor for potential withdrawal of the request; or
- c) refer the matter to the Council for resolution of the resource allocation issue⁵.

7.0 ATTACHMENTS:

Nil.

8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

- 1. The related legislation or governing documents are amended or replaced; or
- 2. Other circumstances as determined by resolution of Council or the CEO; or
- 3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	19 July 2016	G/16/2850	Include with code of conduct.
Amendment 1	4 December 2018		Revised to be standalone policy following State Government Code of Conduct for Councillors

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LEISA DOWLING
CHIEF EXECUTIVE OFFICER

⁵ Note that under Section 170A(8) of the *Local Government Act 2009* the chief executive officer must "make all reasonable endeavours to comply with a request" (for information).

ADDENDUM 4

Gladstone Regional Council

Council Policy

Title	COUNCILLOR COMPLAINTS INVESTIGATION POLICY
Policy Number	P-2018-35
Business Unit/s	FINANCE, GOVERNANCE & RISK
Date of Adoption	
Resolution Number	
Review Date	
Date Repealed	

1.0 PURPOSE:

This is Gladstone Regional Councils' investigation policy for how complaints about the inappropriate conduct of Councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009* (the LGA). However, this policy does not relate to more serious Councillor conduct.

2.0 SCOPE:

This investigation 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.

3.0 RELATED LEGISLATION:

Local Government Act 2009
Local Government Regulation 2012

4.0 RELATED DOCUMENTS:

Queensland Government – Code of Conduct for Councillors in Queensland
Councillor Acceptable Request Guidelines Policy
Council Meeting Procedures Policy
Councillor Interaction Protocol Policy – Lobbyists, Developers, Submitters & Tenderers
Councillor Expenses Reimbursement and Provision of Facilities Policy

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

Assessor	means the Independent Assessor appointed under section 150CV of the LGA
Behavioural standard	means a standard of behaviour for Councillors set out in the

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	Code of Conduct approved under section 150E of the LGA
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 LGA
Inappropriate conduct	see section 150K of the LGA
Investigation policy	refers to this policy, as required by section 150AE of the LGA
Investigator	means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor
LGA	means the <i>Local Government Act 2009</i>
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 LGA
Model procedures	see section 150F of the LGA
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 LGA
Tribunal	means the Councillor Conduct Tribunal as established under section 150DK of the LGA
Unsuitable meeting conduct	see section 150H of the LGA

6.0 POLICY STATEMENT:

6.1 Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation 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 LGA and dealt with as misconduct.

6.2 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 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 with the investigation report 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 evidence material.

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

6.3 Assessor's referral

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

6.4 Receipt of Assessor's referral

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Council's Chief Executive Officer 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 Assessor'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 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 meeting procedure requirements.

6.5 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 Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal 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

then the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

6.6 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 Assessor.

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 investigation policy.

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

6.7 Timeliness

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

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

6.8 Assistance for investigator

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

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

6.9 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 Chief Executive Officer. The Chief Executive Officer will then notify the Assessor 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 Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.

6.10 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.

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 LGA.

Provisions for internal and external review of decisions are set out in sections 150CO to 150CS of the LGA.

6.11 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.

Council will also give notice about the outcome to the Councillor whose conduct was the subject of the investigation including review options available to the Councillor.

6.12 Councillor conduct register

The Chief Executive Officer of Council 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 6.6 of this policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

6.13 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 president of the Tribunal in undertaking an investigation for Council
- a mediator engaged under this investigation policy
- a private investigator engaged on behalf of or by the investigator
- travel where the investigator needed to travel to undertake the investigation or to interview witnesses
- seeking legal advice
- engaging an expert.

Note: 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.

7.0 ATTACHMENTS:

Nil.

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8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	4 December 2018		
Amendment 1			

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LEISA DOWLING
CHIEF EXECUTIVE OFFICER

ADDENDUM 5



Gladstone Regional Council

Council Policy

Title	BUSINESS IMPROVEMENT COMMITTEE
Policy Number	P-2018-28
Business Unit/s	FINANCE GOVERNANCE AND RISK
Date of Adoption	
Resolution Number	
Date Review Due	
Date Repealed	

1.0 PURPOSE:

The Policy defines the responsibilities of the Business Improvement Committee and explains the role of the Committee within Council. The Business Improvement Committee has the role and responsibilities of an Audit Committee as defined by Section 105 the *Local Government Act 2009*.

2.0 SCOPE:

This policy applies to the activities of Gladstone Regional Council's Business Improvement Committee.

3.0 RELATED LEGISLATION:

- *Local Government Act 2009*
- *Local Government Regulation 2012*

4.0 RELATED DOCUMENTS:

- Gladstone Regional Council Ethics Integrity and Audit Policy.

5.0 DEFINITIONS:

"**Business Improvement**" means the systematic approach to identifying, analysing, developing and optimising business processes.

"**Internal Audit**" is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. (Institute of Internal Auditors).

"**Immediate Family**" is defined as

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- (a) The member's spouse child, ex-nuptial child, step-child, adopted child, foster child, ex-foster child, parent, grandparent, grandchild or sibling; or
- (b) A child, ex-nuptial child, step-child, adopted child, foster child, ex-foster child, parent, grandparent, grandchild or sibling of the Member's spouse;
("spouse" includes a former spouse, a de facto spouse or a former de facto spouse)

6.0 POLICY STATEMENT:

6.1 Committee Objectives

The primary objective of the Committee is to assist Council in fulfilling its oversight responsibilities relating to accounting, auditing and reporting requirements imposed under the *Local Government Act 2009* and other relevant legislation.

This Policy establishes the principles and standards for the Business Improvement Committee to:

- 6.1.1. Enhance the ability of Council to fulfil their legal responsibilities.
- 6.1.2. Add to the credibility and objectivity of statutory financial reports.
- 6.1.3. Enhance the independence and effectiveness of Council's Ethics Integrity and Audit activities.
- 6.1.4. Oversee the application of appropriate accounting and disclosure policies and procedures.
- 6.1.5. Monitor existing corporate policies and recommend new corporate policies to prohibit unethical, questionable or illegal activities.
- 6.1.6. Provide a communication link between management, business improvement, auditors, external auditors and Council.
- 6.1.7. Promote the need for public accountability of executives to Council, the ratepayers and other interested parties.
- 6.1.8. Support measures to improve governance, risk management and internal controls.

6.2 Authority

The Business Improvement Committee has the authority to conduct or authorise investigations into matters within its scope of responsibility.

6.3 Independence and Access

- 6.3.1. The Committee will need to liaise closely with management and internal and external auditors to carry out its responsibilities. Whilst the primary responsibility for financial and other reporting, internal control and compliance with laws, regulations and ethics within Council rests with executives and management, the Business Improvement Committee shall exercise a monitoring and review role.

- 6.3.2. The Committee will have unrestricted access to all information, including documents and personnel, and have adequate resources in order to fulfil its oversight responsibilities.

6.4 Membership

Section 210 of the *Local Government Regulation 2012*, states that the Committee must consist of at least 3 and no more than 6 members and include 1, but no more than 2, Councillors appointed by the local government, and at least 1 member who has significant skills in financial matters. The local government must appoint 1 of the members of the audit committee as chairperson.

When considering membership and the duration of appointments, Council will consider the rotation of representatives, which is accepted as the best practice model for ensuring ongoing independence and objectivity whilst retaining a degree of continuity via a core of experience.

Councillor Appointments:

Council will nominate two (2) Councillor appointments on a voluntary rotational basis with a minimum appointment period of 18 months. In addition, Council will nominate 2 proxy members to attend in the absence of the current Councillor representatives.

Council considers there is benefit in elected member representation being a mix of new and experienced Councillors where practical and accordingly will rotate Councillor appointments in the middle of an election term.

External Appointments:

Council will appoint a minimum of 2 external members to the Committee through an expression of interest process.

External appointments will be for a maximum five-year term, unless sooner terminated by the resignation or dismissal of a member. Appointment of external members will be for an initial period of up to 18 months as determined by Council, with a further term up to the maximum tenure being subject to mutual agreement between Council and the external appointee.

Replacement appointments for a member who resigns or is dismissed, will be limited to the end of the original serving member's term. *(For example, if a member resigns at the end of their fourth year, the replacement appointment will be for one year only.)*

Recruitment for external appointments will be undertaken on a staged basis. Council will call for expressions of interest for only one position at a time. This staged approach will continue on a rolling basis with recruitment anticipated to commence within 12 months prior to expiry of an external members term.

Other Matters

The Chief Executive Officer cannot be a member of the Business Improvement Committee but can attend meetings of the committee.

The External Auditor, Advisors and Ex Officio members are non-voting observers. The Chief Executive Officer, the General Manager Finance Governance and Risk, the Manager Governance and an Internal Audit Representative should attend all meetings but are not

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members and have no voting rights. Other Council officers should attend as required by the Business Improvement Committee. Elected Councillors who are not sitting members of the Committee may attend meetings as Observers.

External Auditors and representatives of the Queensland Audit Office are invited to attend any or all meetings as they consider appropriate and as it relates to Audit and Finance matters.

6.5 Responsibilities

Members of the Committee will, at all times in the discharge of their duties and responsibilities, exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to Council or be considered a conflict of interest.

Members also must refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties. Members must not use information obtained through their position on the Committee for any personal gain for themselves or their immediate family, or in any manner that would be contrary to law, or detrimental to the welfare and goodwill of Council.

Further, members must not publicly comment on matters relative to activities of the Committee other than as authorised by Council.

The specific responsibilities of the Committee are:

External Audit Focus

- 6.5.1. Oversee Council compliance with the *Local Government Regulation 2012* requirements for financial reporting.
- 6.5.2. Review the scope of the total audit activities with the external auditors.
- 6.5.3. Review the effectiveness of the annual audit plan, to ascertain whether emphasis is being placed on areas where the committee, management or the auditors believe special attention is necessary.
- 6.5.4. Review management responses to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.
- 6.5.5. Review the final draft financial statements prior to its approval by Council, taking on board any external audit comments. In particular the review should focus on:
 - (i) significant changes in accounting policies and practices
 - (ii) areas of significant judgement or accounting estimates
 - (iii) significant audit adjustments (adjusted or unadjusted differences)
 - (iv) proposed departures from accounting standards.

Ethics Integrity and Internal Audit Activities

- 6.5.6 Review the Three Year and Annual Internal Audit Plans to assess:

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- (i) That the proposed activities contribute to meeting the organisations short and long-term goals, priorities and values.
- (ii) That appropriate measures are in place for monitoring the progress and outcomes of the plans.
- (iii) If the activities are achievable within the organisation's budgetary requirements.
- (iv) If the proposed activities consider the full spectrum of the risks of Council.

The Committee should also provide, where appropriate, recommendations or findings it may wish the organisation to consider in its internal ethics, integrity and audit activities.

- 6.5.7. Ascertain that the activities undertaken by the ethics, integrity, internal audit are in accordance with the Ethics, Integrity and Audit Policy and adopted standards and practices.
- 6.5.8. Review the Ethics Integrity and Audit Policy, resources and budget, and ensure that Council Policies and practices maintain and enforce ethics integrity and audit's independence from management.
- 6.5.9. Assess whether all significant recommendations of the Ethics, Integrity and Audit Functions have been properly implemented by management. Any reservations the functions may have should be discussed by the Committee.
- 6.5.10. Monitor the extent of reliance on audit work by the external auditors to facilitate completeness of coverage and the effective use of audit resources.

The Business Improvement Committee's responsibilities do not extend to managing the day-to-day activities of the Ethics, Integrity and Audit functions. This is carried out by the Chief Executive Officer.

Fraud and Corruption Control

- 6.5.11. Ascertain whether fraud and corruption risks have been included in the assessment of the risk profile of Council.
- 6.5.12. Oversee management's efforts to create and maintain a strong internal control environment, including the design and implementation of anti-fraud and corruption strategies and programs.
- 6.5.13. Periodically review the effectiveness of Council's fraud and corruption controls.

Other Matters

- 6.5.14. Review the Audit disclosures and Financial Statements included in the proposed Annual Report of Council.
- 6.5.15. Review the effectiveness of the control environment established by management including computerised information system controls and security. This also includes a review/monitoring role of the documentation of all associated policies

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and corporate standards.

- 6.5.16. Review the effectiveness of the risk assessment/management policies and corporate standards. In particular monitoring that Councils risk management activities are not limited to insurance coverage but includes active risk minimisation.
- 6.5.17. To assist the Business Improvement Committee with its review, the Committee will be provided periodically with an overview of the status of the following risk issues including but not limited to:
- i. Council's major policies with respect to risk assessment and risk management, to ensure that they embrace best practice standards.
 - ii. Progress on evolving, implementing and testing the Business Continuity Plan.
 - iii. Significant information systems breaches, concerns and improvements.
 - iv. Significant litigation issues.
 - v. The quality of Council's insurance cover, the cost of cover and other relevant insurance tender details (benchmarking with other councils will be relevant).
 - vi. The status in implementing Risk Registers throughout the organisation (benchmarking with other councils' implementation program will be relevant).
 - vii. Significant risk incidents and their outcomes.
 - viii. Emerging risk issues, including major projects.
- 6.5.18. Review and recommend all significant accounting policy changes.
- 6.5.19. Monitor compliance with important regulations relevant to Council's activities including statutory regulations for any subsidiaries of Council.
- 6.5.20. Monitor or periodically review policies and corporate standards relating to fraud and corruption and other related sensitive issues.
- 6.5.21. Recommend special projects or investigations on any matter within its terms of reference.
- 6.5.22. Oversee how management is monitoring the effectiveness of its compliance and ethics program and making changes as necessary.
- 6.5.23. Review and recommend changes necessary to the Committee's Policy on a three yearly basis.
- 6.6 Meetings, Records and Reporting Structure**
- 6.6.1. The Committee shall meet at least twice per financial year. The Chief Executive Officer will set the date, time and place for the meetings. Before setting the date, time and place for a Committee meeting, the Chief Executive Officer must, if

ECM FILE REFERENCE: CM28.1

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practicable, consult with the Chairperson of the Committee. In addition, the Chief Executive Officer may call a meeting if requested to do so by any Committee member, or the internal or external auditors.

- 6.6.2. A quorum shall consist of two members. Alternate member/s or proxies will be appointed for either elected representative. The proxy/ies will be appointed by Council and hold the role for their elected term in office.
- 6.6.3. The external auditors shall be given notice of all meetings and sent an agenda. The external auditors shall have the right to attend and speak.
- 6.6.4. The Chief Executive Officer will make administrative arrangements to ensure that an agenda, supported by necessary explanatory documentation, is circulated to the Business Improvement Committee members, any other Council officer requested to attend, and the external auditors, at least five (5) working days before the day of the meeting, if practicable.
- 6.6.5. The Chief Executive Officer will make administrative arrangements to provide secretarial functions to the meetings and prepare minutes of each meeting which will be provided to Business Improvement Committee members, permanent attendees and external auditors one week after the meeting, at the latest.
- 6.6.6. The minutes of the Committee meetings will be provided to Council, and upon adoption by Council, extracts distributed to relevant officers for information and action.
- 6.6.7. Meetings will provide the opportunity for the Business Improvement Committee members to meet with ethics, integrity and internal audit and/or external audit without management being involved.
- 6.6.8. On an annual basis, submit a summary of the role and achievements of the Committee for Council consideration, and contribute to Council's Annual Report including a statement on whether the Committee has observed the terms of the Policy.

6.7 Training

New members of the Business Improvement Committee will be provided with induction material to allow the member to familiarise themselves with the environment and to facilitate their understanding of its principal operations and activities, corporate practices and culture.

6.8 Self Evaluation

- 6.8.1. Every two years, the Business Improvement Committee should assess the performance and achievements of the Committee for the previous period and ensure that it is meeting its objectives efficiently and effectively.
- 6.8.2. The Committee will confirm annually that all responsibilities outlined in this Policy have been carried out.
- 6.8.3. Where this evaluation highlights a need for enhancements to the role, operational processes or membership of the committee, the Chairperson should take action to ensure such enhancements are implemented.

ECM FILE REFERENCE: CM28.1

ADDENDUM 6



Gladstone Regional Council

Council Policy

Title	ETHICS INTEGRITY AND AUDIT
Policy Number	P-2018-29
Business Unit/s	FINANCE GOVERNANCE AND RISK
Date of Adoption	
Resolution Number	
Review Date	
Date Repealed	

1.0 PURPOSE:

This Policy establishes the authority and responsibility conferred by Council to the Ethics, Integrity and Audit function of Council in the fulfilment of the internal audit requirements of the *Local Government Act 2009* and other legislation.

This policy supports the Business Improvement Committee Policy.

2.0 SCOPE:

This policy applies to the Business Improvement Committee, Councillors, External Representatives and Employees of Gladstone Regional Council.

As a Government owned Corporation, the Gladstone Airport Corporation is not subject to this policy except, to the extent of the requirements of the audit committee review functions in relation to the requirement for the financial statements of the Gladstone Airport Corporation to be incorporated within the financial statements and related reporting requirements of Gladstone Regional Council.

3.0 RELATED LEGISLATION:

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Public Interest Disclosure Act 2013*
- *Crime and Corruption Act 2001*
- *Crime and Corruption Regulation 2015*
- *Integrity Act 2009*
- *Public Sector Ethics Act 1994*

4.0 RELATED DOCUMENTS:

- Gladstone Regional Council Business Improvement Committee Policy.

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

"Assurance" means services that require the business improvement function's objective assessment of evidence to provide an independent opinion or conclusions regarding a process, system or other subject matter. The nature and scope of the assurance engagement are determined by business improvement function.

"Business Improvement Function", includes the activities of Internal Audit and other associated process and organisational change activities resulting from audits and/or reviews of business practices and business improvement.

"Consulting Services" means services that are advisory in nature and are generally performed at the specific request of the organisation, including Council, management and/or Business Improvement Committee. The nature and scope of the consulting engagement are subject to the approval of the Chief Executive Officer or delegate.

"Executive Team" means the Chief Executive Officer and General Managers of Gladstone Regional Council.

"Internal Audit" is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. (Institute of Internal Auditors)

"Standards" includes the Institute of Internal Auditors' Standards for Professional Practice, Statement of Responsibilities, Statements on Internal Auditing Standards, and Code of Ethics.

"Operational Manager" means the manager, team leader or specialist who is responsible for the area under review, and in normal circumstances would be a manager of a branch (other than the Internal Audit Function), however it may be the business unit general manager where the review is across more than one group.

6.0 POLICY STATEMENT:

6.1 Approach

Council will adopt an integrated¹ risk based approach to allocating resources and planning ethics, integrity and internal audit projects.

Based on a risk assessment and in consultation with management, the general direction of Council's Ethics, Integrity and Audit activities over the medium term is to be documented in the Three Year Internal Audit Plan. This plan shall be reviewed and approved by the Chief Executive Officer and presented to the Business Improvement Committee. The Plan will also be reviewed annually to take account of any change in circumstances.

The Annual Audit Plan projects may include financial, compliance, performance, due diligence, information systems, program evaluation, operational audits and other approaches as deemed appropriate, given the resources and also the priorities established through the risk assessment process and other identified considerations.

¹ Combines aspects of auditing to include or excluded any aspect based on risk

6.2 Independence

Independence, objectivity, and integrity are the foundation of an effective internal audit and assurance system and for that purpose:

- a. Ethics Integrity and Audit employees report to the Ethics Integrity and Audit Specialist who reports:
 - Administratively to the General Manager Finance Governance and Risk and
 - functionally to Chief Executive Officer and the Business Improvement Committee, through the Chair
- b. Ethics Integrity and Audit employees should not develop and implement procedures or internal controls, prepare records, or engage in any other activities which he or she would normally review or appraise, and which could reasonably be construed to compromise his or her independence. The objectivity of the function need not be adversely affected by his or her determination and recommendation of the standards of control to be applied in the development of systems and procedures under his or her review. Concerning independence, internal audit staff should have an impartial, unbiased frame of mind and avoid conflicts of interest and be independent in fact and appearance.

6.3 Authority

- 6.3.1. Ethics, Integrity and Audit is authorised to review all areas of Council and to have full, free, and unrestricted access to all Council's activities, records (both manual and electronic), property, and personnel. Council activities include entities over which Council has direct management, sponsorship or financial control.
- 6.3.2. All employees shall co-operate fully in making available any material or information reasonably requested by Ethics, Integrity and Audit.
- 6.3.3. Ethics, Integrity and Audit activities will remain free of influence by any organisational elements. This includes such matters as scope of activities/projects, the frequency and timing of examinations and the content of audit reports.
- 6.3.4. For approved areas of audit, evaluation and review, where the Ethics, Integrity and Audit do not possess all the necessary experience/skills, additional internal or external resources may be utilised subject to approval by the Chief Executive Officer.

6.4 Responsibility for Detecting and Reporting Irregularities

- 6.4.1. Ethics Integrity and Audit is not legally or professionally responsible for preventing irregularities (which include fraud, other illegal acts and errors). However, in order to facilitate the fraud and corruption prevention function, the Ethics Integrity and Audit Team should be informed of any special investigation, fraud, theft or other suspected cases of misappropriation.
- 6.4.2. The responsibility for prevention of irregularities rests with Council and management through the implementation and continued operation of an adequate internal control system. Ethics Integrity and Audit representatives are responsible for examining and

evaluating the adequacy and the effectiveness of actions taken by management to fulfil this obligation.

- 6.4.3. Ethics Integrity and Audit has a responsibility to report irregularities to the Chief Executive Officer and the Business Improvement Committee.
- 6.4.4. The Chief Executive Officer or delegate is responsible for reporting any irregularities according to the provisions of the *Local Government Act 2009*, and the *Crime and Corruption Act 2001* and any other statutory regulations that may come into force from time to time. In this regard the Manager Governance will fulfil the liaison officer's role to the Crime and Corruption Commission.

6.5 Reporting and responsibility for Corrective Action

- 6.5.1. The Operational Manager is responsible for ensuring that agreed actions are either planned or taken on recommendations made or deficient conditions reported by Ethics Integrity and Audit or auditors (internal and external) within the agreed timeframes in the final project report which will generally be based on the Classification of Internal Audit Findings Table attached as Appendix 1 to this policy.
- 6.5.2. Recommendations are considered outstanding until they are implemented and/or hold a status of 'complete'. Any recommendations that have not been actioned within the agreed timeframe will be reported to and followed through by Council's Executive team.
- 6.5.3. A status report of actions will be presented to the Business Improvement Committee at each meeting.

6.6 Internal Audit Quality Assurance

- 6.6.1 Audit Work: In order to ensure that the quality of audit work is consistently maintained at a high standard, Ethics Integrity and Audit will establish and maintain a quality assurance program. This program is to include:
- Developing a comprehensive work reporting arrangement.
 - Maintaining a regular review of audit plans, reports and working papers.
 - Maintaining effective communication links with the Business Improvement Committee members, Chief Executive Officer, management, external auditors and the Queensland Audit Office.
 - Arranging and providing on-going staff training as appropriate.
 - Issuing necessary oral and written directions and maintain written policies and procedures to assist and direct staff in the performance of their duties.
- 6.6.2 External Quality Assessment: Ethics Integrity and Audit will be subject to an external quality assessment on a regular basis, not exceeding an interval of five years.

7.0 ATTACHMENTS:

Appendix 1 - Classification of Internal Audit Findings Table

8.0 REVIEW TRIGGER:

This policy will be reviewed when any of the following occur:

GLADSTONE REGIONAL COUNCIL
 POLICY NO. P-2018-29 – ETHICS INTEGRITY AND AUDIT POLICY
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1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	5 October 2010	G/10/32	
Amendment 1	3 July 2012	G/12/1103	
Amendment 2	17 September 2013	G/13/1722	
Amendment 3	7 April 2015	G/15/2363	
Amendment 4	01 November 2016	G/16/0090	First considered by the Finance & Corporate Governance Committee 25/10/2016
Amendment 5			

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LEISA DOWLING
ACTING CHIEF EXECUTIVE OFFICER

APPENDIX 1 - CLASSIFICATION OF INTERNAL AUDIT FINDINGS TABLE

The following framework for internal audit ratings has been developed for prioritising internal audit findings according to their relative significance depending on their impact on the process. The individual internal audit findings contained in audit reports will be discussed and rated with Management.

Rating	Definition	Examples of business impact	Action(s) required
Extreme	Issue represents control weakness which could have a catastrophic adverse effect on the ability to achieve process objectives.	<ul style="list-style-type: none"> • Catastrophic impact on operations or functions. • Complete failure of service delivery. • Regulatory breach could result in dissolution of Council. • Extensive detrimental long-term impacts on the environment and community. • Multiple fatalities and serious injury. 	<ul style="list-style-type: none"> • Requires immediate action. • Actively managed by Chief Executive Officer. • Requires detailed plan of action to be put in place within 20 days with an expected resolution date and substantial improvement within one month.
High	Issue represents a control weakness, which could have or is having major adverse effect on the ability to achieve process objectives.	<ul style="list-style-type: none"> • Major impact on operations or functions. • Probable decrease in the public's confidence in the Council. • Major decline in service/product delivery, value and/or quality recognised by customers. • Non-compliance or breach of legislation or regulation with probable litigation or prosecution and/or penalty. • Long term detrimental environmental or social impact ie chronic and/or significant discharge or pollutant. • Extensive injuries, injury to multiple resulting in hospitalisation or single fatality 	<ul style="list-style-type: none"> • Requires immediate/prompt management action. • Requires executive management attention. • Requires a detailed plan of action to be put in place within 60 days with an expected resolution date and a substantial improvement within 3-6 months.
Medium	Issue represents a control weakness, which could have or is having significant adverse effect on the ability to achieve process objectives.	<ul style="list-style-type: none"> • Moderate impact on operations or functions. • Possible decrease in the public's confidence in the Council. • Moderate decline in service/product delivery, value and/or quality recognised by customers. • Non-compliance or breach of legislation or regulation with threat of litigation or prosecution and/or penalty. • Environmental harm immediately recoverable • Medical treatment required, compensative injury. 	<ul style="list-style-type: none"> • Requires short-term management action. • Requires general management attention. • Requires a detailed plan of action to be put in place within 90 days with an expected resolution date and a substantial improvement within 6-9 months.
Low	Issue represents a minor control weakness, with minimal but reportable impact on the ability to achieve process objectives.	<ul style="list-style-type: none"> • Minor impact on internal business only. • Minor potential impact on brand value and market share. • Should not decrease the public's confidence in the company. • Minimal decline in service/product delivery, value and/or quality recognised by customers. • Non-compliance or breach of legislation or regulation with unlikely litigation or prosecution and/or penalty. • No lasting detrimental effect on the environment • First aid treatment. 	<ul style="list-style-type: none"> • Requires management action within a reasonable time period. • Requires process manager attention. • Timeframe for action is subject to competing priorities and cost/benefit analysis, eg. 9-12 months.
Improvement Opportunity	Matter raised when current processes meet process objectives, however business improvement recommended to increase efficiency and/or effectiveness of the process	<ul style="list-style-type: none"> • Business process more efficient and effective 	<ul style="list-style-type: none"> • Management action not required, management action suggested • Timeframe for action is subject to cost/benefit analysis eg immediate action to within 12 months

ADDENDUM 7**Gladstone Regional Council****Council Policy**

Title	COMPLAINT MANAGEMENT
Policy Number	P-2018-25
Business Unit/s	FINANCE GOVERNANCE & RISK CUSTOMER EXPERIENCE
Date of Adoption	
Resolution Number	
Review Date	
Date Repealed	

1.0 PURPOSE:

This Policy outlines how Council will manage complaints lodged with Gladstone Regional Council.

2.0 SCOPE:

This policy applies to all complaints lodged with Gladstone Regional Council including Administrative Action Complaints as defined in Section 268(1) of the *Local Government Act 2009* and Section 306 of the *Local Government Regulation 2012*. This policy does not include the management of Customer Service Requests.

3.0 RELATED LEGISLATION:

Local Government Act 2009
Local Government Regulation 2012
Public Interest Disclosure Act 2010
Crime and Corruption Act 2001
Right to Information Act 2009
Information Privacy Act 2009

4.0 RELATED DOCUMENTS:

Complaint Management Process Corporate Standard
 Public Interest Disclosure Procedure Corporate Standard
 Dealing with Complaints involving the Chief Executive Officer Policy
 Councillor Conduct Code Policy
 Code of Conduct Policy (for employees)
 Unreasonable Customer Conduct Policy
 Unreasonable Customer Conduct Corporate Standard
 Petitions Corporate Standard
 Information Privacy Policy

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

"Act" means *Queensland Local Government Act 2009*.

"Administrative Action Complaint" means an Administrative Action Complaint as defined in *Section 268(2)* of the *Local Government Act 2009*; namely "a complaint that:

(a) is about an administrative action of a local government, including the following, for example -

- (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
- (ii) an act, or a failure to do an act;
- (iii) the formulation of a proposal or intention;
- (iv) the making of a recommendation; and

(b) is made by an affected person".

"Affected Person" means:-

1. For the purposes of an Administrative Action Complaint - a person who is apparently directly affected by an administrative action of a local government; or

2. For a competitive neutrality complaint – it is as defined in *Section 48(3)* of the *Local Government Act 2019* – namely:

"(3) An affected person is –

- (a) a person who –
 - (i) competes with the local government in relation to the business activity; and
 - (ii) claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the local government; or
- (b) a person who-
 - (i) wants to compete with the local government in relation to the business activity; and
 - (ii) claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by the local government."

or

3. For a Statutory Review or Appeal – it is a person whose interests are adversely affected or could be adversely affected (for example: the infringement notice recipient; the property owner for a compliance notice involving the land; the registered owner of a motor vehicle for vehicle related offences).

"Agent" means a person appointed to act on behalf of an Affected Person who is unable to lodge a complaint personally due to poor health, distance, language, legal or other reasons.

"Competitive Neutrality Complaint (CNC)" is as defined by *Section 48(2)* of the *Local Government Act 2009* and involves a failure of a local government to conduct a business activity in accordance with the competitive neutrality principle. CNC complaints can only be lodged by an 'affected person' and must be dealt with in accordance with Chapter 3, Part 2, Division 7 of the *Local Government Regulation 2012*.

"Complaint Management Process Corporate Standard" means the Council corporate standard setting out the process and procedures to be applied in managing complaints.

"Council" means Gladstone Regional Council.

"Council Employee" means an employee of Council appointed under the *Local Government Act 2009*.

"Councillor" means a Councillor (including the Mayor) of Council.

"Customer Service Request" means a request made of Council for the provision of a service or product (e.g. *a request to address a barking dog issue, a request for a pothole repair, a request to have an overflowing waste bin emptied*).

"Frivolous Complaint" means a complaint that is trivial and not warranting the use of Council resources in investigating the complaint.

"Petition" means a written and signed request for Council to do something or to refrain from doing something relating to matters which Council is authorised to determine. A petition must be signed by five (5) or more people with at least two (2) different residential addresses who have a direct interest in the Gladstone Regional Council local government area as residents, property owners, business people or some other relevant capacity.

"Public Interest Disclosure (PID)" is as defined in Chapter 2 of the *Public Interest Disclosure Act 2010* and relates to a disclosure, in the public interest, of information about wrongdoing in the public sector.

For an allegation to be considered a PID it must meet one of the following three criteria, being wrongdoing by any person, including a public-sector officer, about:

- (1) a substantial and specific danger to the health or safety of a person with a disability;
- (2) a substantial and specific danger to the environment; or
- (3) a reprisal action associated with a PID; **OR**

A public officer may also make a disclosure about:

- (a) corrupt conduct;
- (b) maladministration that adversely affects a person's interest in a substantial and specific way;
- (c) substantial misuse of public resources;
- (d) substantial and specific danger to public health and safety; or
- (e) substantial and specific danger to the environment.

"Statutory Review or Appeal" means an internal review of a formal notice issued under legislation (for example: an infringement notice, or compliance notice, enforcement notice, etc).

"Unreasonable Customer Conduct" is defined in Council Unreasonable Customer Conduct Policy and Corporate Standard and generally involves conduct which, because of its nature or frequency, raises health, safety, resource or equity issues. It includes conduct beyond that commonly demonstrated by customers when they bring a grievance to Council.

"Vexatious Complaint" means a complaint that is considered to have been made to make mischief or cause harm to Council, a Councillor or a Council Employee or lacking sufficient grounds to warrant the use of Council resources to investigate the complaint.

6.0 POLICY STATEMENT:

6.1 Commitment

Council acknowledges that complaints are a valuable source of customer feedback and acknowledges the rights of persons to lodge such complaints and to have such complaints dealt with fairly, objectively and in a timely manner.

Council will ensure that its Complaints Management Policy and the Complaints Management Process Corporate Standard (which incorporates related processes and procedures) will be available to the public:

- at Council's public offices; and
- on Council's website.

Council will ensure that Council Employees are aware of this Policy and associated Corporate Standard and are informed of their obligations through regular training, email advice and Council's internal communication. Council Employees will be kept informed of changes and updates to the policy and corporate standard.

6.2 Classification of Complaints

Council has classified complaints into the following categories which will be managed by the process and procedures set out in Council's Complaint Management Process Corporate Standard:

1. Administrative Action Complaint (AAC);
2. Public Interest Disclosure¹;
3. Petition;
4. Complaint regarding the conduct of an Employee/s;
5. Complaint regarding the conduct of the Chief Executive Officer;
6. Complaint regarding the conduct of the Mayor and/or Councillors²;
7. A Statutory Review or Appeal;
8. Competitive Neutrality Complaint (CNC)³.

6.3 Lodgement and Acceptance of Complaints

Complaints may be lodged in the following way:

1. In writing (letter, email, facsimile, online form on Council's website, etc.);
2. Verbally (telephone or in person); or
3. Via an authorised Agent.

With the exception of Statutory Reviews or Appeals which must be submitted in writing, complaints will be accepted in any of the above forms. Complaints may be anonymous except for those complaints which can only be accepted from an 'Affected Person'.

¹ Refer to Sections 12 & 13 of the *Public Interest Disclosure Act 2010* for the type of information that, if disclosed as part of a complaint, should be managed under Council's Public Interest Disclosure Procedures

² Refer Chapter 6, Part 2, Division 6 of the *Local Government Act 2009* which sets out the process of dealing with complaints about the conduct and performance of Councillors

³ Refer Section 48 of the *Local Government Act 2009* and Chapter 3, Part 2, Division 7 of the *Local Government Regulation 2012* for the process of dealing with competitive neutrality complaints

Only an Affected Person or their Agent can lodge the following types of complaints:

1. Administrative Action Complaint;
2. Competitive Neutrality Complaint;
3. A Statutory Review or Appeal.

Such complaints must be received from:

- the Affected Person directly communicating (in any form) with a Council Employee; or
- the Affected Person asking another person (their Agent) to communicate a complaint on their behalf (in any form with or without identifying the Affected person) to a Council Employee.

Where a person is acting as an Agent on behalf of an Affected Person, the Agent must provide the Council Employee with a signed statutory declaration confirming that they:

- are acting on behalf of the Affected Person with the explicit consent of the Affected Person with respect to the complaint being made;
- have been nominated by the Affected Person as the person to receive all communications from Council with regard to the complaint made; and
- have, in the complaint made by them on behalf of the Affected Person, to their knowledge truthfully and correctly disclosed the subject of the complaint to the Council Employee as was advised to them by the Affected Person.

6.4 What Complaints should include

- All relevant contact information including the person's name, address, telephone and/or email contact details unless the person chooses to remain anonymous and/or lodges a complaint via an Agent.
- Sufficient details to enable investigation of the complaint.
- Details of any loss or detriment a person claims to have suffered.
- A list of any other persons, agencies or authorities that the person has reported the complaint to.
- An outline of the outcome the person seeks (e.g. an apology, a different decision, restitution, a change in policy or procedure).
- Any supporting information and documentation including names and contact details of any other persons who can support the complaint.

6.5 Assistance to make a complaint

Language assistance is available for people from non-English speaking backgrounds by calling the Telephone Interpreter Service (TIS) on 1800 131 450. Advise the TIS of the preferred language and ask to speak to the Gladstone Regional Council on 07 4970 0700.

Assistance for hearing or speech impaired is available by contacting the National Relay Service on 1300 555 727 (speak and listen) or 133677 (type and listen or speak and read).

6.6 Frivolous and Vexatious Complaints

Complaints considered to be Frivolous or Vexatious, or where there is not sufficient information or grounds, will not be investigated and the complainant will be advised accordingly. Those that engage in making frivolous complaints may be managed under Council's Unreasonable Customer Conduct Policy and Corporate Standard. Those that engage in vexatious complaints may be subject to other legislative action where it is considered warranted (ie. defamatory and slanderous activity).

6.7 Unreasonable Customer Conduct

Where a person engages in Unreasonable Customer Conduct, an assessment will be made against Council's Unreasonable Customer Conduct Policy and Corporate Standard to determine if warnings or customer contact restrictions should be applied.

6.8 How Complaints will be Managed

Complaints received by Council will be managed in accordance with Council's Complaint Management Process Corporate Standard and in accordance with the standards contained in Council's Customer Service Charter and the relevant legislation applying to the type of complaint lodged.

The process and procedures contained in the Complaints Management Corporate Standard will include advice on the notifications that complainants can expect to receive in response, and on any further appeal or review rights available should they be dissatisfied with the outcome of the investigation of their complaint.

6.9 Reporting

Administrative Action Complaints

Under Section 187 of the *Local Government Regulation 2012* Council must set out in its annual report the following matters with respect to Council's commitment to dealing with Administrative Action Complaints:

- a statement on Council's commitment to dealing fairly with Administration Action Complaints;
- a statement on the implementation of the complaints management process, including where the policy and process corporate standard can be obtained and an assessment of Council's performance in resolving complaints under that process;
- number of Administrative Action Complaints made for the financial year;
- number of Administrative Action Complaints resolved for the financial year;
- number of Administrative Action Complaints not resolved for the financial year;
- number of Administrative Action Complaints under paragraph (a)(iii) that were made in a previous financial year and carried forward.⁴

Public Interest Disclosure

Council has obligations under the *Public Interest Disclosure Act 2010* to report information to the Queensland Ombudsman on public interest disclosures received. The information to be reported is contained in legislation and Council's Public Interest Disclosure Procedure Corporate Standard.

⁴ Section 187 *Local Government Regulation 2012*

Complaints regarding the conduct of Mayor, Councillors, CEO and Employees

Where the circumstances warrant, the *Local Government Act 2009* and the *Crime and Corruption Act 2001* requires Council to report conduct complaints associated with elected members and Council Employees to the Department of Local Government and/or Crime and Corruption Commission.

Competitive Neutrality Complaints

Under Section 45(3) of the *Local Government Regulation 2012* Council must report all Competitive Neutrality Complaints to the Queensland Productivity Commission (QPC) and if investigated by the QPC, make the resulting report available to the public.

6.10 Identification, Analysis and Response to Complaint Trends and Monitoring of the Complaints Management Process

Section 306 of the *Local Government Regulation 2012* requires that mechanisms are in place to identify, analyse and respond to complaint trends and to monitor the effectiveness of the complaints management process (for example, by monitoring the time taken to resolve complaints). These review mechanisms are set out in the Corporate Standard.

7.0 ATTACHMENTS:

Nil

8.0 REVIEW MECHANISM:

This policy will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of adoption.

TABLE OF AMENDMENTS			
Document History	Date	Council Resolution No.	Notes (including the prior Policy No, precise of change/s, etc)
Originally Approved	8/4/2008	08/34	
Amendment 1	5/7/2011	G/5.1.5	
Amendment 2	18/3/2014	G/14/1926	
Amendment 3	17/03/2015	G/15/234	
Amendment 4	01/11/2016	G/16/2911	FCGC/16/0102
Amendment 5			

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LEISA DOWLING
CHIEF EXECUTIVE OFFICER

ADDENDUM 8



Gladstone Regional Council

Corporate Standard

Title	COMPLAINT MANAGEMENT PROCESS
Corporate Standard No.	CS-11-2018
Business Unit/s	FINANCE GOVERNANCE & RISK CUSTOMER EXPERIENCE
Date of Approval by CEO	
Date of Effect	
Review Date	
Date Repealed	

1.0 PURPOSE:

This Corporate Standard outlines what processes and procedures will be applied in the management of complaints lodged with Gladstone Regional Council.

2.0 SCOPE:

This corporate standard applies to all complaints lodged with Gladstone Regional Council including Administrative Action Complaints as defined in Section 268(1) of the *Local Government Act 2009* and Section 306 of the *Local Government Regulation 2012*. This policy does not include the management of Customer Service Requests.

3.0 RELATED LEGISLATION:

Local Government Act 2009
Local Government Regulation 2012
Public Interest Disclosure Act 2010
Crime and Corruption Act 2001
Right to Information Act 2009
Information Privacy Act 2009

4.0 RELATED DOCUMENTS:

Complaint Management Policy
 Public Interest Disclosure Procedure Corporate Standard
 Reporting Corrupt Conduct Corporate Standard
 Dealing with Complaints involving the Chief Executive Officer Policy
 Councillor Conduct Code Policy
 Code of Conduct Policy (for employees)
 Unreasonable Customer Conduct Policy
 Unreasonable Customer Conduct Corporate Standard
 Petitions Corporate Standard
 Information Privacy Policy

5.0 DEFINITIONS:

To assist in interpretation of this corporate standard, refer to the Complaint Management Policy for definitions in addition to those listed below:

Subject Matter Expert/s means those Council Employees who have special skills or knowledge on a particular matter or topic.

6.0 CORPORATE STANDARD STATEMENT:

Council has classified complaints into the following categories which will be managed by the process and procedures set out in this Corporate Standard:

1. Administrative Action Complaint (AAC);
2. Public Interest Disclosure¹;
3. Petition;
4. Complaint regarding the conduct of an Employee/s;
5. Complaint regarding the conduct of the Chief Executive Officer;
6. Complaint regarding the conduct of the Mayor and Councillors²;
7. A Statutory Review or Appeal;
8. Competitive Neutrality Complaint (CNC)³.

6.1 Identification and Assessment of Complaint/s

On receipt of a potential complaint, the Council Employee receiving the matter must assess:

- (a) whether it is a complaint, and if so,
- (b) what category of complaint; and
- (c) if assessed as an Administrative Action Complaint; Competitive Neutrality Complaint or Statutory Review or Appeal, whether the complaint has been lodged by an Affected Person.

In some instances, a complaint may contain content in more than one category.

Following is additional information and criteria that may assist in the assessment of whether a matter is a complaint:

- it is not a request for service;
- the word complaint does not have to be used;
- represents the gap between the agency's actions and the person's expectations;
- doesn't have to be reasonable, have merit or be complex or serious in nature - it may involve a simple and/or minor matter;
- doesn't need to be an escalation of a previously raised issue - it may involve an issue raised for the first time.

¹ Refer to Sections 12 & 13 of the *Public Interest Disclosure Act 2010* for the type of information that, if disclosed as part of a complaint, should be managed under Council's Public Interest Disclosure Policy and Procedures

² Refer Chapter 6, Part 2, Division 6 of the *Local Government Act 2009* which sets out the process of dealing with complaints about the conduct and performance of Councillors

³ Refer Section 48 of the *Local Government Act 2009* and Chapter 3, Part 2, Division 7 of the *Local Government Regulation 2012* for the process of dealing with competitive neutrality complaints

An Administrative Action Complaint is an expression of dissatisfaction by an Affected Person who is directly affected by an administrative action of Council including a failure to take action, and can have its basis in:

- lack of timeliness;
- lack of quality;
- lack of communication;
- a safety / risk concern;
- a policy or procedure not followed;
- an unsatisfactory decision.

6.2 Notification - Where a Complaint cannot be Progressed

Where it has been determined that a complaint is:




1. frivolous; or
2. vexatious; or
3. in breach of a Customer Contact Restriction, or
4. where there has been insufficient information provided;





the person making the complaint must be advised. Those Officer/s responsible for providing the Outcome Advice as nominated in Section 6.3 are responsible for making the determination on whether a complaint is frivolous or vexatious.

For complaints where insufficient information has been received, the response should include advice on what additional information the person can provide to progress the concerns as a complaint.




6.3 Procedure for Managing Complaint Categories


6.3.1 Administrative Action Complaints

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information from a customer must assess if the matter is an Administrative Action Complaint and if so, lodges it in Councils Complaint Management System (currently Pathway)	Acknowledgement Advice	Receiving Officer / Case Manager
	The assigned Case Manager will liaise with the relevant General Manager/s to determine Subject Matter Experts (SMEs)	Briefing to General Manager/s	Case Manager Customer Solutions and relevant GM/s
	The assigned Case Manager will liaise with nominated Subject Matter Experts (SMEs) to investigate the complaint. The Group Leader of the SME Section/s and the Case Manager are to agree on an appropriate response.		Case Manager Customer Solutions

	The relevant General Manager/s will be briefed on the proposed response and once approved by the relevant GM/s the Case Manager Customer Solutions will provide the customer with the approved Outcome Advice	Outcome Advice (to include reasons for the decision and provides information on the option for an Internal Review if not satisfied)	GM/s and Case Manager Customer Solutions
	Where a customer is not satisfied with an AAC outcome and elects for an internal review, the Case Manager must assign the complaint to the Complaint Review Panel via Governance	Acknowledgement Advice	Complaint Review Panel
	The Complaint Review Panel will investigate and respond to the customer. Where there is a recommendation on improvements and/or cross organisational involvement, the relevant General Managers must be consulted prior to the Outcome Advice being given to the customer.	Outcome Advice (to include reasons for the decision and provides information the option for an External Review with the Qld Ombudsman if not satisfied)	Complaint Review Panel
	If contacted by the Queensland Ombudsman, Governance will liaise with the Qld Ombudsman and provide all necessary information to assist with the external investigation	Qld Ombudsman will liaise with customer	Governance Section (Council's Complaint Review / Qld Ombudsman Register to be updated)




6.3.2 Public Interest Disclosure

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information is to liaise with Governance on whether the information from the customer (internal or external) is a PID		Receiving Officer & Manager Governance
	Where Governance determines the matter is a PID, it must be assigned to the PID Coordinator (Manager Governance) for management in accordance with the Public Interest Disclosure Procedure Corporate Standard. This may include nominating a PID Officer to investigate the matter.	Acknowledgement Letter	* Manager Governance
	Where Governance determines the matter may also involve Corrupt Conduct, the Manager will report the matter to the CEO and the Crime and Corruption Commission		* Manager Governance




	The nominated PID Officer must follow the process set out in the Public Interest Disclosure Procedure Corporate Standard in consultation with the PID Coordinator	Outcome Advice ⁴	Assigned PID Officer and/or PID Coordinator
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* Where a complaint is about the Manager Governance, the General Manager People Culture and Safety will take up the responsibilities of the Manager Governance.



6.3.3 Petition

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information from a customer must assess if the matter is a Petition		Receiving Officer
	The assigned Case Manager to acknowledge receipt of the petition and make an assessment that the Petition meets the requirements of Section 6.1 of the Petitions Corporate Standard and if not, liaise with the customer	Acknowledgement Letter and/or Advice on Petition requirements	Case Manager Customer Solutions
	Case Manager refers Petition to relevant General Manager to follow the process contained in Council's Petitions Corporate Standard	Outcome Advice	General Manager

6.3.4 Complaint regarding the Conduct of an Employee (excluding PIDs)




	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information is to liaise with Governance on whether the information is an Employee Conduct Complaint or a PID. Regardless all employee complaints must be lodged in Councils Complaint Management System (currently Pathway) as a staff complaint for recordkeeping statistics.		Receiving Officer & Manager Governance
	Where the Manager Governance determines it is an Employee Conduct Complaint, it must be assigned to People Culture & Safety (PCS)	Acknowledgement Advice	PCS
	Where Governance determines the matter may also involve Corrupt Conduct, the Manager will report the matter to the CEO and the Crime and Corruption Commission		* Manager Governance

⁴ Where a complaint is made anonymously it is not possible to provide an Outcome Advice


	For complaints that do not involve Corrupt Conduct, People Culture & Safety will investigate the matter. Where an external party has lodged a complaint a Team Leader Customer Solutions will also be assigned to assist PCS in managing customer contact and response	Outcome Advice	PCS / GM PCS & Team Leader Customer Solutions
	For complaints that may involve Corrupt Conduct, Council must await advice from the CCC on whether it will investigate matter. Where the CCC does not investigate, the Manager Governance will liaise PCS and/or Ethics Integrity and Audit to investigate or oversee the investigation of the matter	Outcome Advice ⁵	* Manager Governance / PCS / Ethics Integrity & Audit Specialist

* Where a complaint is about the Manager Governance, the General Manager People Culture and Safety will take up the responsibilities of the Manager Governance.

6.3.5 Complaint regarding the Conduct of the Chief Executive Officer (excluding PID)


Procedure	Customer to Receive	Responsible Officer/Group
 The Council Employee receiving information is to liaise with Governance on whether the information is a CEO Conduct Complaint or a PID. Regardless all employee complaints must be lodged in Councils Complaint Management System (currently Pathway) as a staff complaint for recordkeeping statistics.		Receiving Officer & Manager Governance
 Where the Manager Governance determines it is a CEO Conduct Complaint, it must be assigned to the Mayor and/or the General Manager People Culture & Safety (GM PC&S)	Acknowledgement Advice	Mayor or GM PCS
 The Mayor and/or the GM PCS is to follow the Dealing with Complaints involving the CEO Policy	Outcome Advice ⁶	Mayor or GM PCS

6.3.6 Complaint regarding the Conduct of the Mayor and Councillors (excluding PID)







Procedure	Customer to Receive	Responsible Officer/Group
 The Council Employee receiving information is to advise the Customer that the State Government Independent Assessor's Office is	If required, letter advising of referral	Receiving Officer

⁵ Where a complaint is made anonymously it is not possible to provide an Outcome Advice




⁶ Where a complaint is made anonymously it is not possible to provide an Outcome Advice

	responsible for receiving and assessing Councillor complaints. Details for the Independent Assessors Office are to be provided to the customer for lodging the complaint or alternatively, details can be taken and the matter referred to the Independent Assessor's Office on behalf of the customer.		
	Where a complaint involving a Councillor has been referred to the Independent Assessor's Office, the Manager Governance is to be notified who will in turn notify the CEO accordingly.		Manager Governance

6.3.7 Statutory Review or Appeal

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information from a customer must assess if the matter is a request for a Statutory Review or Appeal and if so, lodge in Councils Complaint Management System (currently Pathway)		Receiving Officer / Case Manager
	The Case Manager is to acknowledge receipt of the request and refer it to subject matter experts to provide background for the review and to place a hold on enforcement action/payments.	Acknowledgement Advice	Case Manager Customer Solutions
	Subject matter experts are to provide all the necessary background information and comments for a review and refer it to Governance to conduct the review.		Subject Matter Experts
	Governance will conduct the review and make a recommendation on the request to the appropriate decision maker.		Governance
	Once the review outcome has been approved the customer will be advised.	Outcome Advice including their options for further review (if available)	Governance
	The complaint outcome is to be referred back to the Case Manager to close out all associated administrative processes		Case Manager

6.3.8 Competitive Neutrality Complaint

	Procedure	Customer to Receive	Responsible Officer/Group
	The Council Employee receiving information is to liaise with Governance on whether the information is a Competitive Neutrality Complaint		Receiving Officer & Manager Governance
	Where Governance determines it is a Competitive Neutrality Complaint, it must be assigned to the General Manager Finance Governance and Risk (GM FGR) who will advise the CEO and report the complaint to the Qld Productivity Commission (QPC) and follow the complaint process as defined in Division 7, Chapter 3, Part 2 of the <i>Local Government Regulation 2012</i>	Acknowledgement Advice	GM FGR
	Once the QPC investigation is complete and Council has considered and resolved whether to accept the QPCs recommendation, the QPC and person making the complaint will be advised of the outcome.	Outcome Advice	GM FGR

6.4 Timeframes

The timeframe for processing complaints will be managed in accordance with Council's Customer Service standards, processes determined by Customer Solutions and the governing legislation applying to the respective categories of complaints. Customers will be given regular updates on progress with their complaints in accordance with the Customer Service Charter and processes.

6.6 Recording of Complaints and Outcomes

All Administrative Action Complaints and Employee Conduct Complaints will be recorded in and managed by Council's Pathway Software System and will be supported by document storage within Council's central recordkeeping system (ECM) as required.

All other complaints will be centrally recorded in either Pathway or ECM and determined by the most appropriate recordkeeping system for the type of complaint (for example, statutory reviews of infringements are recorded in the Infringements Module in Pathway).

6.7 Confidentiality and Privacy

The identity of a Complainant and copies of all relevant documentation, including the original complaint, any investigation report and all correspondence between the complainant and the investigator, will be treated as confidential information and kept in accordance with relevant legislative requirements.

Confidentiality about the complaint and any subsequent investigation will be maintained to the extent that it can reasonably be achieved, subject to other legal and legislative requirements relating to the disclosure of information⁷.

6.8 Dealing with Multiple Complaint Categories in one Document or Report

Where a person lodges a complaint that contains information containing more than one category of complaint, the matter will be managed via the primary complaint category process. The assigned Officer for the complaint will ensure that all other necessary actions are also addressed as part of the overall management of the complaint. For example, where a complaint primarily relates to an allegation of inappropriate employee conduct which may also have an element of PID, the assigned officer will ensure that all matters relating to the PID corporate standard are addressed as part of managing the complaint as an Employee Conduct issue.

Where an external party lodges a complaint regarding an Employee Conduct matter or where the complaint may involve more than one category of complaint, a Team Leader Customer Solutions will be assigned to assist People Culture and Safety in managing customer contact and response. For example, if a complaint involves an Employee Conduct complaint and an Administrative Action Complaint, the complaint will be assigned to People Culture & Safety and a Team Leader from Customer Solutions will be assigned to assist. The Team Leader will liaise with subject matter experts on the AAC whilst PCS will manage the Employee Conduct matter, with the Team Leader Customer Solutions coordinating the contact with the customer including the Outcome Advice.

6.9 Monitoring, Reporting and Review

Reporting is to be undertaken as per Section 6.9 and 6.10 of the Complaint Management Policy.

General Managers will monitor the progress of complaints relevant to their Business Unit and ensure follow up action is taken as required.

Council's Customer Experience Business Unit may also develop and prepare reports that will provide information to assist management in monitoring its complaint management effectiveness.

Quality control of complaints will be undertaken by Council's Customer Solutions Team Leaders and the General Manager Customer Experience who will be responsible for ensuring the accuracy of data entered into the complaint record and for ensuring compliance with the Complaints Management Policy and this Corporate Standard.

7.0 ATTACHMENTS:

Nil

⁷ For example applications made under the *Right to Information Act 2009 & Information Privacy Act 2009*

8.0 REVIEW TRIGGER:

This corporate standard will be reviewed when any of the following occur:

1. The related legislation or governing documents are amended or replaced; or
2. Other circumstances as determined by resolution of Council or the CEO; or
3. Three years from date of effect.

TABLE OF AMENDMENTS		
Document History	Date	Notes (including the prior CS No, precise of change/s, etc)
Originally Approved	17 March 2015	
Amendment 1	1 November 2016	
Amendment 2		
Amendment 3		

APPROVED:

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LEISA DOWLING
CHIEF EXECUTIVE OFFICER