



**Southern Downs**  
REGIONAL COUNCIL

# **Executive Services Policies**



# Trustee Lease Policy

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<b>Policy Category:</b>	Executive Services
<b>Policy Number:</b>	1
<b>Date Adopted:</b>	21 April 2008
<b>Date to be Reviewed:</b>	
<b>Date Reviewed:</b>	
<b>Date/s Amended:</b>	
<b>Date Rescinded:</b>	
<b>Related Document/s:</b>	
<b>Responsible Officer:</b>	Manager Executive Services

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## **Background (if applicable)**

Not Applicable.

## **Purpose**

The purpose of this Policy is to set criteria for the issue of Trustee Leases.

## **Scope**

This Policy only applies to Council's Trustee Leases, not any other Leases Council may be a party to.

## **Definitions (if applicable)**

Not Applicable.

## **Policy Content**

Leases shall have:

- a term up to a maximum of ten years if a Trustee Lease,
- a term to be determined on Tender or negotiated with Council if a Freehold Lease;
- an annual rental fee which is dependent on the Tender supplied by the lessee or negotiated with Council but will be a minimum of \$132.00 (GST Inc). A flat fee of

\$132.00 (GST Inc) will apply for community and sporting organisations and will be reviewed every five years; and

- the actual cost of lodgment for registration, stamp duty and associated postage fees will be passed on to all Lessees. These fees and duties will be increased in line with DNR and OSR notification;
- all associated Lease fees, including annual rental will be invoiced and collected at the commencement of the Lease term.

Leases will be reviewed 12 months prior to expiration.

The minimum annual rental charge will be reviewed every 5 years and adjusted to reflect current inflation.

Any costs of subdivision by lease are to be borne by the Lessee.

Each lease is to be considered by Council on an individual basis.

The Chief Executive Officer has delegated authority to approve subdivision of trust land by lease.

## General Complaints Process

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<b>Policy Category:</b>	Statutory
<b>Policy Number:</b>	6
<b>Date Adopted:</b>	26 May 2008
<b>Date to be Reviewed:</b>	26 May 2009
<b>Date Reviewed:</b>	N/A
<b>Date/s Amended:</b>	N/A
<b>Date Rescinded:</b>	N/A
<b>Related Document/s:</b>	Code of Conduct, Code of Conduct for Councillors
<b>Responsible Officer:</b>	Manager of Executive Services

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### **Purpose**

The purpose of the General Complaints Process is to comply with the requirements under Chapter 6, part 5 of the *Local Government Act 1993* pertaining to general complaints.

### **Scope**

As detailed in section 4 of the policy content.

### **Policy Content**

#### **1. Title and authorisation**

This is the General Complaints Process (the complaints process) of the Southern Downs Regional Council (the council).

The complaints process is made under the *Local Government Act 1993* (the Act) and includes the elements required by Chapter 6, Part 5 of the Act to be included in the council's General Complaints Process.

#### **2. Effective date**

The complaints process applies from the date of the council resolution of adoption.

#### **3. Amendment of the complaints process**

Any amendment of the complaints process must be approved by resolution of the council.

#### **4. Scope of the complaints process**

The complaints process has been established for resolving complaints by affected persons about administrative action of the council or an alleged minor breach by a councillor of the council's *Code of Conduct for Councillors*. However, the complaints process does not apply to a complaint:

- that could be made under Chapter 11 of the Act about competitive neutrality issues;
- about official misconduct that should be directed to the Crime and Misconduct Commission;
- made under the *Whistleblowers Protection Act 1994*; or
- about a meeting breach, a repeat breach or a statutory breach under the *Code of Conduct for Councillors*.

#### **5. Objectives**

The complaints process is established with the following objectives:

- The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of the council and complaints about minor breaches.
- A complaints process that is easy to understand and is readily accessible to all.
- Detection and rectification, where appropriate, of administrative errors.
- Identification of areas for improvement in the council's administrative practices.
- Increase in awareness of the complaints process for the council's staff and the community.
- Enhancement of the community's confidence in the complaints process and of the reputation of the council as being accountable and transparent.
- Building the capacity of staff to effectively manage complaints in an environment of continuous improvement.

#### **6. Policy commitment**

The council intends to provide a level of customer service that does not attract complaints, but acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about a decision or other action it takes.

The complaints process has been instituted to ensure that, to the greatest practical extent, any complaint is dealt with fairly, promptly, professionally, in confidence (subject to any legal requirements) and in a manner respectful to the complainant.

The Council commits to providing adequate resources and trained officers to deal with complaints and to record and analyse complaints data.

To this end, the council will endeavour to ensure that:

- Anyone who is dissatisfied about a decision or other action of the council, a council officer or a councillor can easily and simply lodge a complaint.
- Complainants are provided with information on the complaints process and, if necessary, assistance to make their complaint.
- Each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency.
- Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of the council's administrative practices.
- Complaints are responded to as quickly as possible and in accordance with the timeframes set out in the complaints process.
- Complainants will not suffer any reprisal from council or its officers for making a complaint.
- Complaints are properly monitored with a view to continuous improvement of the council's business processes.
- If a complainant is not satisfied that a complaint has been satisfactorily resolved, he/she will be informed of any statutory right of review and, if they request, be provided with details of any further review mechanism that is available.

## 7. Definitions

Terms used in the complaints process have the following meanings:

- *administrative action* – an administrative action of the council, being an action about a matter of administration, including each of the following:
  - (a) a decision and an act;
  - (b) a failure to make a decision or do an act, including a failure to provide written reasons for a decision;
  - (c) the formulation of a proposal or intention;
  - (d) the making of a recommendation.
- *affected person* – a person who is apparently directly affected by:
  - (a) an administrative action; or
  - (b) an alleged minor breach.
- *CEO* – the chief executive officer of the council.
- *complainant* – the affected person or organisation making a complaint.
- *complaint* – an expression of dissatisfaction by a person regarding:
  - (a) a decision or other action of the council; or
  - (b) an alleged minor breach.
- *council* – Southern Downs Regional Council.

- *council officer* – includes a permanent, temporary, casual or contract member on the council's staff.
- *manager* – a council manager or director who is generally responsible for various functions of the council and who reports directly to the CEO.
- *Executive Management Team* (EMT) – the CEO and all directors and managers who report directly to the CEO.
- *General Complaints Process* – the statutory complaints process described in Chapter 6, Part 5 of the Act (the complaints process).
- *minor breach* – a minor breach by a councillor of the council's *Code of Conduct for Councillors*.
- *request for service* – a request for the council to take action to satisfy the needs of a customer or ratepayer. This may be of a physical nature, such as a request to fill a pothole or to collect a stray dog, or a request for information.
- the Act – *Local Government Act 1993*.

## 8. Complaint handling framework

The following framework describes the model adopted by the council for handling complaints:

Stage 1	Stage 2	Stage 3
<p>Preliminary Procedures</p> <p>Review of complaint in council service area where administrative action occurred, or contact relevant councillor for an alleged minor breach) – see Sections 9 and 10 of the complaints process.</p>	<p>Complaint Process</p> <ul style="list-style-type: none"> <li>• Internal review by a council officer;</li> <li>• External review by a person who is not a council officer – see Section 11.</li> </ul> <p>Further review by council, if deemed necessary – see Section 21.</p>	<p>Complainant informed of other review options if not satisfied with council decision on complaint eg complaints agency such as the Queensland Ombudsman, other avenues of appeal or review or alternative dispute resolution – see Section 22.</p>

### STAGE 1 – PRELIMINARY PROCEDURES

#### 9. Preliminary procedures before a complainant can make a complaint

This section applies if a person makes a complaint about an administrative action of the council or a minor breach.

When a person makes a complaint without having contacted the relevant service area of the council (or the councillor in question in the case of a minor breach) to try to resolve the

complaint, the person may be required to take this initial step before the complaint will be registered and dealt with under the complaints process.

If the complaint is not resolved by the relevant service area or with the relevant councillor, the complaint will be dealt with in accordance with the complaints process.

Compliance with this section is not a pre-requisite to the submission of a formal written complaint under the complaints process where it is clear on the face of the document that a complaint has been made. In those circumstances the complaint will be dealt with under the complaints process, unless it is earlier resolved to the complainant's satisfaction or is withdrawn by the complainant.

## **10. The way a complainant may make a complaint**

A complainant may make a complaint in any of the following ways:

- orally, either by telephone or in person to a council officer or councillor'
- by email to mail@southerndowns.qld.gov.au or on-line via the council's website;
- in writing (by letter or fax).

All written and electronic complaints should be addressed to the CEO. The complainant's contact details should be identified so the council can contact the complainant as required by the Act<sup>1</sup>.

If an oral complaint is received the CEO, or delegate, may request that the complaint be put in writing if it is of a complex nature or contains complex material.

All written complaints will be referred to the CEO, or delegate, who will arrange for the complaint details to be recorded in the Dataworks Customer Request System.

If necessary, assistance may be provided by a council officer to a complainant on how to make a complaint, including how it should be documented. The aim is to clarify the matter of concern to the complainant and the outcome/s sought.

If a complainant requires interpreter services, or has special needs, the complainant will be referred to the appropriate council officer who will provide advice or arrange for the giving of assistance, to the extent practicable.

### **Complaints by agents**

If a complaint is lodged on behalf of a person by a professional advisor eg a solicitor or accountant, the council will respond direct to that advisor.

A complaint lodged by a person as agent for an affected person will be responded to direct to the affected person and not to the agent, unless a letter of authority is provided indicating the agent is acting on behalf of the affected person and the council considers that the appointment as agent has been validly made.

<sup>1</sup> Anonymous complains will not be dealt with under the complaints process. They may be dealt with under another administrative process.

## **STAGE 2 – COMPLAINT PROCESS**

### **11. Process for selecting and appointing a complaints officer to investigate complaints**

The council, by resolution, may:

- (a) select and appoint the CEO as a complaints officer for the internal review of any complaint, subject to section 501E(2) of the Act;
- (b) delegate to the CEO the power to select and appoint a person or persons to be a complaints officer to investigate complaints.

The CEO may delegate his/her powers under (b) to another employee of the council under section 1132 of the Act.

The investigation is to be undertaken either by way of internal review or external review.

Relevant criteria to be applied in making the decision about the method of review are:

#### *Internal review*

An internal review of a complaint will be conducted where the administrative action in question was undertaken by a council officer. The review will be conducted by the CEO, or an officer appointed by the CEO or the CEO's delegate, as the complaints officer for the complaint.

The complaints officer must not be less senior than the officer who took the administrative action that is being reviewed.

#### *External review*

An external review of a complaint will be conducted where the administrative action in question was taken by :

- (a) the council, or a committee of the council, at a meeting;
- (b) the mayor or the chairman of a standing committee acting under statutory or delegated authority;
- (c) the CEO; or
- (d) a council officer and the requirement that an internal review be conducted by a council officer who is no less senior than the officer who took the administrative action cannot be met (for whatever reason).

External review will also be conducted for a complaint about a minor breach.

#### ***Appointment of reviewer***

The CEO, or delegate, will:

- assess the nature of the complaint and determine whether the complaint is to be investigated by means of internal review or external review;

- based on the review criteria, appoint a suitable person as the complaints officer for the complaint from a panel established by the CEO for that purpose; and
- give the person appointed as the complaints officer an instrument of appointment that also stipulates the date by which the complaints officer must complete the report on the investigation if the complaint is not earlier resolved to the complainant's satisfaction or is withdrawn by the complainant.

The person appointed as a complaints officer for a complaint must have the appropriate knowledge, qualifications, skill and experience, including the relevant investigative, analytical and report-writing skills, to conduct an investigation into the complaint, make findings, formulate recommendations (where appropriate) and prepare a report on the outcome of the investigation for consideration by the council or its delegate.

The complaints officer appointed to investigate a complaint by way of internal or external review must not have been involved with the administrative action or alleged minor breach in question.

## **12. Sending complaints to, and their investigation by, the complaints officer**

The CEO, or officer authorised by the CEO ("authorised officer"), after the written complaint has been recorded, will arrange for the complaint and other materials, including relevant documents from the council's records, to be forwarded to the complaints officer for assessment of the complaint as soon as practicable after the officer's appointment.

The instrument of appointment of a complaints officer must indicate the timeframe for dealing with the complaint.

The timeframe for dealing with a complaint will depend on an assessment of the following factors by the CEO or authorised officer:

- the urgency of the situation in terms of loss or damage likely to be suffered if the complaint is not quickly resolved;
- the likelihood that the complaint can be quickly resolved;
- the complexity of the complaint issue/s;
- whether the complaint requires internal review or external review in accordance with the criteria for the selection of a complaints officer for the complaint as set out in the complaints process.

In general terms, the council will endeavour to meet to the following timeframes for dealing with a complaint:

- for urgent matters - within (21) days;
- for non-urgent complaints that are not considered to be complex or where the complaint is to be investigated under the internal review mechanism - within (45) days;
- for complex complaints or where the complaint is to be investigated under the external review mechanism - within (60) days.

If the nominated timeframe for dealing with a complaint cannot be met for any reason, the CEO or delegate may, once only, extend the time for dealing with the complaint and notify the complainant in writing of the extension before the expiry of the initial timeframe. In determining any extension of time, the CEO, or delegate, must consult with the complaints officer for the complaint and fix a date that is reasonable in all the circumstances, but in no case more than (3) months from the date the complaint was received by the council.

The complaints officer will acknowledge receipt of the complaint and any other material, indicating the date of receipt.

If a complaint is resolved to the complainant's satisfaction before it is sent to a complaints officer for investigation, notice that the complaint has been resolved may be given to the complainant in the same medium by which the complaint was initially made.

However, the council may give a formal written response to a complaint irrespective of the medium by which the complaint was made. The council will make a record of any oral advice given to a complainant that the complaint has been resolved.

As a condition of appointment, an external reviewer will be required, when forwarding his/her investigation report to the CEO, to return all records and documents relating to the investigation.

The timeframe for dealing with a complaint is measured from the date of receipt of a complaint to the date the complainant is informed of the outcome of the complaint.

### **13. Opportunity for complainant to provide further information about the complaint**

The complaints officer will invite the complainant to provide further information after the initial assessment of the complaint material to assist in fully understanding the complainant's concerns, the issue/s to be investigated (if an investigation is to be undertaken) and the outcome or remedy sought by the complainant.

Seeking further information from the complainant at this stage of the complaints process may be undertaken by informal means such as telephone, e-mail or face-to-face discussion. The complaints officer will record a fair summary of any oral information received and will confirm with the complainant in an appropriate manner that the summary accurately reflects the information provided by the complainant.

The complaints officer will attempt to resolve the complaint informally, for example, by providing an explanation for the council's or the councillor's action in the particular case. A complaint may be resolved or withdrawn by the complainant at any time during the complaints process. A complaint is taken to be resolved to the complainant's satisfaction, or is taken to be withdrawn, if the complainant gives a clear indication to that effect to the complaints officer. Written notice that the complaint has been resolved, and the general manner in which it was resolved, will be given to both the council and the complainant.

If in the opinion of the complaints officer, resolution of a complaint about an administrative action merely involves rectification of an obvious error or a remedy of a similar nature, the complaints officer will discuss the issue with the relevant council officer with a view to resolving the complaint.

#### **14. Grounds for refusal to investigate complaint**

In assessing a complaint (including any further information provided by the complainant) the complaints officer will consider whether there is a statutory ground on which the complaint may be refused. The complaints officer may refuse to investigate a complaint or, having started to investigate a complaint, refuse to continue the investigation if the officer reasonably considers that:

- (a) the complaint is trivial; or
- (b) the complaint concerns frivolous matter or was made vexatiously; or
- (c) the complainant does not have a sufficient direct interest in the administrative action or alleged minor breach the subject of the complaint; or
- (d) both of the following apply:
  - (i) the complainant has a right of appeal, reference or review, or another remedy, that the person has not exhausted;
  - (ii) it would be reasonable in the circumstances to require the complainant to exhaust the right or remedy before the officer investigates, or continues to investigate, the complaint;
- (e) in the circumstances, investigating the complaint is unnecessary or unjustifiable.

A right or remedy mentioned in paragraph (d) does not include a right to make an application to the Supreme Court under the *Judicial Review Act 1991*.

The complaints officer will give both the council and the complainant written notice of a decision made by the officer to refuse to investigate the complaint, or to continue the investigation, and the reasons for the decision.

#### **15. Investigating a complaint**

The investigation of a complaint will be undertaken by the complaints officer in an independent, impartial and objective manner. A complaints officer may, if the officer considers appropriate in the circumstances, undertake mediation between the parties with a view to resolving a complaint, but will not act as an advocate for either the complainant or the council or for any council officer or councillor the subject of the complaint.

The investigation of a complaint will typically involve the following stages:

- preparation of an action plan for conducting the investigation;
- information gathering, including discussions and interviews with the complainant, council personnel and third parties (where relevant) and examining relevant laws and council policies and procedures;
- analysis of all relevant information obtained;

- formulation of findings and any recommendations for the council's consideration;
- preparation of a report on the results of the investigation or the outcome of the complaint if it was resolved during the complaints process or was withdrawn by the complainant.

The complaints officer will adhere to the following principles when conducting an investigation of a complaint:

- Procedural fairness/natural justice;
- Establishment and maintenance of a complete document trail (to facilitate any subsequent review that may be undertaken of the investigation conducted by the complaints officer);
- Council and other policies are designed for administrative guidance only, and should not be rigidly applied irrespective of the merits of a particular case. An administrative policy may be departed from if the merits of a particular case warrant that course of action.
- Lawfulness of a particular action is not necessarily decisive of the issue in dispute. The complaints officer will also assess whether the action was unfair, unreasonable or wrong.
- The civil standard of proof applies for administrative investigations. This means that allegations have to be established on the balance of probabilities – that is, it must be more probable than not that the allegation is made out.
- Confidentiality about the investigation must be maintained to the extent that it can reasonably be achieved, subject to other legal requirements about the disclosure of information.

## **16. Obligation of complaints officer on completion of investigation**

If a complaint is not resolved during the investigation process to the satisfaction of the complainant or is not withdrawn by the complainant, the complaints officer will give the council and the complainant a written report on the results of the investigation and any recommendations. The complaints officer must give the report to both the council and the complainant within the time stipulated in the instrument of appointment, subject to any approved extension of time.

The report will typically address the following matters to the extent each matter is relevant in the particular case:

- the complaint issue/s;
- a concise summary of the material facts and circumstances of the matter;
- any relevant legislation;
- any relevant council or other policy;
- persons interviewed and/or consulted and relevant information obtained during any interviews and consultations;

- results of any relevant research;
- analysis of complaint issues to the extent necessary;
- findings on material questions of fact and law;
- whether the complaint is sustained and reasons for that finding;
- if the complaint is sustained, any recommendation/s to the council to redress the complainant's grievance, whether by way of benefit to the complainant and other affected persons (if any) and/or systemic improvements to the council's administrative practice with a view to preventing a recurrence of similar complaints.

The report will contain any recommendations that the complaints officer considers to be appropriate in the circumstances. In some cases, it will be appropriate to make a recommendation for procedural improvement even where the complaint has not been sustained. A recommendation may relate to:

- a specific remedy or remedies that is/are available under section 17 to redress the complainant's grievance; and/or
- the proposed amendment of a relevant council policy, procedure or practice to address any systemic issue raised by the complaint with a view to preventing similar complaints in the future.

## **17. Remedies**

The council has adopted a range of remedies for addressing administrative actions that it considers to be unfair or wrong. Remedies include, but are not limited to:

- an explanation for the action in question
- an admission of fault
- an apology
- revocation or amendment of the decision
- rectification, including repairing or replacing the matter in dispute
- revision of relevant policy, procedure or practice
- provision of technical assistance
- reimbursement of costs incurred as a result of the action in question
- financial compensation, including an *ex-gratia* payment
- waiver of debt.

More than one remedy may be applied in the particular case if the circumstances justify that course of action.

One or more of the above remedies may also be applicable where the council decides that a councillor has committed a minor breach, in addition to any penalty imposed by the council by resolution under section 250X of the Act.

## **18. Consideration of report by council**

### ***Report about an administrative action***

A complaints officer's report prepared under section 16 of the complaints process, including any recommendation(s), on a complaint about an administrative action will be considered:

- (a) by the council by resolution if the administrative action in question was taken by:
  - (i) the council, or a committee of the council, at a meeting;
  - (ii) the mayor or the chairman of a standing committee acting under statutory or delegated authority;
  - (iii) the CEO; or
  - (iv) another council officer where the requirement that the complaints officer be no less senior than the officer who took the administrative action, cannot be met;
- (b) by the CEO under delegated authority if the administrative action in question was taken by a senior officer who reports directly to the CEO;
- (c) by another council officer under delegated authority if the administrative action in question was taken by a council officer who is not more senior than the delegate.

A council officer exercising delegated authority to deal with the complaint, by accepting or rejecting the findings of the complaints officer, has authority to provide any lawful remedy for the complainant that is available under section 17 of the complaints process, irrespective of whether the remedy has been recommended by the complaints officer.

Where the complaints officer's report includes a recommendation that a suitable policy be made to address the complaint issue, or an existing policy be appropriately amended, the recommendation will be referred to the council for consideration by resolution.

### ***Report about a minor breach***

If a complaints officer who investigated a complaint about a minor breach gives a report to the local government stating that the complaint has not been resolved through the complaints process, the report will be dealt with by the council by resolution under section 250S of the Act.

When the council considers a report, it must:

- (a) decide by resolution under section 250S(2) to take no further action in relation to the complaint if satisfied the complaint concerns frivolous matter or was made vexatiously; or
- (b) having regard to the complaints officer's report about the matter, decide whether the councillor in question has committed the alleged minor breach.

In deciding whether the councillor has committed a minor breach, the council must comply with the principles of natural justice and, at the least, afford the councillor an opportunity to make a submission on whether the breach was committed. If the council decides the councillor committed the minor breach it must then give the councillor an opportunity to make a further

submission on whether a penalty should be imposed and the nature of that penalty, being one of the actions that may be taken under section 250S(4), namely:

- (a) take no further action in respect of the breach;
- (b) by resolution, impose a penalty on the councillor under section 250X of the Act;
- (c) if it considers the breach may be a repeat breach of the *Code of Conduct for Councillors* - refer a complaint about the repeat breach to its conduct review panel for review.

If the council is of the view that a complaint about a minor breach was frivolous or made vexatiously, it may give notice to the complainant under section 250ZJ(1) of the Act that if the complainant makes the same (or substantially the same) complaint, he/she commits an offence for which the maximum penalty is 20 penalty units (\$1,500).

### **19. Notice to complainant about outcome of complaint**

Written notice of the outcome of a complaint will be given to the complainant following the council's consideration of, and decision on, the complaints officer's report and recommendations (if any).

The notice to the complainant will generally include the following advice:

- whether the complaint is sustained;
- if the complaint is not sustained, the reasons for the decision;
- if the complaint is sustained:
  - any remedy to be made available to the complainant;
  - if applicable, the circumstances and timeframe in which the remedy will be made available; and/or
  - whether the investigation identified the need to revise council policy, procedure or practice to prevent similar complaints arising, details of the proposed revision and the timeframe for implementation.

### **20. Implementation of remedy, etc**

The council, through the CEO or delegate, will take action in a timely manner to implement any remedy to be made available to a complainant and/or any revision of its policy, practice or procedure.

### **21. Council review if complainant dissatisfied with outcome of complaint**

If a complainant is dissatisfied with the outcome of the consideration of the complaints officer's report and any recommendation, the complainant may request a review of the decision on the complaint. The complainant may submit new information with the request for review and seek reconsideration of the complaint on the basis of the new information or on any other basis.

The council will:

- undertake the review as requested and advise the complainant accordingly; or
- decline the review on the basis that the complainant has not provided any reasonable basis for the review.

Any review undertaken will generally be in accordance with the complaints process. The reviewer will be independent of the original decision maker and the complaints officer.

### **STAGE 3 – REVIEW BY OMBUDSMAN OR OTHER COMPLAINTS ENTITIES**

#### **22. Review by other complaints entities**

If the council decides not to undertake a review, it will inform the complainant that a complaint may be lodged with the Queensland Ombudsman or other relevant complaint entity (giving contact details).

### **COMPLAINTS MANAGEMENT SYSTEM**

#### **23. Reporting on complaint trends**

Every year, commencing from the date the complaints process commenced, the CEO, or delegate, will complete a report on all complaints received through the complaints process, being complaints about administrative actions of the council and complaints about alleged minor breaches of the council's *Code of Conduct for Councillors*.

The report will include details for the particular year and, to the extent details are available, draw comparisons with corresponding periods for the (2) immediately preceding financial years.

Each report will set out:

- details of complaints received and resolved during the period;
- whether timeframes were met;
- how each complaint was dealt with (pre-complaint stage, by complaints officer, council decision on complaints officer's report, or still not resolved to complainant's satisfaction);
- a brief description of the outcome, including any remedy given to a complainant; and
- details of any service delivery or business improvements that have been effected as an outcome of the council's consideration of complaints.

The report will also:

- contain details of any systemic issues that have been identified and/or whether there is any trend in the complaints received; and
- suggest whether any other action should be taken to change service delivery and/or improve business activities, services, systems and staff skills, etc.

The CEO will discuss the report with the Executive Management Team and will thereafter submit it to the council for consideration, together with any comments from the Executive Management Team.

Details about complaints concerning administrative actions and alleged breaches of the council's *Code of Conduct for Councillors* will be provided in the council's annual report, as required by section 534(n) of the Act.

## **24. Responsibility of officers**

### ***Executive Management Team***

The Executive Management Team will:

- (a) encourage excellence in customer service by council officers;
- (b) ensure that all council officers are aware of and implement the complaints process in the manner intended by the council;
- (c) foster an environment where complaints management is the responsibility of all council officers; and
- (d) ensure any necessary staff training is provided eg on the complaints process, conducting an investigation of a complaint, conflict management, customer service skills.

### ***Managers***

Each manager will ensure that:

- (a) all council officers under the manager's management and control are aware of their role in customer service and responsibility for complaint management; and
- (b) service standards are met.

### ***Council officers***

All council officers:

- (a) are required to observe the complaints process; and
- (b) wherever appropriate, attempt to resolve a complaint before it is referred for attention under the complaints process.

## **25. Related policies or procedures**

All council policies and procedures must be taken into consideration when considering or investigating a complaint under the complaints process.

## **26. Evaluation and review of the complaints process**

Every (2) years the council will conduct a review audit of the complaints process. The review audit will evaluate the performance of the complaints process and will consider the following aspects, where necessary:

- Accessibility – whether the complaint process is readily available to members of the community and is user-friendly.

- Timeliness – whether timelines for responding to complaints have been met and, if not, remedial action proposed.
- Satisfaction – as evidenced by any complaint about the complaints process.
- Compliance – by considering reports on the operation of the complaints process.

The complaints process will be amended in terms of any adopted recommendation arising from the review.

## **27. Communication**

The council will take appropriate steps to publicise the complaints process. For example, the council will place this document on its website and include training on the complaints process in the induction process for new employees and in other appropriate staff training forums.

# Entertainment and Hospitality Expenditure Policy

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<b>Policy Category:</b>	Executive
<b>Policy Number:</b>	11
<b>Date Adopted:</b>	25 June 2008
<b>Date to be Reviewed:</b>	25 June 2009
<b>Date Reviewed:</b>	N/A
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<b>Related Document/s:</b>	Code of Conduct, Guidelines for Attendance at Conferences/Seminars/Workshops, etc
<b>Responsible Officer:</b>	Manager Executive Services

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## **Purpose**

The *Local Government Finance Standard 2005 (LGFS)* requires that all Councils must adopt policies regarding entertainment and hospitality, outlining the financial management principles which will govern that expenditure.

This policy documents the principles governing expenditure on entertainment and hospitality which will ensure that public monies are utilised prudently and appropriately.

## **Scope**

This policy relates to expenditure by Council for entertainment and hospitality, providing guidelines for both Councillors and Council officers.

Council's Code of Conduct and Guidelines for Attendance at Conferences / Seminars / Workshops, etc should be considered in conjunction with this policy.

## **Definitions**

### **Entertainment or hospitality service:**

- 4.1 a service provided by the local government for entertaining members of the public for promoting an initiative or project of the local government;
- 4.2 the provision of food or beverages by the local government:
  - i. to a person visiting the local government in an official capacity; or
  - ii. for a conference or meeting held by the local government for its Councillors, employees or other persons; or

- iii. for a seminar, course, workshop or another forum provided by the local government for its Councillors, employees or other persons;
- 4.3 attendance by a Councillor or employee of the local government at a function:
- i. as part of the Councillor's or employee's official duties or obligations as a Councillor or employee of the local government; and
  - ii. for which an amount is charged to the local government for attending the function.

## **Policy Content**

### **1. Principles for Entertainment and Hospitality Expenditure**

Council recognises that in order to achieve its strategic priorities it is vital to foster effective working relationships with the community, business and government sectors. Therefore, in certain circumstances, reasonable expenditure on entertainment and hospitality is deemed appropriate. Under this policy the relevant authorised officer will approve payment for the provision of food, beverages and entertainment for official purposes.

All Hospitality expenditure must be:

1. Reasonable and appropriate to Council's business.
2. For official Council purposes only and incurred in providing a service in the public interest.
3. Properly documented and available for internal and external scrutiny, including the provision of detailed tax invoices, invoices and receipts.
4. In accordance with all other related policies, procedures and practices.
5. Provided for in a budget and be authorised in accordance with the Council's normal accounting procedures ie. by a relevant authorised officer.

### **2. Procedure for Approval of Entertainment and Hospitality Expenditure**

1. Council staff incurring expenditure must be able to identify the benefit to the community and how the expenditure contributes to promoting Council's policy and strategic outcomes i.e. the expenditure must be publicly defensible.
2. Council staff incurring expenditure for hospitality must be able to identify how the hospitality will help facilitate the conduct of Council's business.
3. Reasonable expenditure means that the Chief Executive Officer or delegate must be comfortable disclosing the expenditure and be able to identify the benefit to Council and the public generally.
4. The Council staff member who incurs the expenditure must not authorise the payment or reimbursement of that expenditure.
5. Expenditure by a Councillor for an event/function will normally be authorised in advance by the Council.

6. Authorisation from the relevant authorised officer should be sought before expenditure is incurred. Where this is not practical, reimbursement may be sought subject to the guidelines of this policy.
7. Expenditure incurred by Council which is not reasonable and appropriate (private expenses) must be repaid to Council within 14 days of an invoice being issued by Council.
8. In granting approval for expenditure, the relevant authorised officer must be made aware of:
  - a) the type of hospitality to be provided;
  - b) why it is necessary to provide the hospitality;
  - c) who will receive the hospitality;
  - d) when and where the hospitality will be provided; and
  - e) the estimated cost of the hospitality.
9. All requests for authorisation of expenditure or reimbursement of expenditure must be accompanied by a memorandum stating the following:
  - a) a description of the official purpose of the hospitality and how it relates to the conduct of official Council business;
  - b) a declaration that the expenditure was incurred in relation to the performance of official Council business; and
  - c) names of the persons attending (if possible), external organisations represented, Councillors and Council staff attending.

### **3. Use of Credit Cards for entertainment or hospitality**

If a credit card is provided to an employee or Councillor, that card may only be used to pay for entertainment or hospitality expenditure where:

- (a) the expenditure has been approved under this policy; or
- (b) such expenditure on a particular occasion has been authorised by the relevant authorised officer and expenditure complies with this policy; and
- (c) if prior authorisation has been obtained in accordance with this policy.

### **4. Reporting**

Section 24 of the *Local Government Finance Standard 2005* requires a summary of entertainment and hospitality expenditure to be included in the Annual Report.

In order to facilitate the extraction of information required for the Annual Report, all entertainment and hospitality expenditure should be charged to natural account 7269.

**NOTE:** *The Fringe Benefits Act 1986 may apply in certain circumstances, therefore all appropriate documentation and records MUST be kept for audit, reporting and Fringe Benefit Tax purposes.*

# Advertising Expenditure Policy

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<b>Policy Category:</b>	Executive
<b>Policy Number:</b>	12
<b>Date Adopted:</b>	25 June 2008
<b>Date to be Reviewed:</b>	25 June 2009
<b>Date Reviewed:</b>	N/A
<b>Date/s Amended:</b>	N/A
<b>Date Rescinded:</b>	N/A
<b>Related Document/s:</b>	Media Policy
<b>Responsible Officer:</b>	Manager Executive Services

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## Purpose

This policy provides for the control of expenditure on advertisements placed by Council in various media. The *Local Government Finance Standard 2005 (LGFS)* outlines requirements that must be adhered to in relation to advertising expenditure, which ensures that Council advertising is in accordance with the public interest and Council policies.

The objectives of this policy, in line with accountability, transparency and good governance, are:

- to meet the requirements of the legislation;
- to ensure appropriate authorisation of advertising expenditure; and
- to ensure that Council obtains value for money in placing advertising.

## Scope

This policy applies to any paid advertisement or notice in any media, to promote goods or services (including facilities) provided by Council.

This policy does *not* apply to:

- advertising for employees;
- advertising for the acquisition or disposal of property plant and equipment used, or to be used by Council in its business;
- advertisements for tenders or expressions of interest under Council's Procurement Policy or under the *Local Government Act 1993* (Chapter 6, part 3); or
- reports published in the media where no payment is made for the report.

Council's Media Policy should be considered in conjunction with this policy.

## **Definitions**

**Advertising** - Promoting to the public an idea, goods or services by using a medium commonly used for promoting ideas, goods or services and for which a fee is paid (*LGFS 2005*).

**Medium** - Commonly used media for advertising consist of magazines, newspaper, radio, television and products such as magnets and brochures.

## **Policy Content**

Advertising should be used where the purposes of the Council or the benefit of the community is advanced. It should not be used to promote the particular achievements or plans of individual Councillors or groups of Councillors. In particular, advertising should not be used to influence the voters in an election.

### **1. Advertising Expenditure Categories**

Council may incur expenditure for advertising only if:

- (a) the advertising is for provision of information or education to the public; and
- (b) the information or education is provided in the public interest; and
- (c) the advertising falls into one of the categories set out in section 2.

### **2. Acceptable Advertising Expenditure**

Acceptable uses of Council money for advertising are:

- (a) to advise the public of a new or continuing service or facility provided by the Council;
- (b) to advise the public about changes to an existing service or facility provided by Council;
- (c) to increase the use of a service or facility provided by the Council on a commercial basis with a view to profit;
- (d) to change the behaviour of people in Council's area for the benefit of all or some of the community or to achieve the objectives of the Council;
- (e) to advise the public of the time, place and content of scheduled meetings of Council;
- (f) to advise the public of the decisions made by Council at its meetings;
- (g) to request comment on proposed policies or activities of the Council; and/or
- (h) to advertise matters required by legislation to be advertised.

### **3. Unacceptable Advertising Expenditure**

Council must not:

- (a) during the period of three months preceding an election of the local government other than a by-election; or
- (b) during the period after the date of a by-election is advertised until the day of the election:
  - i. place advertisements relating to future plans unless, and only to the extent that those plans have been formally adopted by Council;
  - ii. advertise the activities of Council other than in the manner and form it is customary for the Council to advertise its activities;

- iii. place advertisements which seek to influence support for particular candidates, groups of candidates or potential candidates in the election;  
or
- (c) bear the cost of advertisements featuring one or more Councillors or containing quotations attributed to individual councillors (Note: This does not preclude Councillors appearing in unpaid publicity or other publicity where the cost is not borne by the Council);
- (d) authorise or progress proposed advertising expenditure unless it has been approved by the Mayor, Chief Executive Officer, appropriate Director/Manager or Corporate Communications Officer.

#### **4. Controls**

The approving officer must ensure that:

- 6.4.1 the expenditure is in accordance with this policy;
- 6.4.2 the cost of the advertisement is appropriate for the number of people it is intended to inform and provides a commensurate benefit to the Council or to the public;
- 6.4.3 the cost is available in the relevant budget item and meets the usual requirements for expenditure approvals.

#### **5. Reporting**

Section 24 of the *Local Government Finance Standard 2005* requires a summary of advertising expenditure to be included in the Annual Report.



# Information Management Policy

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<b>Policy Category:</b>	Executive Services - Records Management
<b>Policy Number:</b>	21
<b>Date Adopted:</b>	20 October 2008
<b>Date to be Reviewed:</b>	
<b>Date Reviewed:</b>	
<b>Date/s Amended:</b>	
<b>Date Rescinded:</b>	
<b>Related Document/s:</b>	
<b>Responsible Officer:</b>	Customer & Information Coordinator

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## **Purpose**

The purpose of this policy is to ensure the integrity and completeness of all information being managed by the council.

## **Scope**

This policy applies to all staff who are responsible for dealing with public records. All staff have a personal legal obligation under the *Public Records Act 2002* (Qld) for the proper management of Council's public records. Individual responsibilities include, but are not limited to:

- Being aware of corporate information systems;
- Attending appropriate training courses provided;
- Ensuring that all documents created by the individual are registered;
- Asking for assistance when needed, either training or system related problems;
- Complying with all protocols for managing corporate information;

## **Definitions**

**Public Record** is any form of recorded information, both received and created, that provides evidence of the decisions and actions of a public authority while undertaking its business activities. The term includes, but is not limited to:

- Emails
- Incoming correspondence
- Outgoing correspondence
- Timesheets
- Telephone conversations

- Faxes
- Financial transactions
- Internal documents and correspondence (eg. Maps, plans, photographs, memos)
- Inspection reports
- File notes
- Files

**Staff** includes a person employed on a temporary basis and also includes a person engaged to perform standard employee functions under a contract for services.

## **Policy Content**

### **1. Proper Management of Public Records**

The Definitions section of this policy provides useful guidance on what constitutes a public record for the purposes of this policy. The accepted procedures for dealing with these public records are outlined below. Advice about the proper document management procedures applicable to a public record other than those provided in this policy should be directly sought from Council's Records Management Section.

#### 1.1 Emails

Staff receiving and sending business related emails are responsible for ensuring that all details are registered in Council's Electronic Document Records Management System (EDRMS) in accordance with documented data entry standards.

#### 1.2 Incoming correspondence

Incoming correspondence will be registered in Council's EDRMS by the Records Management staff and forwarded to the responsible officer. Documents will be distributed via the responsible officers' Task List for appropriate action.

It is every officer's responsibility to check their task list on a regular basis.

Exceptions to electronic distribution will be:

- Documents containing pages larger than A3 in size;
- Hard copied items that cannot be scanned (books, annual reports etc);
- Forms, surveys and any other documents that require signatures or items to be filled out by the Council or a representative.

#### 1.3 Outgoing correspondence

Officers producing outgoing correspondence will be responsible for ensuring that the correspondence is registered in Council's EDRMS in accordance with documented data entry standards. Duplicate copies forwarded to the Records Management Section will not be recorded or retained unless there is a legislative obligation to retain a hard copy. All applications for exceptions to this procedure should be made to Council's Records Management Section.

#### 1.4 Timesheets

All timesheets will be recorded accurately into Council's Financial Management System (FMS) by expenditure staff. These staff will be responsible for inputting the information as provided and will not be responsible for any inaccurate or incomplete information so provided.

#### 1.5 Telephone conversations

Business related telephone conversations are to be entered in Council's EDRMS if considered appropriate by the officer engaged in the relevant conversation. Accountability for this requirement rests solely with the officer involved in the conversation. If the conversation is integral to a decision making process, it is appropriate that it be recorded to establish a complete and auditable trail for the process.

#### 1.6 Faxes

Incoming and outgoing faxes are to be dealt with in the same manner as incoming and outgoing correspondence.

#### 1.7 Financial transactions

All financial transactions of the organisation are to be recorded in Council's Financial Management System (FMS). Any transactions placed in manual receipt books are to be transferred into the electronic FMS at the first available opportunity and the manual receipt book is to be noted with the electronic receipt number.

#### 1.8 Internal documents and correspondence

All internal correspondence is to be dealt with in the same manner as external correspondence and registered in Council's EDRMS.

#### 1.9 Inspection reports

Inspection reports are to be maintained in electronic format and registered in Council's EDRMS. All updates are to be input into the EDRMS.

#### 1.10 File notes

File notes, when hand written onto original documents, must also be entered into the notes section of Council's EDRMS to allow full electronic audit of Council dealings.

#### 1.11 Files

Officers that borrow files accept responsibility for the location and security of those files until they are returned to Council's Records Management Section. Files must be returned to the Records Management Section when no longer required. If a file is passed from one officer to another, it is the responsibility

of the first officer to ensure that the file is identified in the system as changing location. This can be done by contacting Council's Records Management Section, who will update the file location accordingly.

## **2. Amendments to public records**

Any amendments made to any Council information must be auditable. Audit trail requirements include:

- Date of amendment
- Reason for amendment
- Amendment number
- Authority for amendment
- Notification to stakeholders of information (if appropriate)

## **3. Retention and disposal of public records**

All public records in the form of corporate documentation will be retained and disposed of in accordance with the approved Queensland State Archives Retention and Disposal Schedules. Details of the schedules are available on the EDRMS or by contacting the Records Management Section.

Matters relating to subdivision applications, material change of use, Council infrastructure, non class 10 structures and matters considered of cultural significance will all receive permanent retention classifications as per the above mentioned Schedules.

Individual officers are not to dispose of corporate documentation. The disposal of any such documentation will be carried out under the sole direction of Council's Records Management Section.

## **4. Training**

System Administrators of all of Council's information systems are responsible for ensuring that adequate training is available to all staff to ensure their capabilities meet their responsibilities.

System Administrators are not however, responsible for auditing staff capabilities. It is the responsibility of each Department to ensure that all relevant staff attends training necessary for the development and/or maintenance of skills applicable to their position with Council.



# Councillors Confidentiality Policy

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<b>Policy Category:</b>	Executive
<b>Policy Number:</b>	22
<b>Date Adopted:</b>	22 December 2008
<b>Date to be Reviewed:</b>	
<b>Date Reviewed:</b>	
<b>Date/s Amended:</b>	
<b>Date Rescinded:</b>	
<b>Related Document/s:</b>	Code of Conduct for Councillors
<b>Responsible Officer:</b>	Manager of Executive Services

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## **Background**

It is accepted that councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. Councillors must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

This policy aims to support councillors in balancing the right and duty to inform the public and consult with constituents about council business with the interest Council has in preventing disclosure of confidential information.

This policy does not override an individual councillor's statutory obligations in respect of the use of information, nor does it override Council's obligations under the *Local Government Act 1993* (LGA) or any other legislation or subordinate legislation to disclose or publish information where this is required by law.

## **Purpose**

This policy provides guidance to councillors in complying with section 250(2) of the LGA regarding the proper handling of confidential information. The policy aims to assist Council in determining what might be considered confidential information and how this information should be handled.

## **Scope**

This policy applies to confidential information held by Council and councillors.

## **Definitions (if applicable)**

'Information' comes in any number of forms including letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media, and/or other forms of information including discussions during meetings.

## **Policy Content**

### **Legislative and policy context**

Section 250(2) of the LGA sets out provisions relating to the release of confidential information by councillors:

A person who is or has been a local government councillor must not release information that the person knows, or should reasonably know, is confidential to the local government.

(The maximum penalty is 100 penalty units.)

In addition, the Code of Conduct for Councillors makes it clear in section 2 that when councillors, in the course of carrying out their duties, receive information that is not available to the general public they must not misuse this information, particularly for personal gain. (Local government staff also have responsibilities not to misuse such information, as set out in Council's employee code of conduct).

### **Policy statement**

Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council and its committees. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest.

At the same time, Council is conscious of the need to handle council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

It is accepted that councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. It is Council's responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation, or enable any individual or organisation to gain a financial advantage.

Whilst endeavouring in the interests of public accountability to limit the number of matters which are considered in confidential sessions, Council acknowledges that it is appropriate to consider certain matters in closed meetings.

### **Responsibilities of councillors**

Councillors must be aware of their responsibilities and agree they should:

- exercise due care when handling or using information acquired in their role as a councillor
- acknowledge that there will be information that must be treated as confidential because to release it would reduce public trust and confidence in the integrity of the Council
- acknowledge that disclosure of confidential information constitutes a breach of the LGA and the Code of Conduct for Councillors, and that Council may take legal action for any damages caused

- if uncertain, presume information is confidential, and seek advice from the Chief Executive Officer (CEO) prior to any release of it
- undertake not to disclose, and to use their best endeavours to prevent disclosure of, confidential information to any person or organisation, specifically:
  - avoid discussing confidential Council information with family, friends and business associates
  - ensure documents containing confidential information are properly safeguarded at all times – including materials stored at private or business residences
- not use confidential information (or any information acquired as a councillor) to gain improper advantage for themselves or any other person or body
- not use confidential information (or any information acquired as a councillor) to cause harm or detriment to Council or any other person or body.

### **Confidential information**

The following types of information shall be deemed to be confidential to Council unless or until Council resolves to the contrary in a particular instance:

- Commercial in confidence information — including where the release of information would affect a company's competitive advantage; this is particularly relevant in a competitive tender situation
- Information derived from government departments or ministers that has been classified as confidential
- Information of a personal nature or about personal affairs, for example the personal details of councillors or council staff
- Information relating to a property disposal or acquisition process where release of the information may prejudice Council
- Financial and legal analysis where the disclosure of that information may compromise Council or someone else
- Information relating to clients of Council
- Information not owned or controlled by Council
- Information that could result in any action being taken against Council for defamation
- Information involving legal advice to Council or a legal issue or a matter before the courts
- Information that is expressly given to councillors in confidence is confidential
- Information that Council has resolved to discuss in a closed meeting on the basis that the information relates to:
  - the appointment, dismissal or discipline of employees;

- industrial matters affecting employees;
- the local government's budget;
- rating concessions;
- contracts proposed to be made by it;
- starting or defending legal proceedings involving it; or
- any action to be taken by the local government under the *Integrated Planning Act 1997*, including deciding applications made to it under that Act.

It is acknowledged that some of the above classes of information may need to be disclosed from time to time for legal proceedings or in accordance with the *Freedom of Information Act 1992*.

This policy deems that as a minimum:

- The CEO may make a declaration that information concerning a specific matter is to be treated as confidential to Council, and the information will remain confidential unless or until Council resolves to the contrary.
- An item on a Council or committee meeting agenda – and the information contained in the documentation or supporting material – that is declared confidential by the CEO is to remain confidential unless or until Council or the committee resolves to the contrary.
- If the mayor or a councillor in a meeting asks that a matter be treated as confidential, Council will formally resolve as to whether all information concerning the matter is confidential.
- If a meeting of a committee resolves that an item – and the information contained in the documentation or supporting material – is to be confidential it remains confidential unless or until Council resolves to the contrary.
- If Council exercises its powers under section 463 of the LGA to close its meeting to members of the public, all information in relation to the matters discussed during that closed meeting or the closed portion of the meeting is confidential, unless and until the Council resolves to the contrary.
- Confidential information shall be clearly identified as confidential.
- Any information of a type deemed to be confidential is to be presumed by councillors to be confidential to Council and must not be released without seeking advice from the CEO.
- If a councillor has any doubt as to whether Council considers information to be confidential, the councillor is to act on the assumption that Council does so intend until the doubt is resolved at a subsequent meeting of Council.

## **Consideration of confidential material - council meetings**

The following procedures will apply to the preparation of an agenda and material for consideration at meetings of the council:

1. If it is considered by the CEO that the council should consider a matter in a closed meeting, the CEO will clearly indicate such recommendation on the agenda.
2. The CEO will make a declaration that all information contained in the documentation and associated material is information confidential to the council.
3. The CEO will ensure that the documentation and material is clearly marked as confidential.
4. The reason for the recommendation will be set out in the material.

The following procedures will apply to a recommendation by the CEO that a matter be considered in a closed meeting:

1. Council will consider the recommendation in open session unless to do so would result in the public release of the information concerning the matter.
2. Council shall determine by resolution whether the matter is confidential or not for the purposes of declaring that a meeting should be a closed one.
3. Upon moving that an issue be dealt with in a closed meeting, the mover must clearly state the reason for the motion.
4. Council will resolve that:
  - the matter is to be considered in a closed meeting, and all information relating to that matter is confidential to Council, or
  - the matter will be considered in open session.

Information considered at a closed meeting of Council shall remain confidential unless or until Council resolves otherwise.

## **Release of confidential information**

Any release of confidential information for any purpose to any person or organisation (other than those who are entitled to the information, such as other councillors or council staff) is a breach of section 250(2) of the LGA and of the Code of Conduct for Councillors (note that while this policy focuses on confidential information, improper use must not be made of *any information* acquired in their role as a councillor to gain, directly or indirectly, a financial advantage for themselves or someone else, or to harm the local government). Release includes:

- orally telling any person about the information or any part of the information
- providing the original or a copy of documentation or any part of the documentation that is marked confidential
- paraphrasing – putting into your own words – any confidential information and providing that in writing or orally.

## **Breach of this policy**

Both the legislation and the Code of Conduct for Councillors make it clear that when councillors, in the course of carrying out their duties, receive information that is not available to the general public they must not misuse the information, particularly for personal gain.

A person may make a complaint about a statutory breach by a councillor of this provision by giving written notice of the complaint to the local government's CEO (under section 250T(1) of the LGA, such a complaint needs to be in writing. However, under section 250T(2) a person is still able to make a complaint about this statutory breach under the *Crime and Misconduct Act 2001*, and if they do so such a complaint need not be in writing). The CEO must refer a complaint about such a breach to the CMC because it raises a suspicion of official misconduct (the CEO need not refer such a complaint if they already have evidence that establishes beyond any doubt that the breach did not occur). If the CMC decides not to take any action in relation to the complaint, it may recommend that the CEO refer the complaint to a conduct review panel.

A maximum penalty of 100 penalty units applies for a breach of the above provisions. A councillor convicted of improper use of information will be disqualified and be required to vacate their office unless a court rules there are special circumstances.

## **Communication**

This policy will be made widely available to councillors and staff to ensure there is a common understanding of roles and responsibilities. Councillors should ensure they have read and understood this policy and its implications for individuals and the organisation.



## Reimbursement of Expenses and Provision of Facilities for Councillors

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<b>Policy Category:</b>	Executive
<b>Policy Number:</b>	24
<b>Date Adopted:</b>	25 March 2009
<b>Date to be Reviewed:</b>	March 2010
<b>Date Reviewed:</b>	
<b>Date/s Amended:</b>	
<b>Date Rescinded:</b>	
<b>Related Document/s:</b>	
<b>Responsible Officer:</b>	Manager Executive Services

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### **Purpose**

The purpose of this policy is to authorise the payment of reasonable expenses incurred, or to be incurred by Councillors, and to authorise the provision of facilities to Councillors, necessary for the discharge of their duties and responsibilities.

### **Scope**

This policy, which is made pursuant to section 236B of the *Local Government Act 1993*, applies to all Councillors.

### **Definitions (if applicable)**

<b><i>Approved Activities:</i></b>	Activities approved by the resolution of Council
<b><i>Council Business:</i></b>	Refer APPENDIX B
<b><i>Councillors:</i></b>	Unless specifically identified, includes the Mayor, Deputy Mayor and other Councillors.
<b><i>Discretionary Training:</i></b>	Training is discretionary where a Councillor identifies a personal interest in attending such training on the basis that the training will improve their skills and knowledge relevant to their role as a Councillor. Examples of this type of training include, but are not limited to, recognised computer training courses, public speaking development courses, etc. All discretionary training must be directly related to Council business and must be approved by Council.
<b><i>Expense:</i></b>	Expenses are payments made by Council to reimburse Councillors for their fair and reasonable expenses incurred or to

be incurred when discharging their duties as Councillors. These payments are not regarded as remuneration. The expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge when performing their roles.

**Facility:** Facilities provided by Council to Councillors are ‘tools of trade’ and constitute a fair and reasonable allocation of resources required to enable them to conduct their duties of office with relative ease and at a standard appropriate to fulfil the community expectation of their role.

**Mandatory Training:** Training is mandatory where Council has resolved that one or more Councillors should attend due to a direct correlation between the particular training and the Councillor’s duties of office. Examples of such training include, but are not limited to: the Australian Local Government Association (ALGA) conference, the Local Government Association of Queensland (LGAQ) conference, or specific conferences or events that are relevant to the business of a particular Council Committee, such as the Planning Institute of Australia (PIA) conference.

Subject to approved budget limits, no expenditure limit will apply to the costs for mandatory training.

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

**Training:** Includes, but is not limited to conferences, seminars and workshops.

## **Policy Statement**

The provisions of this policy have been developed in consideration of local circumstances and are consistent with the following mandatory principles:

- **Use of public moneys in the public interest by responsible budgeting and accounting**
- **Fair and reasonable allocation of Council resources (allowances, facilities and other benefits) to enable all Councillors to conduct the duties of office**  
Council has considered what is fair and reasonable in consideration of the size and population of the Council Region and of the responsibilities of Councillors, both in the context of statutory obligations and community expectations.
- **Transparent decision-making by public disclosure of policy and resolutions**
- **Accountability for expenditure and use of facilities through full justification and acquittal.**

## **Policy Content**

### **1.0 Commencement**

This policy commences upon its adoption by Council and has the effect of superseding the *Transitional Expenses Reimbursement Policy* that was previously adopted by Council on 2 April 2008.

### **2.0 General Entitlement**

Council will be responsible for the payment of all reasonable expenses incurred, or to be incurred, by a Councillor representing Council on Council business, and will also be responsible for the provision of facilities necessary for the discharge of a Councillors responsibilities and duties of office. Subject to the applicable provisions of this Policy, where Council is unable to pay up-front for any expense covered by the Policy, a Councillor is entitled to be reimbursed for reasonable expenses incurred in this regard, in accordance with clause 3.0 of the Policy. The limits of such entitlement are as follows:

#### **2.1 Expenses**

##### **2.1.1 Professional Development Needs**

###### **Mandatory training**

Council will pay all applicable registration fees associated with a Councillor's attendance at mandatory training. Costs, such as travel, accommodation, transfers, meals etc. that are incidental to a Councillor's attendance at such mandatory training will also be paid by Council or reimbursed to the Councillor, in accordance with the relevant expenditure categories within this Policy.

###### **Discretionary training**

Council will pay all applicable registration fees associated with a Councillor's attendance at discretionary training, up to a limit of \$5,000 over the four-year term of office. Costs, such as travel, accommodation, transfers, meals etc. that are incidental to a Councillor's attendance at such mandatory training are not included in the \$5,000 maximum limit and will also be paid by Council or reimbursed to the Councillor, in accordance with the relevant expenditure categories within this Policy.

**NOTE:** Registrations should be made in sufficient time to take advantage of any 'early bird' discounts.

##### **2.1.2 Travel Costs**

Council will pay all reasonable travel costs (including local, regional, intrastate, interstate and overseas) associated with a Councillor representing Council on Council business. Where a Councillor uses his or her private vehicle for such travel, he or she is entitled to be reimbursed an appropriate mileage allowance based on log book details being kept to substantiate the relevance of the travel to Council business.

###### **NOTES:**

- Where possible and reasonable, Councillors should make use of a Council vehicle for travel associated with representing Council on Council business.
- Councillors are to travel via the most direct route, using the most economical and efficient mode of transport.

- All fines incurred while travelling in either a Council or privately owned vehicle on Council related business, will be the responsibility of the Councillor incurring the fine.
- Council will be responsible for the payment of toll fees incurred during travel associated with representing Council on approved Council business.
- All airline travel will be booked and paid for by Council at the economy class rate.
- Requests for travel should be made in sufficient time to take advantage of discounts and to gain access to the widest range of flights.

### **2.1.3 Accommodation**

Council will pay for accommodation required as a necessary consequence of a Councillor representing Council on Council business.

In the case of a Councillor attending approved training such as a conference or workshop, the accommodation will be booked and paid for by Council and will, where practicable, take advantage of the package provided by the conference or workshop organisers.

**NOTE:** Requests for accommodation should be made in sufficient time to take advantage of discounts and to gain access to the widest range of accommodation options.

### **2.1.4 Meals**

A Councillor is entitled to be reimbursed for the reasonable cost of meals (breakfast, lunch and dinner) when representing Council on Council business outside of the region. Reimbursement will not be payable in respect of meals that are included as part of the registration costs for any activity or event.

### **2.1.5 Transfer Expenses**

Councillors are entitled to be reimbursed for transfer costs (e.g. taxi fares or public transport tickets) associated with travelling for Council business.

## **2.2 Provision of Facilities**

### **2.2.1 Administrative Tools and Access to Council Office Amenities**

Council will provide Councillors with access to executive support in both the Warwick and Stanthorpe Administration Centres, necessary for the conduct of Council business. This shall include shared office space, shared access to office equipment (including photocopier, scanner and printer) and stationery. No use of such facilities for private purposes will be permitted.

Council will provide and maintain a Laptop computer, with internet access to enable access to relevant databases, meeting agendas etc. Limited use of a Council owned laptop for private purposes is permitted, subject to any Council use having priority.

### **2.2.2 Telecommunication Needs**

With the exception of the Mayor, Council will not provide a mobile telephone or handheld device for use by Councillors. Council will provide a mobile telephone messaging device for use by the Mayor and will pay for all reasonable costs associated with this device.

### **2.2.3 Maintenance of Council owned equipment**

Council will be responsible for the ongoing maintenance costs associated with Council owned equipment to ensure that it is operating for optimal professional use.

### **2.2.4 Vehicle**

A fully maintained Council vehicle will be provided for use by Stanthorpe based Councillors for the purpose of attending Council business. This vehicle is provided in recognition of the number of Councillors residing in the Stanthorpe area and of the fact that the majority of Council business is conducted in Warwick. The allocation of this vehicle is to be reviewed following the next election.

A fully maintained Council owned vehicle shall be provided for unlimited use by the Mayor for Council business and private purposes in recognition of the duties required to be performed by the Mayor and the irregular hours required to attend Council business responsibilities. The standard of vehicle provided will be in accordance with Council's Motor Vehicle Tender Specification.

#### **NOTES:**

- Council will meet all operating costs and provide fuel cards for Councillors driving a Council vehicle.
- All fines incurred while travelling in either a Council or privately owned vehicle on Council related business, will be the responsibility of the Councillor incurring the fine.

### **2.2.5 Insurance cover**

The Council will include Councillor's under its annual Local Government Workcare (LGW) Worker's Compensation policy. Cover under this policy will provide substantially similar benefits to those provided to employees, with the exception that elected members cannot bring a common law claim for damages against the Council under the *Worker's Compensation and Rehabilitation Act 2003*. Cover will be provided at all times whilst a Councillor is engaged in Council business.

The Council will also include Councillors under its Local Government Mutual (LGM) Professional Indemnity policy.

## **3.0 Claims for Reimbursement**

All claims for reimbursement must be made on the approved form, which is included in APPENDIX A to this Policy, and will only be processed upon submission of the original receipts and any relevant supporting documentation. All claims must be received within 3 months of the expense being incurred.

### **4.0 Responsibility for claims accuracy**

Councillors are responsible to ensure that all claims for reimbursement are strictly in accordance with this policy.

### **5.0 Reporting**

A Councillor who attends a Professional Development course shall present a report to Council on the particular course within 3 months of the event.

APPENDIX A



**Councillor Reimbursement of Expenses Claim Form**

Name:

<b>Type of Expense</b>	<b>Select If Applicable</b>	<b>Total Value</b>
Mandatory Training	<input type="checkbox"/>	\$ <input type="text"/>
Discretionary Training	<input type="checkbox"/>	\$ <input type="text"/>
Accommodation	<input type="checkbox"/>	\$ <input type="text"/>
Meals	<input type="checkbox"/>	\$ <input type="text"/>
Transfer Expenses	<input type="checkbox"/>	\$ <input type="text"/>
Phone	<input type="checkbox"/>	\$ <input type="text"/>
Travel Costs	<input type="checkbox"/>	<input type="text"/> klms

*Note: All original receipts and/or supporting documentation relevant to this reimbursement claim must be attached to this form.*

Details of Council Business:

1.

2.

3.

I declare that the expenses detailed in this document were incurred whilst discharging my duties as a Councillor of the Southern Downs Regional Council and that this claim for reimbursement is in accordance with the Reimbursement of Expenses and Provision of Facilities for Councillors Policy as adopted by the Southern Downs Regional Council.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

[Print Form](#)

## APPENDIX B

### ***Council Business:***

#### Includes:

Approved activities conducted on behalf of Council at which a Councillor is required to undertake certain tasks to satisfy legislative requirements or to achieve the business objectives of the Council. For the purposes of this definition, 'approved activities' includes activities where a councillor's attendance has been delegated by the Mayor. Council business should result in a benefit for Council and/or the local community. This includes, but is not limited to:

- Attendance at mandatory or discretionary training;
- Attending and participating in Council meetings (including standing committee meetings), Council approved workshops, deputations and inspections;
- Attending committee and working group meetings (e.g. Pest Management Working Group, Local Disaster Management Group, Warwick Safe City Committee), where the councillor has been appointed by the resolution of Council as Council's official representative on the committee/working group. This will include attendance by another councillor in place of the authorised delegate where he/she is unable to attend ;
- Attending inspections in conjunction with Council officers, where attendance at such inspections has been approved by either the Chief Executive Officer or the relevant Departmental Director
- Attending civic ceremonies and community events where attending in the capacity of a Councillor and undertaking official duties and where such attendance has been approved by the resolution of Council;
- Attending public meetings, annual meetings or presentation dinners when invited as a Councillor and undertaking official duties and where such attendance has been approved by the resolution of Council.

# Policy on Entities Controlled by Council

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<b>Policy Category:</b>	Governance
<b>Policy Number:</b>	29
<b>Date Adopted:</b>	25 May 2009
<b>Date to be Reviewed:</b>	
<b>Date Reviewed:</b>	
<b>Date/s Amended:</b>	
<b>Date Rescinded:</b>	
<b>Related Document/s:</b>	
<b>Responsible Officer:</b>	Manager Executive Services

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## Purpose

The purpose of this policy is to establish procedures for compliance with the legislation pertaining to the formation of new entities or the management of existing entities that involve Council. Ancillary to this purpose is Council's ongoing responsibility for the effective administration of public monies.

## Scope

The policy applies to new entities created or changes to existing entities.

## Definitions (if applicable)

A public sector entity is defined as:

***“a department, a local government, a statutory body, or an entity that is controlled by one, or more than one, department, local government or statutory body or by a combination of departments, local governments and statutory bodies”.***

## Statutory Requirements

The establishment and operation of entities involving local government are controlled by the Financial Administration and Audit Act 1977. The following obligations exist for Councils when establishing public sector entities, or when an entity becomes a public sector entity:

- ✚ Council must provide advice to the relevant Minister, currently the Minister for Local Government, to enable the Minister to fulfil his/her obligations under the Financial Administration and Audit Act 1977. The Minister is required to advise the Auditor-General and provide any information that the Auditor-General requires;

- ✚ The Board or Management Committee of an organisation that is a public sector entity is to appoint the Auditor-General as the auditor of the entity, and must ensure the Auditor-General remains the auditor at all times while the company remains a public sector entity.

The Local Government Act 1993 requires that all enterprise powers exercised by a local government comply with the requirements set down in Chapter 6, Part 4 Enterprises (Sections 493 – 501). This part of the Act sets out:

1. the types of entities that can be established;
2. the legal form these entities can adopt;
3. the requirement that the entity's powers can only be exercised following a resolution of Council allowing it to do so;
4. the requirements that Council must take advice prior to the exercise of entity's powers;
5. the financial limits that apply to the entity and the exercise of its power;
6. that Council must keep and maintain a register of enterprises.

### **Policy Content**

Subsequent to the obligations cited above, the following process will apply to the operation of all public sector entities over which the Southern Downs Regional Council has control:

1. They will only be established through a full resolution of Council;
2. Once an entity has been established the Chief Executive Officer will advise the Minister for Local Government that the entity has been established. This will allow the Minister to comply with the requirements of the Financial Administration and Audit Act 1977, including in advising the Auditor-General that the entity exists;
3. The Chief Executive Officer will advise the Board or Management Committee of the entity of its obligations as a public sector entity. These obligations include: the appointment of the Auditor General as the entity's auditor; and that the entity must comply with the reporting mechanism as dictated by Council.
4. The Chief Executive Office will ensure that a current register of all controlled entities will be maintained.