

Ordinary Meeting Agenda

CONFIDENTIAL

To be held at McKinlay Shire Council, Boardroom
29 Burke Street, Julia Creek, Queensland 4823

Tuesday 15th January 2019, 9:00am

Notice is hereby given that an Ordinary Meeting will be held at the Council Chambers,
Civic Centre, Julia Creek on 15th January 2019 at 9:00am.

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1. OPENING BUSINESS

All Councillors having signed the Attendance Book, the Mayor declared the meeting open.

2. ATTENDANCE

Mayor: Cr. B Murphy

Members: Cr. N Walker, Cr. S Royes, Cr. P Curr, Cr. J Fegan

Staff:

Chief Executive Officer, Mr. Des Niesler

Director of Corporate and Community Services, Ms. Tenneil Cody

Director Engineering, Environment and Regulatory Services, Mr. David McKinley

Executive Assistant, Ms. Maggie Rudolph

Other people in attendance:

Apologies:

3. CONFIRMATION OF MINUTES

That the Minutes of the December Ordinary Meeting on 11th December 2018 be confirmed.



MCKINLAY SHIRE COUNCIL

UNCONFIRMED MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

HELD AT THE

BOARDROOM, CIVIC CENTRE
JULIA CREEK

11TH December 2018

ORDER OF BUSINESS

1. Opening
2. Attendance
3. Confirmation of Minutes
 - Ordinary Meeting of Council – 20th Nov 2018
 - Special Meeting of Council – 30th Nov 2018
4. Business Arising out of minutes of previous Meetings

5. ENGINEERING REPORT

- 5.1 Engineering Works Monthly Report
- 5.2 LATE REPORT/CONFIDENTIAL - Extension of AECOM Contract for NDRRA Program Management
- 5.3 LATE REPORT - Outcomes of Structural Inspection of Julia Creek Water Tower

6. ENVIRONMENTAL & REGULATORY SERVICES REPORT

- 6.1 Environmental & Regulatory Services Monthly Report
- 6.2 Local Law Making Process
- 6.3 Local Laws - Delegation to conduct Public Interest Test
- 6.4 Endorsement of Draft Biosecurity Plan

7. COMMUNITY SERVICES REPORT

- 7.1 Community Services Monthly Report

8. CORPORATE SERVICES REPORT

- 8.1 Corporate Services Monthly Report
- 8.2 V1 Capital Works 2018-19

9. CHIEF EXECUTIVE OFFICERS REPORT

- 9.1 2019 Council meeting Dates
- 9.2 CONFIDENTIAL – DPI Paddock
- 9.3 CEO Monthly Report

10. WORKPLACE HEALTH AND SAFETY

11. MEMBERS BUSINESS

12. CLOSE

1.OPENING BUSINESS

All Councillors having signed the Attendance Book, Mayor Belinda Murphy declared the meeting open at 9:01am.

2.ATTENDANCE

Mayor: Cr. B Murphy

Members: Cr. P Curr, Cr. S Royes, Cr. J Fegan, Cr. N Walker

Staff:

Chief Executive Officer Mr Des Niesler

Director of Engineering, Environmental & Regulatory Services Mr Geoff Hatwell

Executive Assistant, Mrs Amy Tinning

Apologies: Nil

Other people in attendance: Nil

3.DECLARATION OF CONFLICT OF INTEREST

Nil

4.CONFIRMATION OF MINUTES

Confirmation of Minutes of the Ordinary Meeting of Council held on 20th November 2018.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council on 20th November 2018 be confirmed.

Resolution No. 096/1819

The Minutes of Ordinary Meeting of Council on 20th November 2018 are confirmed.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 5/0

Confirmation of Minutes of the Special Meeting of Council held on 30th November 2018.

RECOMMENDATION

That the Minutes of the Special Meeting of Council on 30th November 2018 be confirmed.

Resolution No. 097/1819

The Minutes of Special Meeting of Council on 30th November 2018 are confirmed.

Moved Cr. S Royes

Seconded Cr. P Curr

CARRIED 5/0

BUSINESS ARISING FROM PREVIOUS MINUTES

5. ENGINEERING SERVICES

5.1 Engineering Works Report

This report outlines the general activities, revenue and expenditure for the department for the period of November 2018.

RECOMMENDATION

That Council receives the November 2018 Engineering Works Report.

Resolution No. 097/1819

Council receives the November 2018 Engineering Works Report.

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 5/0

Adjournment: The Ordinary Meeting of Council adjourned at 9:47am.

Adjournment: The Ordinary Meeting of Council re-adjourned at 10:53am.

PROCEDURAL MOTION

Resolution No. 098/1819

Council resolves to accept late reports:

5.2 CONFIDENTIAL/LATE REPORT Extension of AECOM Contract for NDRRA Program Management

5.3 Outcomes of Structural Inspection of Julia Creek Water Tower

Moved Cr. P Curr

Seconded Cr. S Royes

CARRIED 5/0

5.2 CONFIDENTIAL/LATE REPORT Extension of AECOM Contract for NDRRA Program Management

This report is CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss *(e) contracts proposed to be made by it;*

PROCEDURAL MOTION

Resolution No. 099/1819

Council resolve that the meeting be closed to the public in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss *(e) contracts proposed to be made by it;*

Moved Cr. N Walker

Seconded Cr. J Fegan

CARRIED 5/0

The Ordinary Meeting of Council closed to the public at 10:53am.

Attendance: Geoff Hatwell, Director of Engineering, Environmental and Regulatory Services left the meeting room at 11:30am.

Adjournment: The Ordinary Meeting of Council adjourned at 11:30am.

Attendance: Glen Graham entered the meeting room at 11:32am.

Attendance: Glen Graham left the meeting room at 11:42am.

Adjournment: The Ordinary Meeting of Council re-adjourned at 11:42am.

PROCEDURAL MOTION

Resolution No. 100/1819

Council resolves that the meeting be re-opened to the public.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

The Ordinary meeting of Council re-opened to the public at 11:45am.

Resolution No. 101/1819

Council resolves to approve the extension of the current contract for submissions for the NDRRA 2018 event 1 and 4 currently approved by QRA and the fees that currently apply up to a maximum 10%. Council will review the contract once approvals are obtained from QRA for submissions 2 and 3.

Moved Cr. P Curr

Seconded Cr. N Walker

CARRIED 5/0

5.3 Outcomes of Structural Inspection of Julia Creek Water Tower

As approved by Council, a structural assessment inspection of the Julia Creek Water Tower was carried out on 5-6 December 2018.

The external inspection found that generally the external surfaces of the water tower were in satisfactory condition with only minor problem spots where the join in the concrete pours during construction resulted in slightly weaker points. These locations are where the water has been leaking. They can be satisfactorily repaired relatively easily at low cost by local treatment.

The internal inspection however showed that the lack of liner when the structure was constructed has resulted in the degradation of the concrete throughout the storage vessel. The treatment for this internal surface will include removal of the degraded concrete material, building back up of cover over the reinforcement and installing a suitable waterproof liner.

The costs of these works will be determined during the design phase when the products and repair methodologies specifically able to manage the water quality and temperature are selected. An estimate of the cost at this early stage is around the \$150,000 to \$200,000 to complete the works.

Once these works have been completed, the water tower is expected to have a remaining asset life of 25 plus years.

RECOMMENDATION:

That Council

1. Receive this report and the technical memo attached;
2. Confirm that Cardno move to phase two of the contract for the design of remedial works including the determination of the products an repair methodologies for the internal surface that are fit for purpose;
3. Council Officers continue to seek sources of funding for the remedial works anticipated to cost approximately \$150,000 to \$200,000.

Resolution No. 102/1819

Council

1. Receive this report and the technical memo attached;
2. Confirm that Cardno move to phase two of the contract for the design of remedial works including the determination of the products an repair methodologies for the internal surface that are fit for purpose;
3. Council Officers continue to seek sources of funding for the remedial works anticipated to cost approximately \$150,000 to \$200,000.

Moved Cr. J Fegan

Seconded Cr. N walker

CARRIED 5/0

6. ENVIRONMENT AND REGULATORY SERVICE REPORT

6.1 Environmental and Regulatory Services Report – November 2018

This report outlines the general activities, revenue and expenditure for the department for the period of November 2018.

RECOMMENDATION

That Council receives the November 2018 Environment and Regulatory Services Report.

Resolution No. 103/1819

Council receives the November 2018 Environment and Regulatory Services Report.

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 5/0

6.2 Local Law Making Process

Under Section 29(1) of the Local Government Act 2009, Council must decide its own process for making local laws. The process must not be inconsistent with the relevant requirements of the Act. The proposed process is included as Attachment 6.2.1 – Local Law Making Process.

RECOMMENDATION

That Council resolves to adopt the Local Law Making Process as detailed in Attachment 6.2.1 - Local Law Making Process Resolution in its entirety.

Resolution No. 104/1819

Council resolves to adopt the Local Law Making Process as detailed in Attachment 6.2.1 - Local Law Making Process Resolution in its entirety.

Moved Cr. P Curr

Seconded Cr. N Walker

CARRIED 5/0

6.3 Make local laws and delegate to the Chief Executive Officer the power to undertake public interest testing in relation to likely anti-competitive provisions

Council has adopted a process for the making of local laws. In accordance with that process, this report presents the following Local Laws and Subordinate Local Laws for consideration of anti-competitive provisions and adoption (making):

Model Local Law No. 1 (Administration) 2018;

Model Local Law No. 2 (Animal Management) 2018;

Model Local Law No. 3 (Community and Environmental Management) 2018;

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018;

Subordinate Local Law No. 1 (Administration) 2018;

Subordinate Local Law No. 2 (Animal Management) 2018;

Subordinate Local Law No. 3 (Community and Environment Management) 2018;

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

RECOMMENDATION

That Council resolves to:-

propose to adopt model local laws as follows—

Model Local Law No. 1 (Administration) 2011 (to be known as Local Law No. 1 (Administration) 2018);

Model Local Law No. 2 (Animal Management) 2011 (to be known as Local Law No. 2 (Animal Management) 2018);

Model Local Law No. 3 (Community and Environmental Management) 2011 (to be known as Local Law No. 3 (Community and Environmental Management) 2018);

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 (to be known as Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018); and

propose to make subordinate local laws as follows—

Subordinate Local Law No. 1 (Administration) 2018;

Subordinate Local Law No. 2 (Animal Management) 2018;

Subordinate Local Law No. 3 (Community and Environment Management) 2018;

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

Council resolves, pursuant to section 257 of the Local Government Act 2009 (“the Act”), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the Local Government Regulation 2012 to decide—

how the public interest test of each local law particularised in the schedule is to be conducted; and

the matters with which the public interest test report in relation to each local law particularised in the schedule must deal; and

the consultation process for the public interest test and how the process is to be used in the public interest test.

SCHEDULE

Model Local Law No. 1 (Administration) 2011;

Model Local Law No. 2 (Animal Management) 2011;

Model Local Law No. 3 (Community and Environmental Management) 2011;

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;

Subordinate Local Law No. 1 (Administration) 2018;

Subordinate Local Law No. 2 (Animal Management) 2018;

Subordinate Local Law No. 3 (Community and Environment Management) 2018;

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

Resolution No. 105/1819

Council resolves to:-

propose to adopt model local laws as follows—

Model Local Law No. 1 (Administration) 2011 (to be known as Local Law No. 1 (Administration) 2018);

Model Local Law No. 2 (Animal Management) 2011 (to be known as Local Law No. 2 (Animal Management) 2018);

Model Local Law No. 3 (Community and Environmental Management) 2011 (to be known as Local Law No. 3 (Community and Environmental Management) 2018);

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 (to be known as Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018); and

propose to make subordinate local laws as follows—

Subordinate Local Law No. 1 (Administration) 2018;

Subordinate Local Law No. 2 (Animal Management) 2018;

Subordinate Local Law No. 3 (Community and Environment Management) 2018;

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

Council resolves, pursuant to section 257 of the Local Government Act 2009 (“the Act”), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the Local Government Regulation 2012 to decide—

how the public interest test of each local law particularised in the schedule is to be conducted; and

the matters with which the public interest test report in relation to each local law particularised in the schedule must deal; and

the consultation process for the public interest test and how the process is to be used in the public interest test.

SCHEDULE

Model Local Law No. 1 (Administration) 2011;

Model Local Law No. 2 (Animal Management) 2011;

Model Local Law No. 3 (Community and Environmental Management) 2011;

Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
Subordinate Local Law No. 1 (Administration) 2018;
Subordinate Local Law No. 2 (Animal Management) 2018;
Subordinate Local Law No. 3 (Community and Environment Management) 2018;
Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

6.4 Endorsement of a Draft Biosecurity Plan

It is a requirement under the Biosecurity Act 2014 for Local Government to have a biosecurity plan for the management of invasive biosecurity matter within its Local Government Area. A draft Biosecurity Plan has been developed for Councils' consideration and endorsement for further stakeholder consultation and completion.

RECOMMENDATION

That Council

1. Endorse the draft McKinlay Shire Biosecurity Plan 2018; and
2. Seek membership for establishment of the McKinlay Shire Pest Advisory Group as set out in the Plan to develop, adopt and implement the strategic programs as defined in the Biosecurity Plan.

Resolution No. 106/1819

Council

1. Endorse the draft McKinlay Shire Biosecurity Plan 2018; and
2. Seek membership for establishment of the McKinlay Shire Pest Advisory Group as set out in the Plan to develop, adopt and implement the strategic programs as defined in the Biosecurity Plan.

Moved Cr. N Walker

Seconded Cr. J Fegan

CARRIED 5/0

Attendance – Geoff Hatwell, Director of Engineering, Environmental & Regulatory Services left the meeting room at 12:07pm.

Attendance – Tenneil Cody, Director of Corporate & Community Services entered the meeting room at 12:10pm.

7. COMMUNITY SERVICES

7.1 Community Services Monthly Report

Council is presented with the monthly Community Services report, which provides an overview of the operations for the month of November 2018.

RECOMMENDATION

That Council receives the Community Services monthly report for November 2018.

Resolution No. 107/1819

Council receives the Community Services monthly report for November 2018.

Moved Cr. S Royes

Seconded Cr. J Fegan

CARRIED 5/0

8. CORPORATE SERVICES REPORT

8.1 Corporate Services Report

The Corporate Services Report as of 30th November 2018 which summarises the financial performance and position is presented to Council.

RECOMMENDATION

That Council receives the monthly Corporate Services Report for the period ending 30th November 2018.

Resolution No. 108/1819

Council receives the monthly Corporate Services Report for the period ending 30th November 2018.

Moved Cr. J Fegan

Seconded Cr. N Walker

CARRIED 5/0

Attendance – Tenneil Cody, Director of Corporate & Community Services left the meeting room at 12:10pm.

9. CHIEF EXECUTIVE OFFICER REPORT

9.1 Council Meeting Dates 2019

Section 277 of the Local Government Regulation 2012 requires Council, to at least once per year public the dates and times of its Ordinary Meetings of Council. This report has been prepared for Council to confirm the meeting dates for 2019.

Meetings will be held in the Julia Creek Civic Centre Boardroom, located at 29 Burke Street Julia Creek. All meetings will commence at 9:00am unless otherwise notified.

The proposed dates for Briefing and Ordinary Meetings of Council for 2019 are as follows:

BRIEFING MEETINGS

Tuesday	8th January 2019
Tuesday	5th February 2019
Tuesday	5th March 2019
Tuesday	2nd April 2019
Tuesday	7th May 2019
Tuesday	4th June 2019
Tuesday	2nd July 2019
Thursday	6th August 2019
Tuesday	3rd September 2019
Tuesday	1st October 2019
Tuesday	5th November 2019
Tuesday	3rd December 2019

ORDINARY MEETINGS OF COUNCIL

Tuesday	15th January 2019
Tuesday	19th February 2019
Tuesday	19th March 2019
Tuesday	16th April 2019
Tuesday	21st May 2019
Tuesday	18th June 2019
Tuesday	16th July 2019
Tuesday	20th August 2019
Tuesday	17th September 2019
Tuesday	15th October 2019
Tuesday	19th November 2019
Tuesday	17th December 2019

RECOMMENDATION

That Council confirms that the Ordinary Meetings of Council will be held on a monthly basis and generally on the third Tuesday of the month. The dates of the 2019 Ordinary Meetings of Council will be:

ORDINARY MEETINGS OF COUNCIL

Tuesday	15th January 2019	Tuesday	16th July 2019
Tuesday	19th February 2019	Tuesday	20th August 2019
Tuesday	19th March 2019	Tuesday	17th September 2019
Tuesday	16th April 2019	Tuesday	15th October 2019
Tuesday	21st May 2019	Tuesday	19th November 2019
Tuesday	18th June 2019	Tuesday	17th December 2019

Resolution No. 109/1819

Council confirms that the Ordinary Meetings of Council will be held on a monthly basis and generally on the third Tuesday of the month. The dates of the 2019 Ordinary Meetings of Council will be:

ORDINARY MEETINGS OF COUNCIL

Tuesday	15th January 2019
Tuesday	19th February 2019
Tuesday	19th March 2019
Tuesday	16th April 2019
Tuesday	21st May 2019
Tuesday	18th June 2019
Tuesday	16th July 2019
Tuesday	20th August 2019
Tuesday	17th September 2019
Tuesday	15th October 2019
Tuesday	19th November 2019
Tuesday	17th December 2019

Moved Cr. N Walker

Seconded Cr. J Fegan

CARRIED 5/0

9.2 CONFIDENTIAL – DPI Paddock

This report is CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss *(e) contracts proposed to be made by it;*

PROCEDURAL MOTION

Resolution No. 110/1819

Council resolve that the meeting be closed to the public in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss *(e) contracts proposed to be made by it;*

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

The Ordinary Meeting of Council closed to the public at 12:27pm.

RECOMMENDATION

In view of the way the whole matter has evolved, it would seem appropriate for Council to pay for all of the boundary fencing, so that we and any tenant now and in the future starts with a clean slate and Council staff managing our stock routes and reserves have a clear understanding of a starting point to effectively manage the land and built infrastructure into the future.

PROCEDURAL MOTION

Resolution No. 111/1819

Council resolves to re-open the Ordinary Meeting of Council

Moved Cr. N Walker

Seconded Cr. P Curr

CARRIED 5/0

The Ordinary Meeting of Council re-opened to the public at 12:38pm.

Resolution No. 112/1819

In view of the way the whole matter has evolved, it would seem appropriate for Council to pay for all of the boundary fencing, so that we and any tenant now and in the future starts with a clean slate and Council staff managing our stock routes and reserves have a clear understanding of a starting point to effectively manage the land and built infrastructure into the future.

Moved Cr. P Curr

Seconded Cr. N Walker

CARRIED 4/1

9.3 CEO Monthly Report for November 2018

Matters arising during the period of November 2018.

RECOMMENDATION

That Council notes the monthly update from the CEO for information purposes.

Resolution No. 113/1819

Council notes the monthly update from the CEO for information purposes.

Moved Cr. J Fegan

Seconded Cr. S Royes

CARRIED 5/0

9.4 Appointment of Director of Engineering, Environmental and Regulatory Services.

RECOMMENDATION

Resolution No. 114/1819

Council resolve to accept the recommendation of the panel to appoint David McKinley to the role of Director of Engineering, Environmental and Regulatory Services.

Moved Cr. P Curr

Seonded Cr. N Walker

CARRIED 5/0

10.WHS REPORT

Council receives the Work Place Health & Safety monthly report for information purposes.

11. MEMBERS BUSINESS

Cr. N Walker: Upgrade to the SES Shed in Kynuna & McKinlay.

Cr. N Walker: Southern Gulf catchments met regarding the regional pest management plan.

Cr. J Fegan: Julia Creek Hospital build update.

Cr. S Royes: Clarified who the Emergency contacts will be over the Council closure period.

Cr. B Murphy: Mayor Belinda Murphy has given her full delegation to Deputy Mayor Neil Walker from 15th Dec 2018 to 8th January 2019.

12. CLOSURE OF MEETING

The Chair of the meeting Mayor Belinda Murphy declared the meeting closed at 1:05pm.

4. BUSINESS ARISING OUT OF MINUTES FROM PREVIOUS MEETING



5.0 ENGINEERING SERVICES

Nil Reports Due to Staff Absence.



6.0 ENVIRONMENTAL & REGULATORY SERVICES



6.1 Subject: Environmental and Regulatory Services Report - December 2018
Attachments: None
Author: Environmental & Regulatory Services Team Leader
Date: 8th January 2019

Executive Summary:

This report outlines the general activities, revenue and expenditure for the department for the period December 2018.

Recommendation:

That Council receives the December 2018 Environmental and Regulatory Services Report.

Background:

This report outlines the general activities of the department for the month of December 2018.

Detailed below are the general matters of interest that relate to the day to day activities of the department throughout the month.

Budget Legend:

Revenue	Actual exceeds Budget YTD	
	Actual below Budget YTD	
Expenditure	Actual below Budget YTD	
	Actual exceeds Budget YTD	
Any	Note provided	

Consultation: (internal/External)

Environmental & Regulatory Services Team Leader, Local Laws Officer, Ranger and Finance Officer.

Legal Implications:

Nil

Policy Implications:

Nil

Financial and Resource Implications:

As provided in the report.

InfoXpert Document ID:

97197



1 – Refuse Collection and Disposal

1.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Refuse Collection	\$40,842	\$37,954	\$75,908
Refuse Disposal	\$20,350	\$18,083	\$36,167

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Kerbside Rubbish Collection	\$14,725	\$27,500	\$55,000	\$40,275
Refuse Disposal Operation Costs	\$22,386	\$45,000	\$90,000	\$67,614

1.2 - Report

Julia Creek Waste Facility

The Waste Facility was pushed and covered during the month.

2 – Environmental Health Services

2.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Environmental License Fees	\$1,673	\$400	\$800

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Environmental Health Services	\$135,364	\$132,500	\$265,000	\$129,636

2.2 - Report

Water and Sewage monitoring

Water sampling is carried out in accordance with our Drinking Water Quality Management Plan (DWQMP) across our four (4) water supplies. Key matters of concern under the DWQMP are the presence of *Escherichia coli* or e-coli in the water. The presence of e-coli has potential health impacts.

Sampling undertaken in December showed no E.coli contamination in samples taken at all four townships.

Sewerage sampling continues to be carried out on the Julia Creek Sewerage Treatment Plant in accordance with the requirements of the licences issued by the Department of Environment and Heritage.

Vector Control

No fogging was undertaken during the month.



Food Recalls

One (1) Food Recall was received during the month.

Workplace Health and Safety

No safety issues were identified during the month. Hazard Inspections are currently up to date for the department.

Council staff is progressing with the new E3 Learning System.

3 – Local Law Administration

3.1 – Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Animal Registration Fees	\$14,257	\$2,500	\$5,000
Fines & Penalties – Animal Control	-\$7,715	\$500	\$1,000
Animal Boarding	\$1,686	\$1000	\$2,000

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Local Law Administration	\$53,173	\$41,000	\$82,000	\$28,827

3.2 - Report

General information of activities for Local Law/Animal Control matters is outlined the table below.

Table 1 - Local Law & Animal Control Summary

Activity	Number/Details
Impoundings and notices	Nil
Euthanized/Destroyed	Nil
Verbal/Written/Official warning	Nil
Complaints	Nil
Dog Boarding	Four (4)
Removal of Dead Animals	Seventeen (17)
Trapping Locations & Results	Nil

4 – Noxious Weeds and Pest Control

4.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Pest Plant & Animal Control Funding	\$20,000	\$0	\$0
Truck Washdown Bay	\$9,792	\$10,000	\$20,000
Dingo Baits	\$784	\$500	\$1,000
Feral Pig Baits	\$0	\$50	\$100



<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Pest Plant Control Program	\$68,915	\$131,500	\$263,000	\$194,085
Pest Animal Control Program	\$37,145	\$31,000	\$62,000	\$24,855

4.2 – Report

Feral Animal Control

No baits were issued in December.

No Dingo Scalps were presented in December.

Pest Plants

Local Laws Officer is continuing spraying in drains and around Julia Creek.

Washdown Bay

Pit was cleaned out during the month

5 – Livestock Operations

5.1 – Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Livestock Weighing	\$49,797	\$22,500	\$45,000
Livestock Cattle Loading	\$26,780	\$12,500	\$25,000

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Livestock Operational Costs	\$37,365	\$40,000	\$96,000	\$58,635

5.2 - Report

Julia Creek Livestock Facility

Cattle weighing and scanning figures were not available for December.

Table 2 - Livestock Weighing Month and Year Totals

MONTH	2012	2013	2014	2015	2016	2017	2018
JANUARY	199	0	359	0	0	0	183
FEBRUARY	2309	1740	1322	1872	525	467	3241
MARCH	0	676	617	3446	1497	1333	388
APRIL	1048	1584	406	5315	951	2487	2217



Ordinary Meeting of Council Tuesday 15th January 2019

MAY	3257	3829	1891	8107	615	2062	3065
JUNE	287	3976	2,109	3,442	1456	1522	742
JULY	3,931	1,774	0	2,170	2809	2003	1143
AUGUST	3260	0	374	1183	2582	2311	6291
SEPTEMBER	1706	338	3274	488	2665	1478	765
OCTOBER	618	1153	790	1252	4613	1127	4708
NOVEMBER	825	357	508	36	1011	2673	4788
DECEMBER	524	0	240	0	234	340	
TOTAL FOR YEAR	17,964	15,427	11,890	27,311	18,958	17,803	27,531

Livestock Operations (Cattle Loading)

The Cattle Loading Season concluded in November with a total of 11,371 cattle loaded on 33 trains during 2018.

Table 3 – Livestock Loading Month and Year Totals

MONTH	2012	2013	2014	2015	2016	2017	2018
JANUARY	0	0	0	0	0	0	0
FEBRUARY	0	1764	680	0	0	132	0
MARCH	1102	5310	851	0	572	920	0
APRIL	2791	5813	1811	7653	1737	580	0
MAY	6178	8670	7414	7204	2933	6126	603
JUNE	3788	8451	5912	6605	3486	2658	674
JULY	4877	7645	5246	6998	3565	3654	2084
AUGUST	6534	4215	6843	3936	4963	2898	674
SEPTEMBER	5410	1904	4508	315	2233	1804	2454
OCTOBER	5833	1800	3122	0	1070	0	3424
NOVEMBER	4568	0	3439	0	1641	0	1458
DECEMBER	110	0	0	0	144	0	0
TOTAL FOR YEAR	41141	45572	38826	32711	22344	18772	11371

6 – Stock Routes and Reserves

6.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Stock Route – Permit/Water Fees	\$9,001	\$4,300	\$8,600



Stock Route Recoverable Works	\$0	\$0	\$0
Trustee Lease Fees	\$91,205	\$60,000	\$120,000
Reserve Agistment Fees	\$7,332	\$10,700	\$21,400

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Precept Expenses	\$0	\$10,000	\$20,000	\$0
Stock Route Maintenance	\$40,978	\$55,000	\$110,000	\$69,022
Reserve Expenses	\$17,403	\$7,500	\$15,000	-\$2,403
Cemeteries	\$4,101	\$10,000	\$20,000	\$5,899

6.2 - Report

Stock Routes and Reserves

No Agistment/Tailing Permits were issued during the month.

There currently are Twenty Eight (28) Stock Route Water Agreements.

Cemeteries

Two headstones were erected during the month. Two enquiries were made during the month in relation to old graves, one located in McKinlay and one in Julia Creek.

7 – Work Program (Workcamp)

7.1 - Budget

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Work Program	\$8,121	\$15,000	\$30,000	\$21,879

7.2 - Report

The Work Camp program has been busy with a number of community based programs as detailed in the table below.

Table 4 - Work Program Activities

Activity	Details
Mowing of various NFP yards in Julia Creek	Mowing conducted frequently
Mowing of all local churches	Mowing conducted frequently
Mowing/Whipper snipping around Airport Area	Mowing conducted when required
Whipper snipping of McIntyre Park Area	Mowing conducted when



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	required
Mowing/Whipper Snipping around Sale Yards	Mowing conducted when required
Mowing of hill at Dirt and Dust Central	Mowing conducted when required
Julia Creek Waste Management and Recycling Facility – Picking up Rubbish	Ongoing, however Local Laws Officer is undertaking this more regularly now.
Kynuna, McKinlay and Nelia Waste Facilities – Cleaning of Facility	Ongoing
Various works at all Cemeteries	Ongoing
Lawn and Gardening Maintenance at the Julia Creek State School	Ongoing
Assistance with various works around the Livestock Facility	Ongoing
Upgrade works at RSL	Ongoing
Picking up rubbish around entry to Julia Creek	Ongoing
Assistance with erecting horse shelters in Common Paddocks	Three more shelters to be completed
Assistance with cementing at Julia Creek Cemetery	Ongoing

8 – Housing, FRB and Community Centre

8.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Council Property/Staff Housing Program	\$37,807	\$50,000	\$100,000
FRB Centre Rent	\$15,314	\$13,000	\$26,000
Community Centre Hire Fees	\$1,011	\$750	\$1,500

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Council Property/Staff Housing Program	\$71,305	\$92,500	\$185,000	\$113,695
FRB Units & Community Centre	\$29,408	\$26,500	\$53,000	\$23,592



Operations Costs				
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8.2 - Report

Council Property / Staff Housing

Council Property / Staff Housing activities for the month are detailed in Table 6 below.

Table 6 - Council Property / Staff Housing Activities

Activity	Number
Properties Available for use	5 Coyne Street 25 Byrne Street 10 Shaw Street
New Tenancies	Nil
Finalised Tenancies	Nil
Remedy Breach	Nil
Notice to Leave	Nil
Notes	General Maintenance performed when required.

Old Senior/Aged Care Housing

Old Senior/Aged Care Housing activities for the month are detailed in Table 7 Below:

Table 7 – Old Senior / Aged Care Housing Activities

Activity	Number
Properties Available	3
New Tenancies	Nil
Finalised Tenancies	Nil
Remedy Breach	Nil
Notice to Leave	Nil
Notes	General Maintenance performed when required.

Seniors Living Units

Seniors Living Unit activities for the month are detailed in Table 8 Below:

Table 8 – Seniors Living Units Activities

Activity	Number
Properties Available	Three (3) - Unit 1, Unit 5, Unit 7
New Tenancies	Nil
Finalised Tenancies	Nil
Remedy Breach	Nil



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Notice to Leave	Nil
Notes	General Maintenance performed when required.

9 – Land and Building Development

9.1 - Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
Land and Building Development	\$2,155	\$24,000	\$48,000

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Town Planning Program	\$3,745	\$35,000	\$70,000	\$66,255

9.2 - Report

Regulatory Services, Land and Building Development

One (1) Operational Work Development Application for construction of bore was lodged during the month.

10 – Local Disaster Management

10.1 – Budget

<u>Revenue</u>	Actual YTD	Budget YTD	Budget
SES Grants	\$0	\$11,125	\$22,250

<u>Expenditure</u>	Actual YTD	Budget YTD	Budget	Bud-Act
Disaster Management Operational Costs	\$14,607	\$13,500	\$27,000	\$12,393

10.2 - Report

Disaster Management

No incidents occurred that required the activation of the LDMG.



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6.2 Subject: Approved Inspection Program – Swimming Pool Fencing
Attachments: Nil
Author: Environmental & Regulatory Services Team Leader
Date: 8 January 2019

Executive Summary:

Council are proposing to undertake an Inspection Program on swimming pool fencing on all regulated swimming pools within McKinlay Shire under Section 134 of the *Local Government Act 2009*. The purpose of this program is to monitor compliance with AS1926.1-2012 Swimming Pool Safety Barriers for Swimming Pools and the *Building Act 1975*.

Recommendation:

That Council in accordance with Section 134 of the Local Government Act 2009 Council resolve to approve an inspection program to monitor compliance in accordance with AS1926.1-2012 Swimming Pool Safety Barriers for Swimming Pools on all regulated swimming pools within the townships of Julia Creek, Kynuna, McKinlay and Nelia for a period of 30 days commencing 11 February 2019.

Background:

Council received correspondence from a community member wishing to have their pool fencing inspected to ensure they comply with all relevant legislation. Council currently do not have an authorised person on staff to conduct pool safety inspections so was unable to action this request.

Contact has been made to a pool inspector in Mount Isa who will come out to inspect all regulated pools within the shire. To be able to undertake these inspections Council are to resolve to undertake a selective inspection program under Section 134 of the *Local Government Act 2009*.

Once the program is approved, the local government must give the public notice of the approval at least 14 days, but not more than 28 days before the approved inspection program can commence.

The notice must be published in a newspaper circulating generally in the local government area and on Council's website.

Comments:

This program is considered beneficial for Council to know that all pool owners are complying with relevant legislation.

Legal Implications:

NA

Policy Implications:

NA

Financial and Resource Implications:

Inspection costs by external party

Risk Management

NA

Options for Council to Consider



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NA

InfoXpert Document ID:

97202



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CONFIDENTIAL

6.3 Subject: Tender T1819004 – Sale and Removal of Old Bush Nurse House
Attachments: Nil
Author: Environmental & Regulatory Services Team Leader
Date: 14th January 2019

Confidentiality:

This report is CONFIDENTIAL in accordance with *Section 275 1(e) of the Local Government Regulation 2012*, which provides for a local government to resolve that a meeting be closed to the public if its Councillor's consider it necessary to discuss *(e) contracts proposed to be made by it;*

Executive Summary:

Council advertised a tender for the sale and removal of the Old Bush Nurse house located on Lot 309 on AL77 also known as 24 Wylde Street, McKinlay in November 2018. One (1) tender was received by the closing date.

Recommendation:

That Council resolve to award the tender to Wayne Muller for the tendered price of \$3,100.00 incl GST.

Background:

Council advertised a tender for the sale and removal of the Old Bush Nurse house located on Lot 309 on AL77 also known as 24 Wylde Street, McKinlay in November 2018.

A tender was received from Wayne Muller for the amount of \$3,100.00 incl GST.

Division 2, Section 224 (8) of the Local Government Regulation 2012 states that a limit set by the local government can not be more than \$10,000 for another type of non-current asset.

The definition of a valuable non-current asset is identified as land or another non-current asset that has an apparent value that is equal to or more than a limit set by the local government.

Council did not set a limit for this asset however considering that the offer is below \$10,000.00 Council can decide to accept or decline this offer.

A housing valuation on this property has not been completed.

Legal Implications:

Process was carried out in accordance with the Local Government Regulation 2012.

Policy Implications:

NA

Financial and Resource Implications:

The sale of valuable non-current asset will remove it as an asset.

Risk Management

NA

Options for Council to Consider



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Council can decide to;

- Accept the offer made by Wayne Muller to the amount of \$3,100.00; or
- Re-advertise the tender

InfoXpert Document ID:

NA



7.0 COMMUNITY SERVICES



7.1 Subject: Community Services Monthly Report

Attachments: Nil

Author: Director Corporate and Community Services

Date: 4 January 2019

Executive Summary:

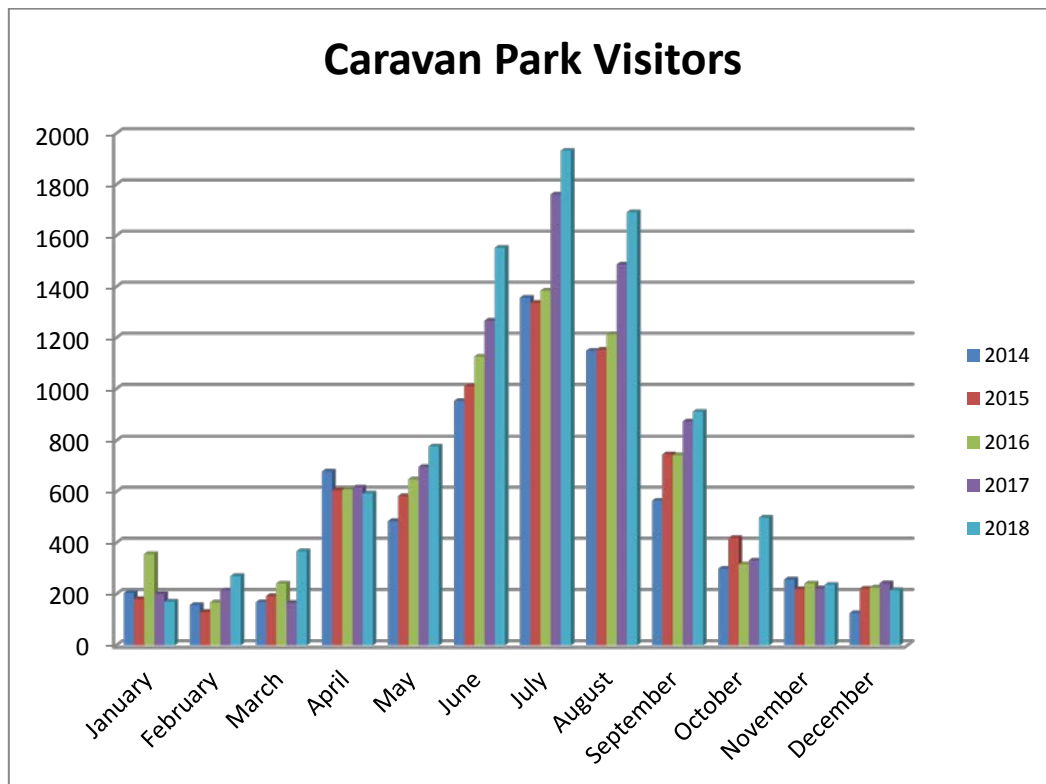
Council is presented with the monthly Community Services report, which provides an overview of the operations for the month of December 2018.

Recommendation:

That Council receives the Community Services monthly report for December 2018.

Caravan Park

The Julia Creek Caravan Park hosted 215 guests in December 2018 compared with 242 in December 2017 – an 11.15% decrease. There have been 9,214 Caravan Park guests in the year to date compared with 8,080 over the same period in 2017 – an increase of 14.03% between 2017 and 2018 YTD figures.





Library Services

As always December is a mixed bag, it is a short but busy month. We wind down in some aspects such as our regular weekly programs but then ramp up with the seasonal holiday events.

This December for the library school holiday program we made and decorated a seasonal Ginger Bread House.

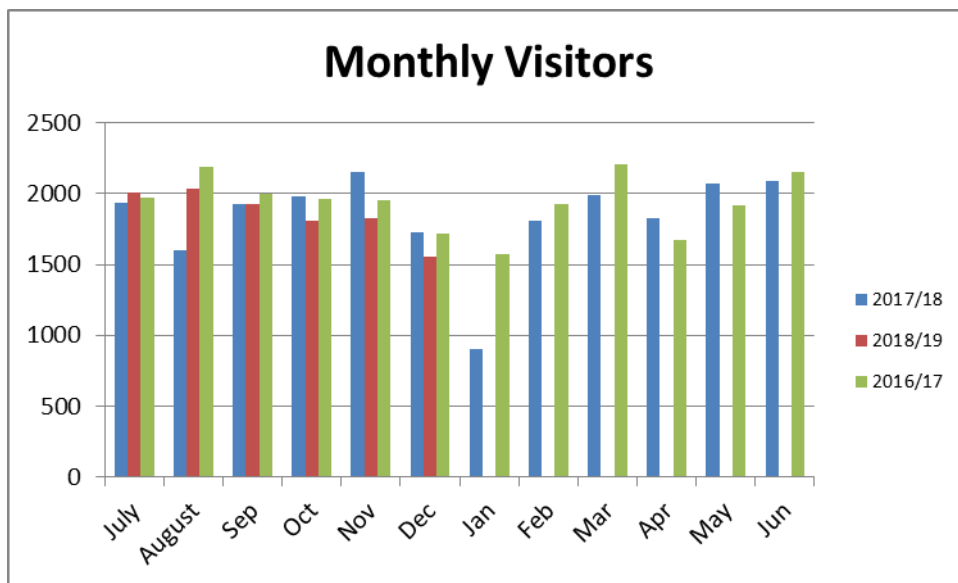
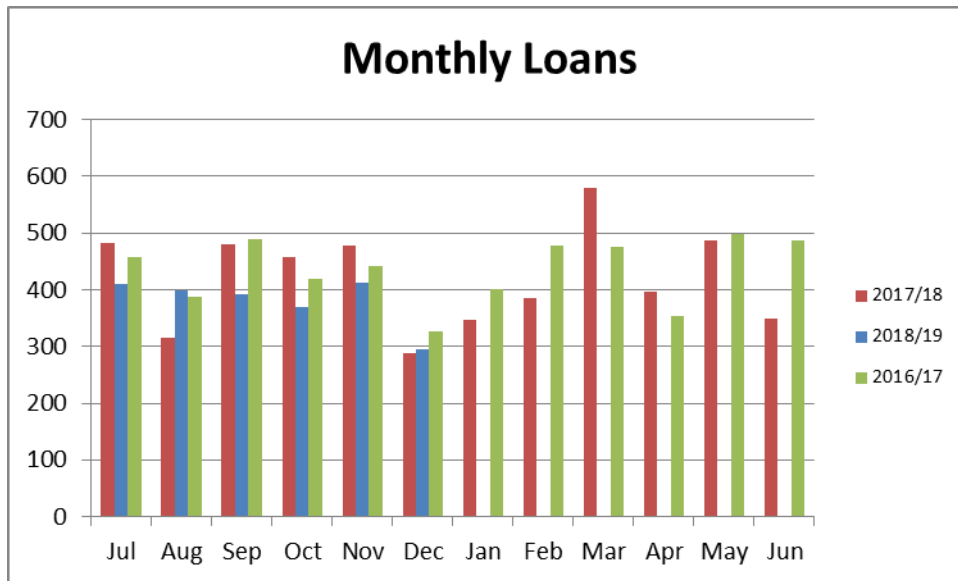
The kids made the house using cardboard boxes that they flattened and taped together. We added a doorway, windows and after much brainstorming decided on a snow roof. The second half of the project was to decorate it with lollies and gingerbread men that we had made ourselves. This is where our imaginations came into their own, we made snowmen, candy canes, gingerbread men, boiled lollies, chocolate eclairs and many other lollies I couldn't even name. To top off our wonderful time we had a real gingerbread house for our morning tea.

Statistics

New members:	
Adults	1
Junior	
Tourist	
Deleted	
Total membership:	374
Adults	287
Junior	87
Institutions	2
Tourists	
Services:	
Reservations satisfied	21
Requests for books	47
Internet/computer usage	264
Ipad usage	229
WiFi usage	219



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McKINLAY LIBRARY COUNCIL REPORT	
General update and activities:	
Loans	23
Returns	30
Visitors	12



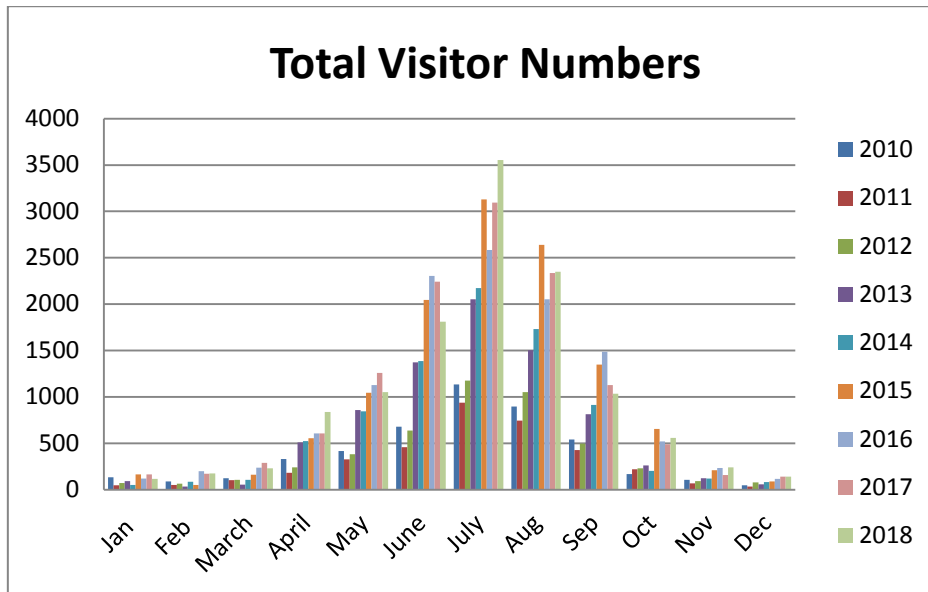
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Tourism

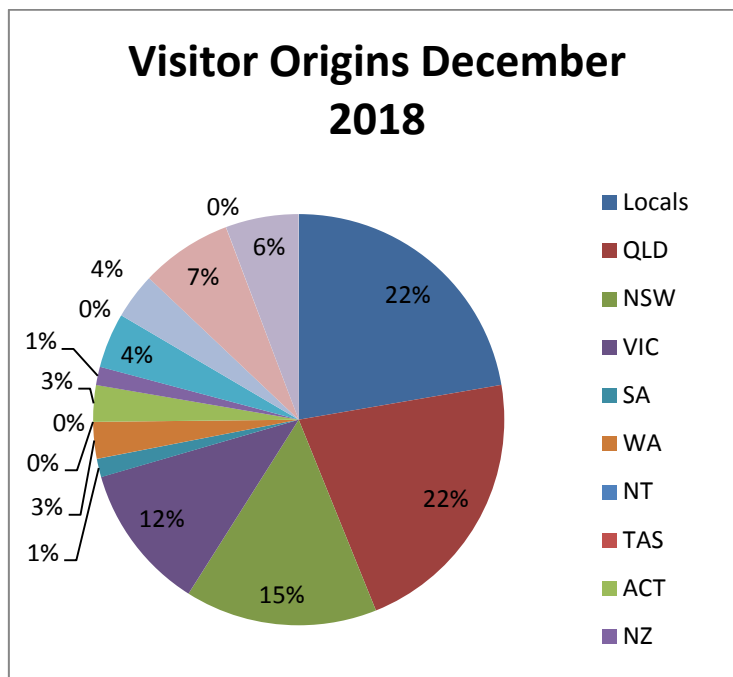
Total Visitor Numbers for December 2018 –139

There were 139 visitors to the Julia Creek Visitor Information Centre in December 2018 compared with 141 visitors in December 2017 – a slight decrease of 1.41% between 2017 and 2018 figures. There have been 12091 visitors to the Julia Creek Visitor Information Centre this year to date (YTD) compared with 12059 visitors over the same period in 2017 - an increase of 0.26% between 2017 and 2018 YTD figures.



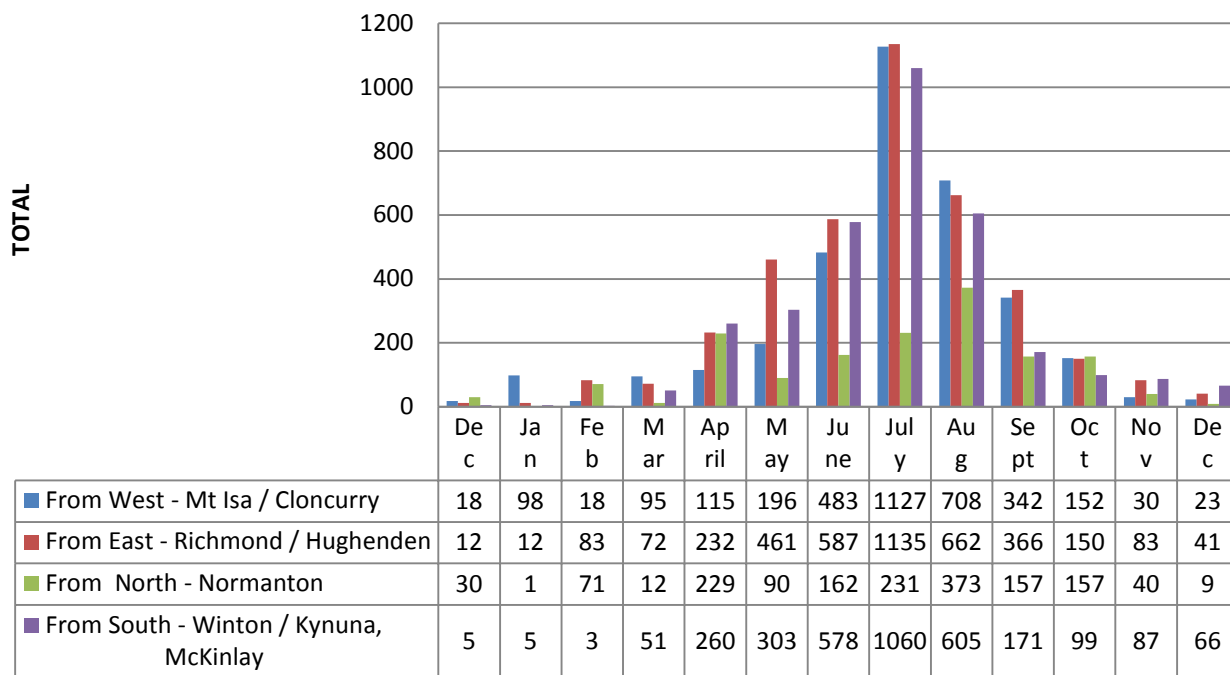
Total Locals for November 2018 – 31

There were a total of 31 local visitors to the Julia Creek Visitor Information Centre in December 2018 compared with 17 in December 2017 – an increase of 82.35% in figures between 2017 and 2018. There have been 429 local visitors to the Julia Creek Visitor Information Centre this year to date (YTD) compared with 755 visitors over the same period in 2017 - a decrease of 43.17 % between 2017 and 2018 YTD figures.



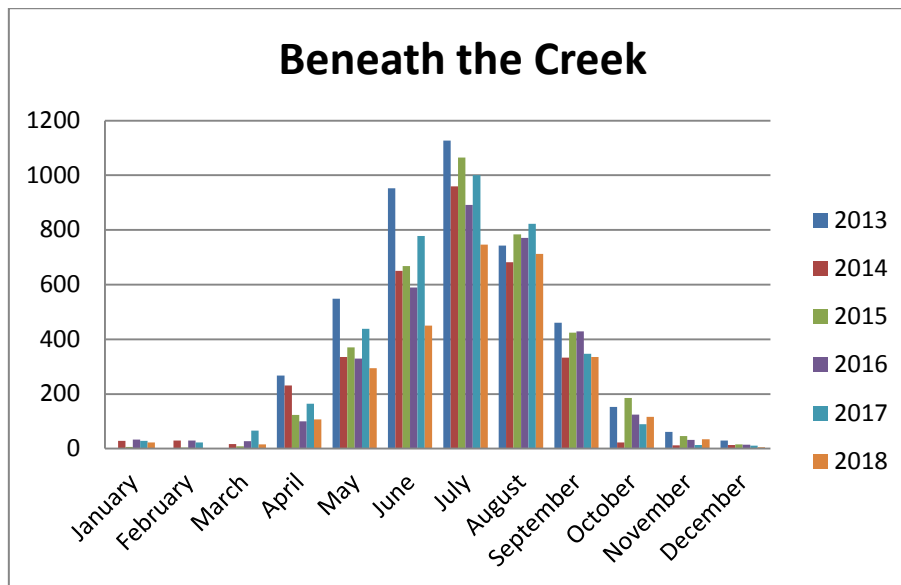


North West Regional Statistics December 2017- December 2018



Beneath the Creek

There were 5 entries to 'Beneath the Creek' in December 2018 compared with 11 in December 2017 – a 54.54 % decrease. There have been 2844 entries to Beneath the Creek in the Year to Date (YTD) compared with 3783 over the same period in 2017 which represents a 24.82 % decrease.



RV Site Permits and Expenditure – 1 in December 2018

1 RV Permit issued in December 2018 compared with 2 in December 2017 -There have been 2842 RV Site Permits issued in the Year to Date (YTD) compared with 2981 over the same period in 2017 which represents a 4.66 % decrease. In December 2018, zero Site Survey were received total spent cannot be calculated for December 2018.

Julia Creek Early Learning Centre

No report this month due to centre closure. Will be included in next months report.

Swimming Pool

Statistics

ENTRIES	SWIMMERS
Adult Entry	82
Child Entry	146
Season Passes / Family Pass	
Adult	24
Child	39
Breakfast Club/ No Charge	11
After School Care/ No Charge	50
J/C Swimming Club/ No Charge	14



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Aged Care/ No Charge	
Triathlon Training/ No Charge	
Adult	1
Child	4
J/C State School/ No Charge	
Caravan Park Tokens	
Adult	62
Child	48
Free Sunday	
Adult	
Child	
Total Swimmers	481

Sport & Recreation

MISOTA Sports for Bush Kids:

During the first week of December, I was able to attend Sports for Bush Kids in Mount Isa. This program allowed children from rural areas the opportunity to come together and participate in a variety of sports that they wouldn't usually be exposed too. These included cricket, soccer, netball, basketball, rugby league, rugby union, touch football, swimming and dance just to name a few.

CHSP:

Gym sessions are continuing on Tuesday mornings with regular attendees. HACC exercises and indoor bowls are also continuing on Wednesday mornings at the Fr Bill Busuttin Centre. A program which focuses on improving strength and preventing falls has been implemented and is continuing to benefit participants.

Daren Ginns Centre:

Membership numbers remain steady and the facility seems to be gaining new members with the influx of workers into Julia Creek. Memberships will be due again in January.

School Holiday Program:

The December school holidays was a busy period with lots of fun activities offered for local children. A day-trip to Mount Isa took place for a visit to the cinemas, as well as arts and crafts, cooking, library fun, regular swims at the pool and an afternoon movie marathon.



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Community Health

Report will be presented on the day

Commonwealth Home Support Programme (CHSP)

Events and Activities

CHSP clients ended the year with a lovely Christmas break up party along with our valued MOW volunteers .

Statistics

Currently CHSP have a total of 33 clients.

Service Offered	Number of Clients
Transport	39 Two way trips
Social Support	Visits 24
Personal Care	15 Visits 2 Clients (Community Nurse)
EXERCISE	2 CLIENTS 2 SESSIONS
Shopping	3Trips (4 ` attendees, 1 pickup)
GAMES	15 Attended 3 (sessions)
Luncheon	30 Attended (3 sessions) visitors
Meals on Wheels	18 Meals delivered
Home Maintenance	50 lawns mowed 25 clients
Domestic Assistance	9 clients,34 visits
Pub Lunch	10 Clients1 SESSION
Clients Transported for Doctors Appointments	8 CHSP clients
Clients admitted to Hospital	1 CHSP CLIENT

Grants & Funding

A further round of Works for Queensland (W4Q) has been released, the 2019-21 program will provide \$1,050,000 in funding for projects. The objective of the program is to support Councils with job creating maintenance and minor infrastructure works. Funds may be used to enhance the scope of projects already committed to by Council. Council will receive 50% of the approved funding in 2018-19 FY, though the funding period is from 1 July 2019 to 30 June 2021. Council is yet to receive further correspondence in relation to nominating projects, though Department has indicated that a list will be required by March 2019.

The Local Government Grants and Subsidies Program (LGGSP) will open on 14th January and close on 8th February 2019. A report has been prepared and included in the agenda for consideration of project funding.



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Consultation:

Legal Implications:

Nil

Policy Implications:

Nil

Financial and Resource Implications:

InfoXpert Document ID: 96596



7.2 Subject: Caravan Park Fees 2019
Attachments: Nil
Author: Director Corporate & Community Services
Date: 4 January 2019

Executive Summary:

Proposal to Council to amend the Julia Creek Caravan Park fees, effective 1st March 2019.

Recommendation:

That Council adopts the amendments to the 2018/19 Fees and Charges Schedule to include the amended Julia Creek Caravan Park fees as presented:

Background:

The fees and charges for the Julia Creek Caravan Park were not increased at the start of the 2018/2019 financial year, as in industry the accommodation rates are normally set with the calendar year rather than making changes at the busiest time of year for the Caravan Park. The following fee increases are proposed. The fee increases are for both the powered and unpowered sites and also introduce a fee for the artesian baths.

Julia Creek Caravan Park:

	Description	2018/19 Fee Incl GST	2019 Proposed fee (effective from 1st March 2019)	Unit/Details
3. JULIA CREEK CARAVAN PARK FEES				
3.1	POWERED SITES			
	Site Fee (1 person)	\$ 23.00	\$ 28.00	per night
	Site Fee (1 person) 3 night special		\$ 75.00	per 3 nights
	Site Fee (up to 2 persons)	\$ 28.00	\$ 32.00	per night
	Site Fee (up to 2 persons) 3 Night Special	\$ 67.00	\$ 85.00	per 3 nights
	Extra person	\$ 9.00	\$ 10.00	per night
	Extra Child 10 & under	\$ 5.00	\$ 5.00	per night
	Child 2 and under	FREE	FREE	
	Site Fee (up to 2 persons)	\$ 168.00	\$ 192.00	per week*
	Extra Adult	\$ 54.00	\$ 60.00	per week
	Extra Child	\$ 30.00	\$ 30.00	per week
	Dirt n Dust weekend (Thurs-Mon up to 2 persons)	\$ 30.00	\$ 40.00	per night
	Dirt n Dust weekend - Extra person	\$ 15.00	\$ 20.00	per night
	Dirt n Dust weekend - Extra child 10 & under	\$ 10.00	\$ 15.00	per night
	Dirt n Dust weekend - Child 2 and under	FREE	FREE	per night



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	3 night package - 3 nights at powered site plus artesian bath for couple		\$ 100.00	Not available over D&D weekend
	* Week Special - Stay for 7 nights pay for 6			
3.2	UNPOWERED SITES			
	Site Fee (1 person)	\$ 16.00	\$ 20.00	per night
	Site Fee (1 person) 3 night special		\$ 50.00	per 3 nights
	Site Fee (up to 2 persons)	\$ 20.00	\$ 28.00	per night
	Site Fee (up to 2 persons) 3 Night Special	\$ 48.00	\$ 75.00	per 3 nights
	Extra person	\$ 8.00	\$ 10.00	per night
	Extra child 10 & under	\$ 4.00	\$ 5.00	per night
	Child 2 and under	FREE	FREE	
	Site Fee (up to 2 persons)	\$ 120.00	\$ 168.00	per week*
	Extra Adult	\$ 48.00	\$ 60.00	per week
	Extra Child	\$ 24.00	\$ 30.00	per week
	Dirt n Dust weekend (Thurs-Mon up to 2 persons)	\$ 24.00	\$ 30.00	per night
	Dirt n Dust weekend - Extra person	\$ 12.00	\$ 15.00	per night
	Dirt n Dust weekend - Extra child 10 & under	\$ 8.00	\$ 10.00	per night
	Dirt n Dust weekend - Child 2 and under	FREE	FREE	per night
	3 night package - 3 nights non powered site plus artesian bath for a couple		\$ 95.00	Not available over D&D weekend
	* Week Special - Stay for 7 nights pay for 6			
3.3	PERMANENT			
	Permanent Caravan Site Rental	\$ 260.00	\$ 280.00	per fortnight (up to 2 persons)
	Extra Adult		\$ 80.00	per week per person
	Extra Child 10 & under		\$ 40.00	per week per person
	Child 2 and under		FREE	
3.4	BUS (schools, tours and universities - Powered site)			
	Plus Passenger Charged excluding staff/crew	\$ 15.00	\$ 15.00	per person
3.5	DONGA UNITS			
	Two Beds	\$ 65.00	\$ 70.00	Per Night
	Two Beds	\$ 390.00	\$ 420.00	Per Week*
	*7 nights for the price of 6.			
	For Staff Permanent Rental rates refer to Section 2.2			



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3.6	SELF CONTAINED CABINS			
	Cabin (6 Bed)	\$ 130.00	\$ 130.00	Per Night
	Cabin (6 Bed)	\$ 845.00	\$ 780.00	Per Week*
	Cabin (4 Bed)	\$ 105.00	\$ 110.00	Per Night
	Cabin (4 Bed)	\$ 680.00	\$ 660.00	Per Week*
	* Week Special - Stay for 7 nights pay for 6			
3.7	LAUNDRY			
	Washing Machine	\$ 3.00	\$ 4.00	Per Load
	Dryer		\$ 5.00	per load
3.8	STORAGE			
	Storage for powered & unpowered sites	\$ 65.00	\$ 80.00	Per Week
3.9	Artesian Baths			
	Guests of Caravan Park		\$ 15.00	per person
			\$ 25.00	per couple
	Visitors to the Park (non guests)		\$ 30.00	per person
			\$ 50.00	per couple

1.6 McINTYRE PARK HIRE

Camp/caravan overnight	\$ 24.00	\$25.00	Per night
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Consultation:

These proposed fees were discussed at the tourism strategy meeting on 30th November 2018, which included Cr Murphy, Cr Fegan, caravan park managers, Tourism Coordinator Georgia Crocker and myself.

Legal Implications:

Nil

Policy Implications:

Council's Fees & Charges Schedule will require updating.

Financial and Resource Implications:

InfoXpert Document ID: 96597



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7.3 Subject: Local Government Grants and Subsidies Program

Attachments: Local Government Grants and Subsidies Program (*InfoXpert Doc ID: 96590*)
Observe & Recommendation Water Tower (*InfoXpert Doc ID: 96697*)

Author: Director Corporate & Community Services

Date: 4 January 2019

Executive Summary:

The Department of Local Government, Racing and Multicultural Affairs has recently announced that latest round of the Local Government Grants and Subsidies Program (LGGSP), 2019-21. The program opens on 14th January and closed on 8th February 2019. Council is presented with this report to give consideration to nomination of projects for funding.

Recommendation:

That Council commit to applying to the LGGSP2019-21 for funding towards the remedial works of the Julia Creek Water Tower, with a commitment from Council of 40% of project costs, maximum of \$140,000.

Background:

The LGGSP is to provide funding assistance to support Local Governments to deliver priority infrastructure and essential services for the community. The program will provide up to 60% subsidy for projects that align with the program objectives, which are:

- align with State, regional and local priorities
- contribute to building safe, connected and liveable communities
- contribute to economic growth and employment
- maintain and extend the functional life of existing and future infrastructure assets through sustainable asset management
- build resilience against future natural disasters
- encourage collaboration and resource sharing between Local Governments.

The funding period is from 1 July 2019 to 30 June 2021.

Key Assessment Criteria include:

- delivery of essential public infrastructure, e.g. water and sewerage infrastructure
- financial soundness and value for money
- whole of asset life costs and the ability to manage such responsibilities
- community and/or economic need
- full time equivalent (FTE) jobs supported by the project
- capacity to deliver the project by 30 June 2021.



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The Department has also highlighted that funding will be prioritised for projects where:

- they provide essential public infrastructure, i.e. water and sewerage infrastructure
- the Local Government has limited capacity to self-fund a project, and/or
- the project supports employment in local communities.

The attachments provide a list of example eligible and ineligible projects.

One project which is being proposed is the remedial works required for the Julia Creek Water Tower following the structural assessment completed in December 2018.

Cost estimates for the works are currently being sort as this report is being prepared however early estimates from Council Officers suggested \$150,000 - \$200,000. For the purpose of writing this report the 40% commitment is based on a total project cost of \$350,000.

Consultation:

Policy Implications:

Nil

Financial and Resource Implications:

Council will be required to provide 40% of the funding for any project nominated.

InfoXpert Document ID: 96595

Attachment 1 – Examples of Eligible Projects

Essential public infrastructure:

Sewerage infrastructure

- Sewerage infrastructure from the wastewater treatment plant including the treatment plant and disposal of the treated effluent, e.g. treatment works, distribution of treated wastewater and beneficial wastewater re-use.
- Upgrades to components of sewerage infrastructure that will reduce operating costs and/or extend the life of existing infrastructure

Water infrastructure

- Untreated water from the source to the treatment plant then to the first distribution reservoir, e.g. new source of supply, enhancement of existing weirs and bores, treatment works, pump stations, rising mains and delivery main up to the first distribution reservoir.
- Upgrades to components of water infrastructure that will reduce operating costs and/or extend the life of existing infrastructure.

Social and cultural infrastructure

- Community centres, halls, libraries, heritage sites, museums and cultural centres
- Modifications to public facilities

Economic and Tourism infrastructure

- Facilities such as camping grounds, heritage or natural attractions; foreshore developments,
- Streetscape enhancements
- Rest areas and amenities
- Technology such as internet kiosks and wireless access
- Resurfacing of Council owned and maintained airport runways
- Foreshore enhancement

Security and community safety infrastructure

- Security cameras
- Lighting in public places
- Emergency contact systems

Asset Management*

- Asset condition assessments
- Asset geocoding
- Fit-for-purpose asset management software
- Other improvements to asset management systems

*Every local government must prepare a long-term asset management plan as part of its system of financial management (*Local Government Act 2009*). This should be kept up to date as a result of Council's asset management system.

Disaster Resilience and Preparedness

Works that protect existing essential public infrastructure and/or build resilience to future natural disaster events.

Attachment 2 – List of Ineligible Projects and Costs

The following list provides examples of **ineligible projects** that are not eligible to receive funding under the 2019-21 LGGSP:

- Feasibility and planning studies, including town planning schemes
- House raising or relocation
- Sewerage infrastructure to the treatment plant, e.g. household connections, manholes, pump stations and sewer lines
- Treated water from the first distribution reservoir and distribution network to household connections

Pre-planning activities

- Conceptual design
- Works that have already commenced or been completed. This includes pre-planning and planning activities, and pre-construction, that commence prior to the date of formal advice of funding approval.

Plant and equipment

- Purchase or lease of core business capital equipment such as motor vehicles and office equipment
- Furnishings and supplies
- Purchase of plant and equipment
- Leasing of vehicles or plant and other equipment unless directly associated with the project e.g. water trucks, excavators

Core business costs (business as usual)

- Core business for an organisation, including ongoing costs for administration, operation and maintenance or engineering
- General overhead charges relating to the administration of project costs
- Ongoing costs for administration, operation and maintenance or engineering
- Corporate overheads and oncosts, including technical, professional and clerical salaries of Council employees
- Remuneration of Executive Officers
- Costs of preparing the Project Proposal for funding or associated supporting material
- Development of an Asset Management Plans (In accordance with the *Local Government Act 2009*, Councils must prepare a long-term asset management plan as part of its system of financial management)

Project costs

- Official opening expenses (excluding permanent signage)
- Statutory fees, charges and costs associated with obtaining regulatory and/or development applications
- Temporary works, except where required as part of the construction of the eligible works or required to enable completion of the proposed project
- Land acquisition and associated costs (unless directly associated with the proposed project) or land buy back schemes

Other costs

- Works on land that is not controlled or owned by Council

- Duplication of existing initiatives
- Legal expenses
- In-kind contributions, including contributions from Commonwealth or other State agencies

The above list identifies the most common examples of ineligible projects/costs and is not intended to be comprehensive. If there is any doubt about ineligible costs, please contact the Department.

3 Commentary on observations

Commentary on the observed defects has only been provided for those elements that are considered to have a detrimental impact on the overall structure.

3.1 Stem

From the inspection, the concrete appeared sound. There was no signs of cracking or calcification. The concrete strength was in excess of 40MPa and the cover to reinforcement was in excess of 45mm. The stem is considered to be performing adequately with no reportable defects.

3.2 Tank Base

As noted in Section 2.8, concrete spalling was identified at the south-eastern face of the tank base. The spalling was most likely caused by corrosion of reinforcement due to reduced cover. AS3735 requires minimum cover of 45mm for structures with exposure classification B1, where standard formwork and compaction are used. While the cover to reinforcement was generally found to be in excess of 35mm, at the location of spalling cover was found to be 22mm. Reduced cover can have an adverse effect on the durability of the concrete structure. It should be noted that AS3735 did not exist at the time of design for this structure. The Water Tower was likely designed to British Standards using a serviceability design method.

To prevent further corrosion to the reinforcement and concrete spalling, all loose concrete will be required to be removed back to sound concrete, the surface treated and patched as described in the recommendations.

3.3 Tank Walls

The tank wall was found to be exhibiting signs of cracking which is similar to that expected from cold joints during construction. The crack widths in the wall ranged from approximately 0.2mm to 0.4mm, which exceeds the recommended acceptable crack width of 0.1mm in accordance with AS3735 – *Concrete Structures for retaining liquids – Commentary*. Crack widths of the sizes identified in the tank walls can have an adverse effect on the durability of the structure as it causes accelerated corrosion of the reinforcing steel.

3.4 Tank Roof

The tank roof was found to be exhibiting signs of cracking similar to that expected from shrinkage effects. The crack widths ranged from 0.1 - 0.3mm which is on the limit of the recommended acceptable crack width of 0.3mm in accordance with AS3600 - *Concrete Structures – Commentary*. Crack widths of the upper limits identified in the tank roof can have an adverse effect on the durability of the structure, as it causes accelerated corrosion of the reinforcing steel.

5 Recommendations and conclusions

The purpose of this structural assessment of the Julia Creek Water Tower was to undertake non-invasive testing and to provide a condition assessment report outlining the findings of both the non-invasive concrete tests and the visual structural inspection.

In conclusion the external concrete surface of the Water Tower is considered to have performed adequately over time with isolated spalling occurring on the eastern side of the structure. The concrete compressive strength of the external surface was found to be above 40MPa, and the estimated depth of carbonation was found to be less than steel reinforcing cover. This suggests that reinforcement corrosion is unlikely to have occurred with the exception of the area of identified to be spalling.

The internal surface of the Water Tower was found to be exhibiting signs of degradation and had significantly lower compressive strength than the external surface. The degradation is considered to have occurred as a result of the water leaching the cement paste from the concrete over time. While inspecting the internal surface of the water tank, a suspected cold joint and associated patching attempts was identified. This cold joint and failed patching is considered to be the contributing factor for the leaks from the tank walls.

As a result of the inspection, and associated discussions with MSC members undertaken on the 6th December 2018, the proposed remedial works are in line with the MSC Projects Manager's expectations.

The proposed remedial works are as follows:

- External Surface
 - Spalled Concrete - Break back the concrete at the eastern location of spalling, treat the corroded reinforcing and patch repair the affected area.
 - Water Leaks – Pressure inject the known locations of water leaks from the external surface.
- Internal Surface
 - Removed the top 30-40mm of degraded concrete back to sound concrete via an approved method (blasting, etching, etc).
 - Patch repair any existing cracks by grout injection as required
 - Build back the 30-40mm of internal surface with an approved product (resin, grout, etc)
 - Install a water proof liner to suit the site based constraints.
 - Replace internal access ladder

Further to immediate remedial works, a maintenance/inspection strategy could be considered by MSC to reduce the risk of premature degradation of the Water Tower.

It is noted that the aforementioned remedial works are high level options only and will be detailed during the design phase. Cardno will ensure that the products and repair methodologies specified are fit for purpose and consider the known site based constraints such as water quality, heat, maintenance procedures, etc.



8.0 CORPORATE SERVICES



8.1 Subject: Corporate Services Report
Attachments: Nil
Author: Corporate Services Team Leader

Executive Summary:

The Corporate Services Report as of 31st December 2018 which summarises the financial performance and position is presented to Council.

Recommendation:

That Council receives the monthly Corporate Services Report for the period ending 31st December 2018.

Report:

The Corporate Services Report compares actual performance to date with the Council's adopted 2018-2019 Budget and provides information, budget variances or any financial risks/concerns.

Financial information provided in this report is:

1. Summary of the Statement of Comprehensive Income (Profit & Loss Sheet) provides the total revenue versus expenditure which gives the operating result.
2. Statement of Financial Position (the Balance Sheet) "bottom line" discloses the Net Community Equity of Council, which represents it's wealth as measured by a dollar value of its asset less liabilities.
3. Statement of Cash Flows indicates where Council's cash came from and where it was spent.
4. Summary by function provides the total year to date revenue and expenditure for each Department of Council.
5. Summary of year to date expenditure for the Capital Works program.
6. Outstanding balances for rates and debtors.

Income Statement Variances/Comments:

This month includes depreciation charges up to November 2018. The final claim for 2016 Flood Damage was received. 2018 Flood Damage works have commenced. Capital works – progress claim for new staff houses paid during the month.



Ordinary Meeting of Council Tuesday 15th January 2019

INCOME STATEMENT SUMMARY

	Actuals	Variance	YTD Budget	Full Year Budget
Total Income	10,059,885	92%	10,876,987	21,753,973
Total Expenses	7,985,732	106%	7,555,111	15,110,222
Surplus	2,074,153	62%	3,321,876	6,643,751
Less Capital Revenue	4,644,713	98%	4,736,364	9,472,727
Plus Depreciation	1,857,385	88%	2,116,100	4,232,200
Net Operating Surplus	\$ (713,175)	-102%	\$ 701,612	\$ 1,403,224

STATEMENT OF FINANCIAL POSITION

	2019 Actuals	2018 Actuals
Current Assets	16,324,642	15,379,450
Total Non-Current Assets	191,559,565	190,871,685
Total Assets	207,884,207	206,251,136
Total Current Liabilities	932,107	1,353,363
Total Non-Current Liabilities	96,659	96,659
Total Liabilities	1,028,766	1,450,022
<u>Community Equity</u>		
Asset Revaluation Surplus	67,975,432	67,975,432
Retained Surplus	138,499,834	136,425,681
Reserves	400,000	400,000
Total Community Equity	\$ 206,875,267	\$ 204,801,113

STATEMENT OF CASH FLOWS

	2019 Actuals	2018 Actuals
Cash Flows from Operating Activities	10,517	552,708
Receipts, Payments & Interest Received		
Borrowing Costs		
Cash Flows From Investing Activities	(6,707,896)	(4,669,152)
Payments and Proceeds for PPE		
Capital Income		
Cash Flows from Financing Activities	-	-
Loan Payments		
Net increase (decrease) in cash held	(6,697,379)	(4,116,444)
Cash at beginning of the financial year	12,862,241	15,665,531
Cash at the end of the period	14,943,740	12,862,241



Ordinary Meeting of Council Tuesday 15th January 2019

Summary By Departments						
Department	Revenue			Expenditure		
	Actuals	%	Budget	Actuals	%	Budget
Infrastructure & Works	6,336,108	56%	11,318,512	4,092,473	32%	12,699,860
Governance & Partnerships	-	0%	68,190	450,849	47%	960,500
Corporate Services	2,461,835	31%	7,992,467	848,837	50%	1,704,501
Economic Development	143,237	73%	196,918	482,284	46%	1,039,700
Community Services	872,049	49%	1,779,234	1,560,910	45%	3,474,068
Health Safety & Development	18,159	23%	79,050	324,710	49%	669,000
Environment Management	220,960	69%	319,602	201,553	33%	615,000
	10,052,348	46%	21,753,973	7,961,615	38%	21,162,629

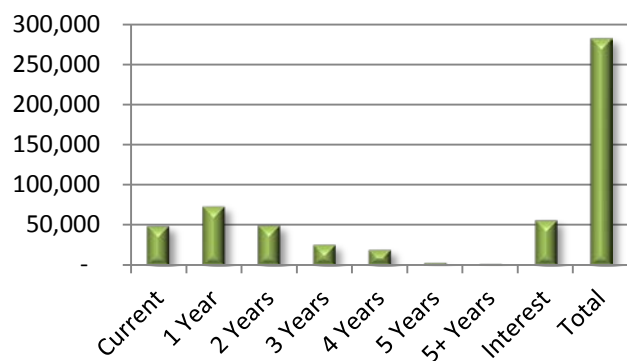
Capital Works Program			
	Actual	%	Budget
Infrastructure & Works			
Roads, Grids and Bridges (Including R2R & TIDS)	865,183	36%	2,402,947
Wastewater	1,034	0%	885,000
Water	32,136	38%	85,000
Transport - Julia Creek Airport	23,504	43%	55,000
Other incl Plant Replacement	91,164		1,135,000
	1,013,021	22%	4,562,947
Environmental Management			
Reserves Asset Management	24,898	15%	170,000
	24,898	15%	170,000
Community Services & Facilities			
Buildings & Other Structures	1,294,578	41%	3,177,095
Parks & Gardens	19,388	6%	338,800
Council Housing	34,094	27%	127,945
	1,348,060	37%	3,643,840
Corporate Services			
Buildings & Other Structures	-	0%	-
Office Equipment	810	2%	35,000
	810	2%	35,000
Economic Development			
Julia Creek Livestock Facility	-	0%	-
Economic Development	-	0%	-
	-	0%	-



TOTAL	2,386,790	28%	8,411,787
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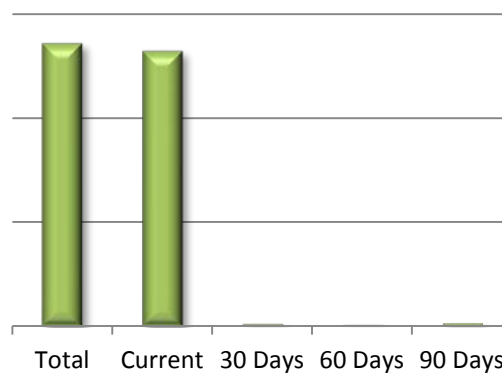
Outstanding Rates

	Dec-18	Nov-18
Current	49,766	65,238
1 Year	74,186	74,224
2 Years	50,577	50,897
3 Years	26,393	26,393
4 Years	19,939	19,939
5 Years	3,400	3,400
5+ Years	1,846	1,846
Interest	56,844	55,225
Total	282,950	297,162



Outstanding Debtors

Total	815,501.39
Current	793,913.28
30 Days	7,600.54
60 Days	3,585.08
90 Days	10,402.49



Consultation:

- Chief Executive Officer
- Director of Corporate and Community Services

Legal Implications:

Policy Implications:

Financial and Resource Implications:

InfoXpert Document ID: 97188



Ordinary Meeting of Council Tuesday 15th January 2019

8.2 Subject: Investigation Policy
Attachments: Investigation Policy (*InfoXpert Doc ID: 96579*)
Author: Director Corporate & Community Services
Date: 3 January 2019

Executive Summary:

As part of the requirements of section 150AE of the *Local Government Act 2009*, a local government must adopt a policy about how it deals with the suspected inappropriate conduct of councilors referred, by the assessor, to the local government to be dealt with. Hence, the Investigation Policy has been drafted and is presented to Council for consideration and adoption.

Recommendation:

That Council adopts the Investigation Policy V1.0 as presented.

Background:

With the recent changes to the Act as a consequence of the Belcarra report which now introduces an independent assessor to handle complaints about inappropriate conduct of councilors, the assessor also has the option to refer the complaint back to the local government. Given this, Council are required by section 150AE of the Local Government Act 2009 to adopt a policy which sets out how it will deal with these referrals including the investigation process.

The policy presented is based off the example policy provided by the Department of Local Government, Racing and Multicultural Affairs.

Consultation:

Department of Local Government, Racing and Multicultural Affairs.

Legal Implications:

The policy and associated documents have been compiled to meet the requirements of the *Local Government Act 2009*.

Policy Implications:

Financial and Resource Implications:

InfoXpert Document ID: 96578



1. Authority

This is McKinlay Shire Council's 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. Commencement

The investigation policy was adopted by Council resolution on 15th January 2019 and applies from 16th January 2019.

3. 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.

4. Definitions

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 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 *Local Government Act 2009*

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

5. 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. 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.

7. 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.

8. 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.

Date of Approval: 15th January 2019
Approved By: Council Resolution

Effective Date: 16/01/2019
Version: 1.0
Review Date: January 2021

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.

9. 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

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.

10. 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 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.

11. 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 investigator) to seek an extension of time.

12. 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 the Council's procurement policy.

13. 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.

14. 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.

15. 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.

16. Councillor conduct register

The Chief Executive Officer of the respective 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 10 of this policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

17. 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.



Ordinary Meeting of Council Tuesday 15th January 2019

8.3 Subject: Local Government Remuneration and Discipline Tribunal Report 2018
Attachments: Local Government Remuneration and Discipline Tribunal Report 2018 (*InfoXpert Doc ID: 96585*)
Author: Director Corporate & Community Services
Date: 4 January 2019

Executive Summary:

Each year the Local Government Remuneration and Discipline Tribunal is required to undertake a review of the categories of Councils, and the remuneration for mayors, deputy mayors and councillors as required by the *Local Government Regulation 2012*.

The Tribunal concluded its review on 30th November 2018, with the following determinations:

- Increase remuneration levels for mayors, deputy mayors and councillors by 2.1% from 1 July 2019

Section 247 of the Local Government Regulation 2012 provides that a council can decide to pay less than the determination, provided that a resolution is made before 1 July.

Recommendation:

For Councils consideration

Background:

In accordance with the *Local Government Regulation 2012*, in particular Chapter 8, Part 1, Division 1 the Local Government Remuneration and Discipline Tribunal carried out the annual review of remuneration for mayors, deputy mayors and councillors of Local Governments; and the council categories.

Sections 183 of the Act gives the Tribunal responsibility for:

- establishing categories of local governments
- deciding which category each local government belongs to
- deciding the maximum amount of remuneration payable to councillors in each of the categories
- any other functions that the Minister directs the tribunal to perform

In addition section 176 provides the Tribunal with jurisdiction for dealing with complaints about misconduct as defined by section 176 (3) of the Act.

The new remuneration rates which come into effect from 1 July 2019 are Mayor \$106,100; Deputy Mayor \$61,211 and Councillor \$53,049.



Ordinary Meeting of Council Tuesday 15th January 2019

The previous remuneration rates were; Mayor \$103,918; Deputy Mayor \$59,952 and Councillor \$51,958. It represents a 2.1% increase across the board.

Additionally must note that the payment structure to councillors (excluding mayor and deputy mayor) within category one remain based on 2/3 base payment and 1/3 to be received as a meeting fee. This means that a base payment of \$35,366 is payable for the 12 months commencing on 1 July 2018. A meeting fee of \$1,473.60 per calendar month is payable for attendance at each scheduled meeting of council subject to certification by the Mayor and/or Chief Executive Officer of the Council. Mayors and deputy mayors in category 1 councils are to receive the full annual remuneration level shown.

Section 247 of the *Local Government Regulation 2012* provides that a council can decide to pay less than the determination, provided that a resolution is made before 1 July.

With regard to disciplinary matters, there were 20 complaints of misconduct referred to the tribunal during the year.

The 2018 report is the final report of the Tribunal in its current form. From 3 December 2018 the Tribunal cease to exist and its functions will be provided through two new bodies:

- The Councillor Conduct Tribunal will take responsibility for disciplinary matters; and
- The Local Government Remuneration Commission which is to be established in early 2019 will be responsible for remuneration matters.

Consultation:

Legal Implications:

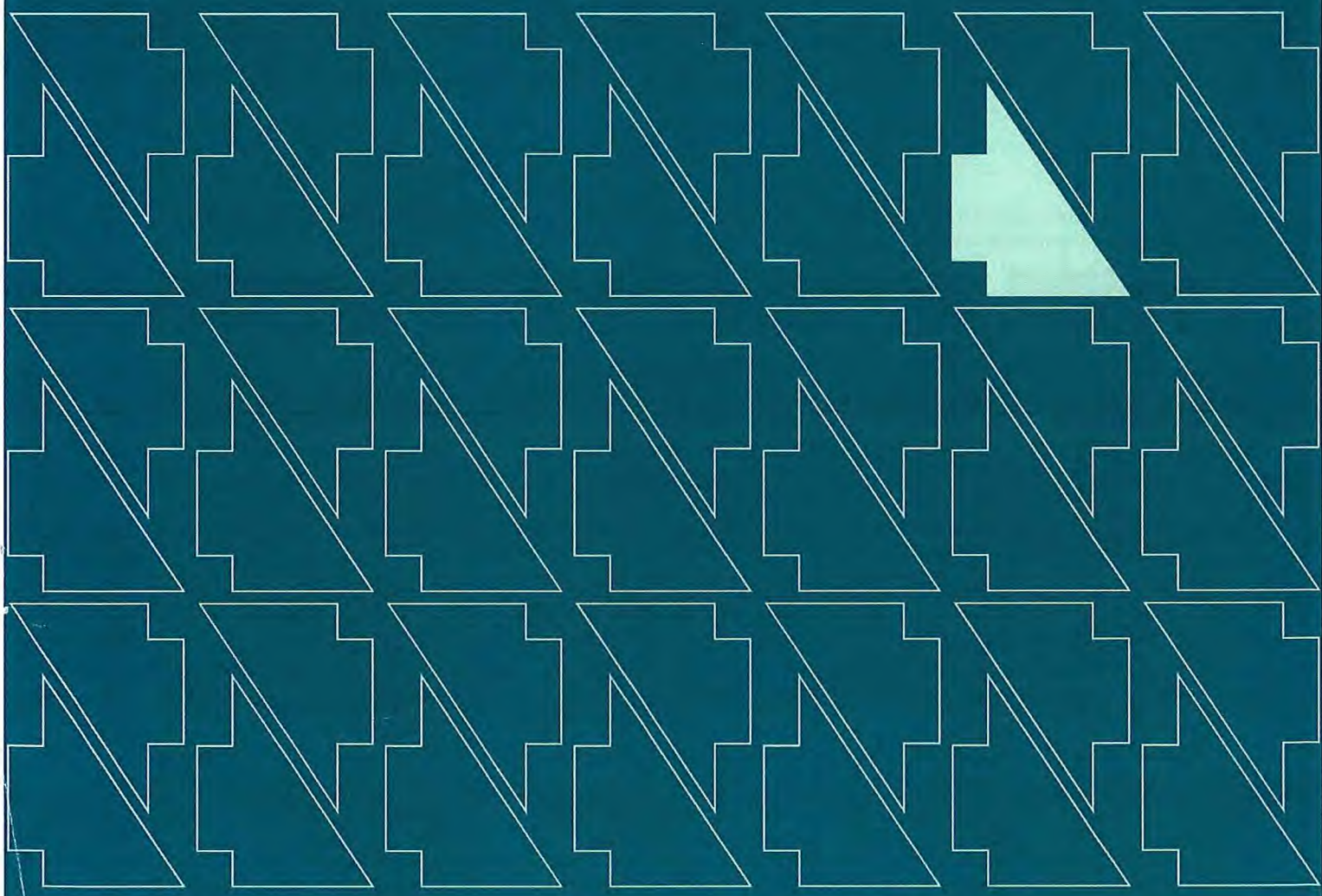
Policy Implications:

Financial and Resource Implications:

Council will need to consider the increase and make allowances when setting the 2019/20 annual budget. The 2.1% increase would equate to an increase of \$6,714.

InfoXpert Document ID: 96586

Local Government Remuneration and Discipline Tribunal Report 2018



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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 Tribunal's website at www.dlgrma.qld.gov.au/tribunal-reports/local-government/about-local-government-and-councils/tribunal-reports.html

**Local Government Remuneration and
Discipline Tribunal**

30 November 2018

The Honourable Stirling Hinchliffe MP
Minister for Local Government, Racing and Multicultural Affairs
Level 39
1 William Street
Brisbane QLD 4000

Dear Minister

On 30 November 2018, the Local Government Remuneration and Discipline Tribunal (Tribunal) concluded its review of remuneration for mayors, deputy mayors and councillors of Local Governments as required by Chapter 8, Part 1, Division 1 of the *Local Government Regulation 2012*.

The remuneration schedule to apply from 1 July 2019 and a summary of the discipline matters referred to the Tribunal in 2018 are included in the enclosed report, which we commend to you.

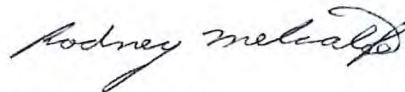
Yours sincerely



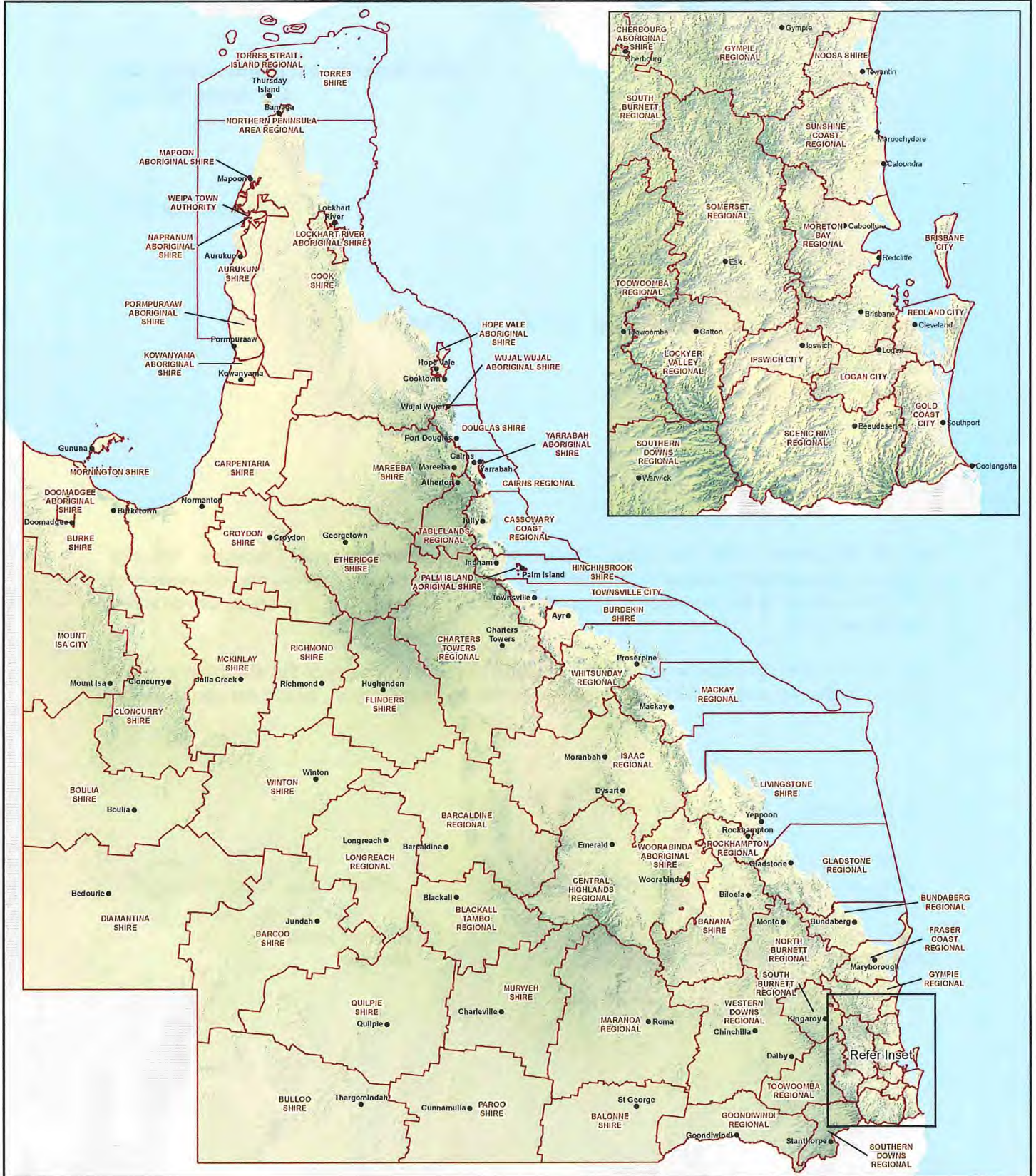
Susan Johnson
Chairperson



John Boyd
Member



Rodney Metcalfe
Member



Legend
 ● Population Centres
 LGA Boundary

0 50 100 200 300
 Kilometres
 Coordinate System: GCS GDA 1994
 Datum: GDA 1994
 Units: Degree

2018 Local Government Area Boundaries

Map produced by the Department of State Development, Manufacturing, Infrastructure and Planning Spatial Services Unit, 29/05/2018



Queensland Government

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2018 Report at a glance

Remuneration Determination

The Tribunal has decided to increase the maximum remuneration levels for mayors, deputy mayors and councillors by 2.1 per cent from 1 July 2019.

In making its determination, the Tribunal has considered the following:

- Increases in the Consumer Price Index (CPI) for the financial year ended 30 June 2018, as follows:
 - weighted average of the eight capital cities - +2.1 per cent
 - Brisbane - +1.7 per cent (ABS June 2018);
- Increase to the Wage Price Index (WPI) for Australia over the year to March 2018 of 2.1 per cent (Fair Work Commission Annual Wage Review 2017-18, p 19);
- Increase in WPI for Qld of 2.25 per cent in 2017-18 and the forecast for 2018-19 is 2.5 per cent (Queensland Government Mid-Year Fiscal and Economic Review 2017-18);
- Decision of the Councillor Remuneration Tribunal (CRT) of the Brisbane City Council in November 2017 to recommend an increase of 2 per cent effective as of 1 July 2018;
- Recent decisions of the NSW Local Government Remuneration Tribunal Determination and Annual Report dated 17 April 2018 (a 2.5 per cent increase) , the Salaries and Allowances Tribunal of Western Australia determination dated 10 April 2018 (no increase) and the Victorian Government (2.0 per cent increase) (See body of this report for more detail).

In making its determination the Tribunal also had regard to the anecdotal reports of continuing financial pressures facing many local governments and to the conservative approach to the setting of remuneration levels previously adopted by the Tribunal.

Discipline matters

There were 20 complaints of misconduct referred to the Tribunal between 1 July 2018 and 30 November 2018 (refer to Table 1 at page 7).

1. The Tribunal

Formation and composition of the Tribunal

The Local Government Remuneration and Discipline Tribunal is an independent entity established under the *Local Government Act 2009 (Act)*.

On 4 July 2018, His Excellency the Governor, acting by and with the advice of the Executive Council, approved three new appointees to the Tribunal for the period 1 July 2018 until the commencement of the Councillor Conduct Tribunal.

Effective 1 July 2018 the Chairperson and Members of the Tribunal are:

Ms Susan Johnson

Ms Johnson holds a Bachelor of Arts, a Bachelor of Laws and a Master of Business Administration. She was admitted to the Queensland Bar in 1984. Susan has extensive experience in Local Government discipline matters, investigations, law, public administration, public sector ethics and finance. Ms Johnson has worked in, and with public sector agencies for more than 30 years and has been a Regional Conduct Review Panel member since 2010.

Mr John Boyd

Mr Boyd has worked extensively in fields such as corruption prevention, public sector ethics, organisational analysis, development and change, human resource management and management development. A Panel member also since 2010.

Mr Rodney Metcalfe

Mr Metcalfe is a former Deputy Ombudsman responsible predominantly for Local Government and Assistant Commissioner on the Queensland Health Quality and Complaints Commission. Also, previously a solicitor with Brisbane City Council for 10 years, with another 10 years there in senior management positions. A Panel member also since 2010.

Responsibilities of the Tribunal

As its title suggests, the Tribunal has both discipline and remuneration responsibilities under the Act.

Discipline responsibilities

Section 176 of the Act provides the Tribunal with jurisdiction for dealing with complaints about misconduct as defined by section 176(3) of the Act.

The legislation provides a point of reference for the conduct, performance and behaviour of councillors and includes expectations for councillor conduct in terms of principles, responsibilities and obligations. It also includes disciplinary provisions where those expectations are not met.

The role of the Tribunal is to hear and determine the most serious complaints of councillor misconduct.

If the allegation is sustained, the Tribunal may make any order or recommendation that it considers appropriate in view of the circumstances relating to the misconduct. For example,

the Tribunal may make one or more of the following orders or recommendations (section 180(5) of the Act):

- an order that the councillor be counselled about the misconduct, and how not to repeat the misconduct
- an order that the councillor make an admission of error or an apology
- an order that the councillor participate in mediation with another person
- a recommendation to the Department's Chief Executive to monitor the councillor or the local government for compliance with the Local Government Acts
- an order that the councillor forfeit an allowance, benefit, payment or privilege
- an order that the councillor reimburse the local government
- a recommendation to the Minister that the councillor be suspended for a specified period, either wholly or from performing particular functions
- a recommendation to the Minister that the councillor be dismissed
- a recommendation to the Crime and Corruption Commission or the Police Commissioner that the councillor's conduct be further investigated
- an order that the councillor pay to the local government an amount of not more than the monetary value of 50 penalty units.

Records about complaints and the determinations that the Tribunal makes in relation to disciplinary matters are required to be published on the relevant local government website as they are concluded, in accordance with section 181A of the Act.

Remuneration responsibilities

Section 183 of the Act sets out that the Tribunal is responsible for:

- establishing categories of local governments
- deciding which category each local government belongs to
- deciding the maximum amount of remuneration payable to councillors in each of the categories
- any other functions that the Minister directs the Tribunal to perform.

Chapter 8, Part 1, Division 1 of the *Local Government Regulation 2012* (Regulation) sets out the processes of the Tribunal in deciding the remuneration that is payable to councillors.

The Regulation requires the Tribunal to review the categories of local governments once every four years, in the year prior to each quadrennial election, to determine whether the categories and the assignment of local governments to those categories require amendment.

After determining the categories of local governments, the Regulation also requires the Tribunal to decide annually, before 1 December each year, the maximum amount of remuneration to be paid to mayors, deputy mayors and councillors in each category from 1 July of the following year.

In addition, section 248 of the Regulation allows a local government to make a submission to the Tribunal to vary the remuneration for a councillor, or councillors, to a level higher than that stated in the remuneration schedule where the local government considers exceptional circumstances apply. The Tribunal may, but is not required to, consider any such submission.

If the Tribunal is satisfied that exceptional circumstances exist, the Tribunal may approve payment of a higher amount of remuneration.

2. Discipline matters

Matters referred to the Tribunal

Since 1 July 2018, 20 matters were referred to the Tribunal.

Table 1 summarises the complaints and outcome of matters referred to the Tribunal in the period 1 July 2018 to 30 November 2018.

Table 1 Complaints decided by the Tribunal

Council	Nature of Complaint	Outcome	Decision Date
Fraser Coast Regional Council	Alleged misconduct as defined in section 176(3)(c) of the Act, being a repeat of inappropriate conduct orders made under section 181(2) of the Act within the one year and deemed misconduct pursuant to section 181(4)(a) of the Act.	No further action pursuant to section 176A(2) of the Act.	20 July 2018
Fraser Coast Regional Council	Two allegations of misconduct, as defined in section 176(3) of the Act.	No further action pursuant to section 176A(2) of the Act.	20 July 2018
Fraser Coast Regional Council	Failure to uphold the principles (section 4) and responsibilities (section 12) of a councillor, and thereby engaged in misconduct as defined in section 176(3)(b)(ii) of the Act.	No further action pursuant to section 176A(2) of the Act.	20 July 2018
Gympie Regional Council	That the councillor, on two occasions, failed to declare a material personal interest or a conflict of interest, being a failure to comply with section 172 or section 173 of the Act.	Sustained	19 November 2018
Gympie Regional Council	Two allegations that the councillor engaged in misconduct as defined in section 176(3)(b)(i) or (ii) of the Act.	Not sustained	15 October 2018
Livingstone Shire Council	That the councillor engaged in misconduct as defined in section 176(3)(d) of the Act, being a contravention of section 171(3) of the Act, by releasing information confidential to the local government.	Sustained	4 October 2018
Livingstone Shire Council	That the councillor engaged in misconduct as defined in section	Not sustained	4 October 2018

	176(3)(d) of the Act, being a contravention of section 171(3) of the Act, by releasing information confidential to the local government.		
Redland City Council	That the councillor engaged in misconduct as defined in section 176(3)(b) of the Act, being the performance of the councillor's responsibilities, or the exercise of the councillor's powers, in a way that is not honest or is not impartial.	Sustained	11 October 2018
Redland City Council	Alleged misconduct as defined in section 176(3)(c) of the Act, pursuant to section 181(3) of the Act, having been issued with three orders of inappropriate conduct within one year.	Sustained	11 October 2018
Cassowary Coast Regional Council	That a councillor committed a breach of an Information Privacy Principle by emailing an officer of a State Agency certain personal information about a Council employee.	Lacking in substance in terms of section 177A(2)(b) of the Act.	5 October 2018
Central Highlands Regional Council	Alleged misconduct as defined in section 176(3)(ii) and (iii) of the Act by breaching the trust placed in the councillor and misused information provided in connection with the performance of responsibilities as a councillor.	Sustained	16 October 2018
Fraser Coast Regional Council	Alleged misconduct as defined in section 176(3)(b)(ii) of the Act, being conduct that involved the performance of the councillor's responsibilities, in a way that is not honest or is not impartial.	Not sustained	19 November 2018
Gold Coast City Council	Alleged misconduct as defined in section 176(3)(b) of the Act in that the conduct was, or involved, the performance of the councillor's responsibilities or the exercise of the councillor's powers in a way that was not honest or was not impartial.	Sustained	12 November 2018
Logan City Council	Alleged failure to comply with the requirements of section 173(4) and (5) of the Act being a failure to declare or deal appropriately with conflicts of interest at council and committee meetings on various dates.	Sustained	2 October 2018

Ipswich City Council	Alleged misconduct as defined in section 176(3)(d) of the Act being a contravention of section 171(3) of the Act.	Not sustained	11 October 2018
Cairns Regional Council	Alleged misconduct as defined in section 176(3)(b) of the Act in that the conduct and behaviour constituted a breach of trust placed in the councillor and/or that conduct and behaviour did not comply with local government principle 4(2)(e) of the Act.	Sustained	16 October 2018
Sunshine Coast Regional Council	Alleged misconduct as defined in section 176(3)(b)(iii) of the Act, in that the conduct constituted a breach of trust placed in the councillor and/or that the conduct did not comply with local government principle 4(2)(e) of the Act.	Sustained	14 November 2018
Redland City Council	Alleged misconduct as defined in section 176(3)(d) of the Act being a failure to comply with section 173(4) of the Act – to declare and deal appropriately with a conflict of interest.	Sustained	1 November 2018
Bundaberg Regional Council	Not finalised at 3 December 2018 and returned to the Department.		
Mapoon Aboriginal Shire Council	Not finalised at the 3 December 2018 and returned to the Department.		

3. Remuneration determination

As noted earlier, Chapter 8, Part 1, Division 1 of the Local Government Regulation 2012 (the Regulation) sets out the processes which the Tribunal is required to observe in deciding the remuneration that is payable to councillors.

Section 241 of the Regulation states that the Tribunal must establish categories of local governments to enable the Tribunal to decide the maximum amount of remuneration payable to mayors and councillors in each category. The criteria for establishing categories, outlined in section 242 and section 243, requires the Tribunal during each local government term to review the categories of local governments before 1 December of the year before the year in which the next quadrennial election is to be held. The next quadrennial election is to be held in 2020 so the review of categories will have to be completed before 1 December 2019.

The new Local Government Remuneration Commission to be established early in 2019 will take over the remuneration function of this Tribunal and hence will be responsible for conducting the four yearly review of categories next year (see further discussion below).

According to section 244 of the Regulation, the Tribunal must, before 1 December this year, decide the maximum amount of remuneration payable from 1 July 2019 to a councillor, deputy mayor or mayor of a local government in each category.

On 24 August 2018 emails were sent to each council inviting them to make a submission up until 31 October 2018. Only one written submission was received.

The Tribunal also attended the LGAQ Annual Conference on Tuesday 30 October 2018 and Councils were advised that they could meet with Tribunal members on that day to make any submissions. One delegation attended a meeting and another Councillor provided an oral submission to the Tribunal following the Chair's presentation at the Conference. The issues raised are discussed further below.

Remuneration determination for councillors

The Tribunal has decided to increase the maximum remuneration levels previously determined for each category of council by 2.1 per cent from 1 July 2019.

In making its determination, the Tribunal has considered the following:

- Increases in the Consumer Price Index (CPI) for the financial year ended 30 June 2018, as follows:
 - weighted average of the eight capital cities - +2.1 per cent
 - Brisbane - +1.7 per cent (ABS June 2018);
- Increase to the Wage Price Index (WPI) for Australia over the year to March 2018 of 2.1 per cent (Fair Work Commission Annual Wage Review 2017-18, p 19);
- Increase in WPI for Queensland of 2.25 per cent in 2017-18 and the forecast for 2018-19 is 2.5 per cent (Queensland Government Mid-Year Fiscal and Economic Review 2017-18);
- Decision of the Councillor Remuneration Tribunal (CRT) of the Brisbane City Council (BCC) in November 2017 to recommend an increase of 2 per cent effective as of 1 July 2018 (Report of the Tribunal Nov 2017, p 2) to be absorbed within any increase subsequently recommended by the Queensland Independent Remuneration Tribunal. Note that in its report of 24 November 2017, the BCC Councillor Remuneration Tribunal noted that the Queensland Independent Remuneration Tribunal had not included in their work program for 2017-18 a review of salaries for Queensland MPs and that is why the CRT made their order.

In the 2017-18 Annual Report, the Queensland Independent Remuneration Tribunal described its priorities for 2018-19 as follows:

“The Tribunal commenced its annual review of allowances and related matters on 1 July 2018. This review will consider:

- data provided by the Clerk and tabled in the Legislative Assembly on the use of allowances and allocations to ensure their adequacy
- allowance matters raised by members, the Committee of the Legislative Assembly and/or the Clerk.

The current State Government Entities Certified Agreement 2015 expires on 31 August 2018. The Tribunal will monitor negotiations and ensure it makes a salary Determination for members within 90 days of the public service salary decision as required under the Act.”;

- The NSW Local Government Remuneration Tribunal Determination and Annual Report dated 17 April 2018 made no changes to the allocation of councils to categories and determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government’s policy on wages (Exec Summary, p 2);
- The Salaries and Allowances Tribunal of Western Australia determination dated 10 April 2018 proposed no increase for elected members of local government, having regard to the economic circumstances facing Western Australia including wage growth at historic lows in the private and public sector and a pay freeze for most senior members of government as announced by the Premier on the second reading speech of the *Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2018*;
- The Victorian Government sets the allowances paid to Councillors except for Melbourne City Council and Greater Geelong Council. The Minister for Local Government approved an adjustment factor increase of 2.0 per cent to the Mayoral and Councillor allowances effective December 2017.
(<http://knowyourcouncil.vic.gov.au/guide-to-councils/> - Councillor remuneration)

In making its determination the Tribunal also had regard to the anecdotal reports of continuing financial pressures facing many local governments and to the conservative approach to the setting of remuneration levels previously adopted by the Tribunal.

Matters not included in the remuneration schedule

Section 244(3) of the Regulation states that the remuneration cannot include:

- any amount for expenses to be paid or facilities to be provided to councillors under a council’s expenses reimbursement policy; or
- any contribution a local government may make to a voluntary superannuation scheme for councillors.

Accordingly, the level of superannuation payments made to a councillor is a matter to be determined by each individual council having regard to the relevant Commonwealth legislation and section 226 of the Act, as is the issue of whether a councillor may salary sacrifice such contributions.

Pro rata payment

Should an elected representative hold a councillor position for only part of a financial year, he or she is only entitled to remuneration to reflect the portion of the year served.

Matters raised with the Tribunal during the remuneration review program

Isaac Regional Council made a submission to the Tribunal and requested that the Tribunal review the current remuneration of Mayors of Councils in Category 3 who meet the following criteria to reflect that the Mayor’s role demands full-time hours:

1. The local government area has a geographical spread of more than 50,000 sq km;

2. The local government has a population (resident and non-resident) of more than 30,000; and
3. The local government area has a significant diversity of industry.

The submission cited the Queensland Government Statistician's Office 2017 Bowen Basin Population Report and Surat Basin Population Report data which showed the size and population of each of the Category 3 Councils. It showed that Isaac Regional Council (IRC) met the above criteria with a size of 58,862 sq km and a population of 21,175 (resident) and 10,580 (non-resident). The only other council to meet these criteria was Central Highlands Regional Council (CHRC) with a size of 59,884 sq km and a population of 28,610 (resident) and 3,360 (non-resident).

The submission proposed that the existing Category 3 Councils be divided into Category 3A (currently Category 3) and Category 3B (a new category). Under the proposed new Category 3B, the Mayors of IRC and CHRC would be remunerated in line with Category 4 Mayors whilst the Deputy Mayor and the Councillors remain remunerated at the proposed Category 3A (formerly Category 3) level. Whilst the IRC acknowledge that Category 4 Mayors are not full-time, IRC considers that a minimum increase to this level for Mayors is warranted.

In support of its argument, IRC point out that the populations of IRC and CHRC include both resident and non-resident population, the latter of which is not recognised in State Government funding methodology or in per capita grants. As a result, the Mayors of the areas affected by high non-resident populations are required to put additional efforts into advocacy in relation to this issue at a State and Federal Government level in order to bring service provision up to a benchmark level. This, it is argued, involves a significant time commitment by the Mayors.

The submission also notes that the Mayors of IRC and CHRC are currently being remunerated at a level similar to at least five Councils with an area of approximately one fifth of the size and with a similar population when taking into account resident and non-resident population. It argues that the resource and agricultural sectors within their communities, which are significant contributors to the Queensland economy, create additional work for Mayors because of:

- The requirement of resource companies for the Mayor to be involved in community consultation sessions, stakeholder engagement and other meetings along with the expectations of the community to ensure regional benefit from this sector and the need to increase regulatory oversight of the mining practices; and
- The requirement for Mayors to participate in agricultural stakeholder engagement activities outside their standard central duties, especially in the context of the current drought.

The Tribunal has considered the submission and notes the arguments advanced by the IRC. However, the Tribunal is also conscious of the fact that in its current form, it has a very short life with its existing members only being in the role for a period of less than 6 months. Accordingly, the Tribunal is reluctant to "tinker at the edges" of the existing categories of Councils without a more detailed examination of the issues relating to IRC and CHRC in the context of the other local governments across Queensland.

The Tribunal has noted above that the new Local Government Remuneration Commission to be established early in 2019 will be responsible for conducting the four yearly review of categories next year and this Tribunal proposes to refer the consideration of the submission to the Commission to consider as part of its major review.

The Tribunal also received an oral submission from a Councillor (Moreton Bay Regional Council) requesting the Tribunal to consider establishing a process for allowances and expenditure for Councillors, similar to that of Queensland Members of Parliament (MPs). The

Councillor argued that there is a lack of consistency between the levels of government which can be seen at community events where, for example, Councillors who sponsor a table at a community event have to pay for it themselves while the local State MPs can pay for it out of their allowance. He argues for consistency across the State to enable a more transparent approach.

The Tribunal is aware that the Queensland Independent Remuneration Tribunal commenced its annual review of allowances on 1 July 2018. Any consideration of the issue should await the results of that review. Again, the Tribunal will refer the issue to the new Local Government Remuneration Commission.

Remuneration schedule

As required by section 246 of the Regulation the Tribunal has prepared a remuneration schedule for the 2019-2020 financial year, which appears on the following two pages.

Arrangements have been made to publish the remuneration schedule in the Queensland Government Gazette and for this report to be printed and presented to the Minister responsible for Local Government.

Remuneration schedule to apply from 1 July 2019

Category	Local Governments assigned to categories	Remuneration determined (from 1 July 2019)	
		(see Note 1)	(\$ pa)
Category 1 (see Note 2)	Aurukun Shire Council	Mayor	106,100
	Balonne Shire Council	Deputy Mayor	61,211
	Banana Shire Council	Councillor	53,049
	Barcaldine Regional Council		
	Barcoo Shire Council		
	Blackall-Tambo Regional Council		
	Boulia Shire Council		
	Bulloo Shire Council		
	Burdekin Shire Council		
	Burke Shire Council		
	Carpentaria Shire Council		
	Charters Towers Regional Council		
	Cherbourg Aboriginal Shire Council		
	Cloncurry Shire Council		
	Cook Shire Council		
	Croydon Shire Council		
	Diamantina Shire Council		
	Doomadgee Aboriginal Shire Council		
	Douglas Shire Council		
	Etheridge Shire Council		
	Flinders Shire Council		
	Goondiwindi Regional Council		
	Hinchinbrook Shire Council		
	Hope Vale Aboriginal Shire Council		
Kowanyama Aboriginal Shire Council			
Lockhart River Aboriginal Shire Council			

Category	Local Governments assigned to categories	Remuneration determined (from 1 July 2019)	
		(see Note 1)	(\$ pa)
	Longreach Regional Council		
	Mapoon Aboriginal Shire Council		
	McKinlay Shire Council		
	Mornington Shire Council		
	Murweh Shire Council		
	Napranum Aboriginal Shire Council		
	North Burnett Regional Council		
	Northern Peninsula Area Regional Council		
	Palm Island Aboriginal Shire Council		
	Paroo Shire Council		
	Pompuraaw Aboriginal Shire Council		
	Quilpie Shire Council		
	Richmond Shire Council		
	Torres Shire Council		
	Torres Strait Island Regional Council		
	Winton Shire Council		
	Woorabinda Aboriginal Shire Council		
	Wujal Wujal Aboriginal Shire Council		
	Yarrabah Aboriginal Shire Council		
Category 2	Mareeba Shire Council	Mayor	122,421
	Mount Isa City Council	Deputy Mayor	73,454
	Somerset Regional Council	Councillor	61,211
Category 3	Cassowary Coast Regional Council	Mayor	130,584
	Central Highlands Regional Council	Deputy Mayor	81,615
	Gympie Regional Council	Councillor	69,372
	Isaac Regional Council		
	Livingstone Shire Council		
	Lockyer Valley Regional Council		
	Maranoa Regional Council		
	Noosa Shire Council		
	Scenic Rim Regional Council		
	South Burnett Regional Council		
	Southern Downs Regional Council		
	Tablelands Regional Council		
	Western Downs Regional Council		
	Whitsunday Regional Council		
Category 4	Bundaberg Regional Council	Mayor	155,067
	Fraser Coast Regional Council	Deputy Mayor	102,019
	Gladstone Regional Council	Councillor	89,775
	Rockhampton Regional Council		
Category 5	Cairns Regional Council	Mayor	179,552
	Mackay Regional Council	Deputy Mayor	122,421
	Redland City Council	Councillor	106,100
	Toowoomba Regional Council		

Category	Local Governments assigned to categories	Remuneration determined (from 1 July 2019)	
		(see Note 1)	(\$ pa)
Category 6	Ipswich City Council	Mayor	204,036
	Townsville City Council	Deputy Mayor	138,745
		Councillor	122,421
Category 7	Logan City Council	Mayor	228,521
	Moreton Bay Regional Council	Deputy Mayor	158,332
	Sunshine Coast Regional Council	Councillor	138,745
Category 8	Gold Coast City Council	Mayor	253,006
		Deputy Mayor	175,472
		Councillor	150,986

Notes to the remuneration schedule

In its 2014 report the then tribunal explained the rationale behind the adoption of a system of remuneration which comprised a base payment (of two thirds of the annual remuneration) and a monthly payment based upon attendance at, and participation in, the 12 mandated Council meetings.

Note 1 The monetary amounts shown are the per annum figures to apply from 1 July 2019. If an elected representative only serves for part of a full year (that is, 1 July to 30 June) they are only entitled to a pro rata payment to reflect the portion of the year served.

Note 2 For councillors in Category 1 councils, a base payment of \$35,366 is payable for the 12 months commencing on 1 July 2019. A meeting fee of \$1,473.60 per calendar month (or \$736.79 per fortnight) is payable for attendance at, and participation in, scheduled meetings of council subject to certification by the mayor and/or chief executive officer of the council. Mayors and deputy mayors in category 1 councils are to receive the full annual remuneration level shown.

4. Other activities of the Tribunal

Exceptional circumstances submissions (Local Government Regulation 2012 Section 248)

On 8 June 2018, following the suspension of then Mayor, Hope Vale Aboriginal Shire Council sought approval to vary the remuneration for the Deputy Mayor until such time as the finalisation of the Mayor's suspension or the appointment of a Mayor. On 25 June 2018, the then Tribunal wrote to Hope Vale Aboriginal Shire Council approving Council's request.

On 25 July 2018, following the suspension of Mayor Andrew Antonioli, Ipswich City Council sought approval to vary the remuneration of the Acting Mayor (Councillor Wayne Wendt) in accordance with Section 165 of the *Local Government Act 2009*. On 3 August 2018, the Tribunal wrote to Ipswich City Council approving Council's request.

On 1 November 2018, following the suspension of the Mayor in April 2018, Doomadgee Aboriginal Shire Council sought approval to vary the remuneration of the Acting Mayor (Councillor Jason Ned) until the end of the elected members term or until the Mayor is either removed from office or the suspension concludes. Following its meeting held on 14 November 2018, the Tribunal wrote to Council seeking further clarifying information. At the time of finalisation of this report no response had been provided by the Council.

5. The future of the Tribunal

This is the final report of the Tribunal in its current form. As from 3 December 2018 it will cease to exist and its functions will be taken up by two new bodies:

- The Councillor Conduct Tribunal, effective from 3 December 2018, which will take over the discipline responsibilities; and
- The Local Government Remuneration Commission which will be established in early 2019 to take over the remuneration responsibilities.

More details about these bodies can be found at www.dlgrma.qld.gov.au.



Ordinary Meeting of Council Tuesday 15th January 2019

8.4 Subject: Audit Committee Meeting Minutes

Attachments: Audit Committee Meeting Minutes 12 Dec 2018 (*InfoXpert Doc ID: 96588*)
Internal Audit Committee Plan 2019- 2021 (*InfoXpert Doc ID: 96587*)

Author: Director Corporate & Community Services

Date: 4th January 2019

Executive Summary:

An Audit Committee meeting was held on 12th December 2018, Council is presented with a copy of the minutes from the meeting for information purposes.

Recommendation:

That Council receive the report and note the Audit Committee Meeting Minutes of 12th December 2018 inclusive of the Internal Audit Plan.

Background:

The Audit Committee met on 12th December 2018 to discuss a number of matters, including the Internal Audit Plan cover the 3 financial years, 2018/19, 2019/20 and 2020/21. Additionally at this meeting representatives of the Queensland Audit Office (QAO) and external Auditors Altius joined by teleconference to present the QAO briefing paper which touched on current performance audits being completed, sector related matters and the outcome of our 2017/18 audit.

Section 211 (1) (c) of the Local Government Regulation 2012 states that a written report about the meeting must be given to Council as soon as practicable after the meeting.

Consultation:

Audit Committee and CEO

Legal Implications:

Nil

Policy Implications:

N/A

Financial and Resource Implications:

Nil

InfoXpert Document ID: 96589



AUDIT COMMITTEE MEETING

HELD AT COUNCIL CHAMBERS

On Wednesday 12th December 2018

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1. Opening

The meeting opened at 10:30am

2. Attendance

Cr. Belinda Murphy
Neil Warner – Community member
Des Niesler - Chief Executive Officer
Tenneil Cody – Director of Corporate and Community Services
Peter O'Regan – O'Regan & Partners
Rhyan Casidsid – Altius (External Auditor) (teleconference)
Denis Byram – Queensland Audit Office (teleconference)

Apologies received from Cr. Neil Walker

3. Minutes from Previous Meeting

Minutes from meeting held 23rd October 2018 be considered and approved.

RESOLUTION 10/1819

That the minutes of the Audit committee meeting held on 23rd October 2018 be confirmed.

Moved: Mr. Neil Warner

**Seconded: Cr. Belinda Murphy
Carried**

4. Business Arising from Previous Meeting

- Nil

5. QAO Briefing Paper

Denis & Rhyan talked to the briefing paper handed out, which highlighted the following topics:

- Update on 2017-2018 Council Audit
- Performance Audits currently in progress for a number of local governments
- Sector Related Topics – CC Report Ipswich, Local Government reform
- Other Matters – Factsheets available and upcoming events.

6. Internal Audit Plan

The Audit Committee is presented with a draft Audit Plan.

RESOLUTION 11/1819

Audit Committee note the Internal Audit draft plan and discussion setting the priorities across Council's function area. Audit Committee recommend the draft plan as discussed the Council at the Ordinary Meeting in January 2019

Moved: Cr. Belinda Murphy

Seconded: Mr. Neil Warner

Carried

7. Members Business

Nil

8. Close

With no further business, Cr Murphy thanked members for their attendance and contribution to considerations and declared the meeting closed at 10:41am.

Mckinlay Shire Council - Internal Audit Planning

Function	Sub Function	Audit	Annual	2018/2019	2019/2020	2020/2021	
Finance & Administration	Corporate Governance	Risk Management - Register & Policies			X		
		Corporate Governance-Staff Familiarisation			X		
		Fraud/Misappropriation & Reporting	X				
		Annual Budget	X				
		Grants & Subsidies Management			X		
	Financial Management	Rates & Charges				X	
		Payroll				X	
		Accounts Payable/Credit Management				X	
		Purchasing & Procurement		X			
	Administration	Records/Filing Policies & Procedures				X	
		Local Laws				X	
		Complaints Handling				X	
Engineering Services	Plant Operation	Plant Operating Costs- Controls & Procedures		X			
		Plant Utilisation/Mix & Controls		x			
		Plant Hire Rates		X			
		Job Costing -Items/Structure/Accuracy/Policies&Procedures		X			
		Private Works - Policies & Procedures		X			
		Plant Disposals		X			
		Insurance		X			
	Stores	Floating Plant & Loose Tools			X		
		Fuel Issues- Controls & Procedures			X		
		Workshop -Procedures & Controls - Operating Costs			X		
		Contractors - Council Consumable Use			X		
	Roads	Asset Maintenance Plan			X		
		Contractors & Consultants			X		
	Water	Supply Policies & Procedures			X		
Water Rates				X			
Asset Management Plan				X			
Sewerage	Supply Policies & Procedures			X			
	Sewerage Rates			X			
	Asset Management Plan			X			
Community Services & Economic Development	Caravan Parks	Asset Management & Maintenance Planning				X	
		Policies & Procedures/Administration				X	
	Library	Policies & Procedures/Administration				X	
	Child Care Operations	Asset Management & Maintenance Planning				X	
		Policies & Procedures/Administration				X	
	Halls & Community Centres	Asset Management & Maintenance Planning				X	
		Policies & Procedures/Administration				X	
Community Support	Asset Management & Maintenance Planning				X		
	Policies & Procedures/Administration				X		
Sports & Recreation	Asset Management & Maintenance Planning				X		
	Policies & Procedures/Administration				X		
Environment & Health Services	Garbage	Services - Policies & Procedures				Yr4	
		Tip Administration				Yr4	
	Livestock Operations	Policies & Procedures/Administration				Yr4	
		Asset Management & Maintenance Planning				Yr4	
	Stock Routes & Reserves	Maintenance & Pest Control				Yr4	
	Swimming Pool	Asset Management & Maintenance Planning				X	
		Operations/Procedures& Controls				X	
	WH&S	Staff Induction/Legslitave Compliance/Incident Reporting			X		
WH&S Audits				X			
Council & Community Housing	Safeguarding of Assets					Yr4	
	Asset Management & Maintenance Planning					Yr4	
Human Resources	Personnell Management	HR - Policies & Procedures -Legal Compliance				X	
		Induction & Termination				X	
		Performance Reviews				X	
		Credit Card - Guidelines & Compliance				X	
							X



Meeting of Council Tuesday 15th January 2019

8.5 Subject: Report – Sale of Land for Overdue Rates Charges – Assessment Number 106 – 74 Burke Street, Julia Creek, Lot 118 on JC5571

Attachments: Nil

Author: Rates Officer

Executive Summary:

In accordance with *Section 140 (1) (c) (i) of the Local Government Regulation 2012* Council has the authority to sell the land at 74 Burke Street, Julia Creek, more particularly described as Lot 118 on JC5571 for overdue rates or charges as some or all of the overdue rates and charges have been overdue for at least three (3) years.

Recommendation:

That Council resolve to:

- (a) *sell the land located at 74 Burke Street, Julia Creek, more particularly described as Lot 118 on JC5571 (“the Land”) by way of auction for overdue rates and charges pursuant to section 140(2) of the Local Government Regulation 2012 by issuing a Notice of Intention to Sell, with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements.*
- (b) *delegate to the Chief Executive Officer, its power to:*
 - (i) *give a Notice of Intention to Sell to all interested parties; and*
 - (ii) *take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the Local Government Regulation 2012 to effect the sale of the Land.*

Background:

- The last payment by the land owner was received on 11 May 2018, which still left a significant outstanding amount remaining.
- Rate levies issued from 4 February 2015 to 15 August 2018 remain outstanding
- Interest charged from 30 June 2015 to 3 January 2019 remains outstanding
- Seven rate levies remain outstanding plus one that remains partially outstanding for the period 1/01/2015-30/06/2015
- The land owner has made several small payments between 17/04/2015 and 11/05/2018, but has not been enough to pay the oldest outstanding rates levy.
- As stated in *Section 140 of the Local Government Regulation 2012*, if some or all of the rates and utility charges have been overdue for at least generally – three years Council may by resolution decide to sell the land
- If Council does decide to sell the land, Council must as soon as practicable give all interested parties a notice of intention to sell the land.



Meeting of Council Tuesday 15th January 2019

All correspondence sent to the landowner from 27/06/16 to 15/02/2018 were received back by Council marked as “return to sender”. Landowner contacted rates officer on 28/07/2017 and 6/10/2017, with intentions to make payments. Only one small payment has been received since this contact. All attempts to recover arrears, as per Council’s debtor policy, have been unsuccessful.

Consultation: (internal/External)

- Director Corporate and Community Services
- Corporate Services Team Leader
- Rates Officer

Legal Implications:

- Local Government Regulation 2012

Policy Implications:

Debtors Policy

Financial and Resource Implications:

Details of the rates outstanding are as follows:

Outstanding Levies	\$ 7,580.51
Outstanding Interest charged	\$ 1,902.51
Interest written off	- \$ 26.21
TOTAL Outstanding Balance	\$ 9,456.81

As per the *Local Government Regulation 2012*, Council can recover any costs incurred in attempting to sell the land.

InfoXpert Document ID: 97199



Meeting of Council Tuesday 15th January 2019

8.6 Subject: Report – Sale of Land for Overdue Rates Charges – Assessment Number 153 – 40 Coyne Street, Julia Creek, Lot 611 on JC5571

Attachments: Nil

Author: Rates Officer

Executive Summary:

In accordance with *Section 140 (1) (c) (i) of the Local Government Regulation 2012* Council has the authority to sell the land at 40 Coyne Street, Julia Creek, more particularly described as Lot 611 on JC5571 for overdue rates or charges as some or all of the overdue rates and charges have been overdue for at least three (3) years.

Recommendation:

That Council resolve to:

- (a) *sell the land located at 40 Coyne Street, Julia Creek, more particularly described as Lot 611 on JC5571 (“the Land”) by way of auction for overdue rates and charges pursuant to section 140(2) of the Local Government Regulation 2012 by issuing a Notice of Intention to Sell, with an auction reserve and other terms of the process to be set by the Chief Executive Officer having regard to legal requirements.*
- (b) *delegate to the Chief Executive Officer, its power to:*
 - (i) *give a Notice of Intention to Sell to all interested parties; and*
 - (ii) *take all further steps required under sections 141, 142, 143, 144, 145 and 146 of the Local Government Regulation 2012 to effect the sale of the Land.”*

Background:

- The last payment made was on 4 May 2015
- Rates levies issued from 4 February 2015 to 15 August 2018 remain outstanding
- Interest charged from 7 January 2015 to 3 January 2019 remains outstanding
- Eight rate levies remain unpaid and two supplementary levies remain unpaid
- As stated in *Section 140 of the Local Government Regulation 2012*, if some or all of the rates and utility charges have been overdue for at least generally – three years Council may by resolution decide to sell the land
- If Council does decide to sell the land, Council must as soon as practicable give all interested parties a notice of intention to sell the land.

Correspondence sent to the land owner has been received since a change of address on 23 January 2015, excluding letters sent and returned marked “return to sender” on 20 June 2016 & 30 April 2018. All attempts to recover arrears, as per Council’s debtor policy, have been unsuccessful.



Meeting of Council Tuesday 15th January 2019

Consultation: (internal/External)

- Director Corporate and Community Services
- Corporate Services Team Leader
- Rates Officer

Legal Implications:

- Local Government Regulation 2012

Policy Implications:

- Debtors Policy

Financial and Resource Implications:

Details of the rates outstanding are as follows:

Levies	\$ 9,688.33
Supplementary levies	\$ 1,335.00
Interest charged	\$ 2,587.22
Interest written off	- \$ 94.61
TOTAL Outstanding Balance	\$ 13,515.94

As per the *Local Government Regulation 2012*, Council can recover any costs incurred in attempting to sell the land.

InfoXpert Document ID: 97200



9.0 CHIEF EXECUTIVE OFFICER



Ordinary Meeting of Council Tuesday 15th January, 2019

CONFIDENTIAL

9.1 Subject: 1) Advice on the recourse available to Council and staff in relation to threats or defamatory comments made to Council staff members by members of the public in social media
2) A guide on the provision of legal assistance for defamation actions for Councillors and employees.

Attachments: 9.1.2 - LGAQ Legal Opinion 13.18 (*InfoXpert Doc ID: 96692*)
9.1.3 - LGAQ Legal Assistance for Defamation Action Policy (*InfoXpert Doc ID: 96693*)

Author: Chief Executive Officer

Date: 7th January 2019

Confidentiality:

This report is CONFIDENTIAL within the terms of Section 275 1(f) of the *Local Government Regulation 2012* which provides for a local government to resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss (f) *starting or defending legal proceedings involving the local government.*

Executive Summary:

LGAQ Legal Opinion wherein specific advice has been sought on:

1. What are the identifying elements to properly determine when such comments are unlawful as threats or defamation?
2. What are the relevant laws and precedents related to threats and defamation in Queensland?
3. Is there any action that can be taken especially to require retractions or removal of “posts”?
4. Has a Council any role to play in supporting an employee who has been threatened or defamed by a member of the public in any publication, especially some form of social media?
5. Are there different responses available where the threat or defamation is directed against an elected member?

Opinion: Read Pages 1 through to 6 for the full opinion provided by King & Co (9.1.2 LGAQ Legal Opinion 13.18) together with Page 1 through to 8 of the Guide on the Provision of Legal Assistance for Defamation Actions for Councillors and Employees.

Recommendation:

That Council adopt a policy to be known as Legal Assistance (Defamation) Policy containing paras. 4. Roles and Responsibilities through to 11 Definitions including Schedule 1 of the Guide on the Provision of Legal Assistance for Defamation Actions for Councillors and Employees.

Comments:

Protection for employees and councillors during the course of carrying out their lawful day to day duties.

Legal Implications:

- Local Government Act 2009
- Local Government Regulation 2012
- Defamation Laws as they relate to State and Commonwealth Laws
- Criminal Code Act 1995 (Cth)
- Telecommunications Act 1997 (Cth)

Policy Implications: New policy

Financial and Resource Implications: Could be substantial however a cap will be determined on a case by case basis

Risk management: Significant but manageable

InfoXpert Document ID: 97211

Date: 14th December 2018

Number: LOP13.18

Council: LGAQ

LGAQ Legal Opinion

CASE FACTS

Following numerous requests for advice on the recourse available to Council and its staff in relation to threats or defamatory comments made to Council staff members by members of the public in social media, you have requested specific advice on:

1. What are the identifying elements to properly determine when such comments are unlawful as threats or defamation?
2. What are the relevant laws and precedents related to threats and defamation in Queensland?
3. Is there any action that can be taken especially to require retractions or removal of “posts”?
4. Has a Council any role to play in supporting an employee who has been threatened or defamed by a member of the public in any publication, especially some form of social media?
5. Are there different responses available where the threat or defamation is directed against an elected member?

King and Co have also provided a guide for councils on this matter, which they can access [here](#).

OPINION

What are the identifying elements to properly determine when such comments are unlawful as threats or defamation? What are the relevant laws and precedents related to threats and defamation in Queensland?

Defamation Law – General Concepts

6. Defamation law in the State of Queensland is governed by the *Defamation Act 2005* (the “**Act**”), but elements of the common law are retained. A person is defamed in circumstances where imputations are published¹ to another person that are likely to cause ordinary, reasonable members of society to think less of them.
7. Each time imputations are re-communicated, a further defamation occurs, even if those imputations are published by someone other than the original author². Each publisher or re-publisher commits a defamation at the time of publication. Just as book or newspaper publishers can be held liable for material they publish, entities such as Facebook can be held to be liable for publications, once their attention is drawn to the defamatory material, and they have failed to remove it after a reasonable time to do so. However, although Facebook has an Australian presence, the Facebook legal entity responsible for publishing operates out of the Republic of Ireland, which causes significant jurisdictional issues, and makes litigating against it (presumably intentionally) very difficult and incredibly expensive. As an innocent disseminator, additional defences are potentially also available to it, in addition to those discussed below.

8. In order to have standing to bring an action for defamation, the aggrieved person must be reasonably identifiable in the publication. That is, whether an ordinary reasonable person with knowledge of special facts or circumstances, at the time of publication, would reasonably understand a publication as referring to the aggrieved person. It is possible for a statement to defame a group of identifiable people on the basis the group is so small that the accusation can reasonably be understood to refer to each and every one of its members.
9. Numerous defences exist for a publisher and each must be considered based upon the unique facts. Included in these defences are:
- a. justification (i.e. substantial truth);
 - b. qualified privilege (publication to someone with an interest in having the information and the conduct of the publisher is reasonable in the circumstances);
 - c. honest opinion (based on proper material and related to a matter of public interest); and
 - d. triviality
10. In the context of local government (and elected representatives, and even Council officers) the most common defences will be qualified privilege and honest opinion. A particularly high hurdle in this regard is the well-established implied right (found in the Commonwealth Constitution) to freedom of political communication. The Courts, including the High Court, have held that each member of the Australian community has an interest in disseminating and receiving information, opinions and arguments concerning government and political matters that affect the Australian people. Whilst the range of matters that may be characterised as “government and political matters” is broad, the freedom of communication is not absolute and is limited to what is necessary for the effective operation of the system of representative and responsible government provided by the Constitution.
11. In considering the parameters of the implied right to freedom of political communication, regard will be given to whether those comments are made reasonably and with an absence of Malice is established where there is a purpose or motive foreign to the occasion of the defamatory publication, and it actuates the making of the publication. Malice will also be established where there is a reckless indifference to the truth of an allegation and the views of the imputations conveyed.

General Remedies

12. The Act contains a framework for the settlement of disputes without resort to litigation. A publisher may make an offer to make amends to an aggrieved person within 28 days of being given a “concerns notice”, which informs the publisher of the defamatory imputations the aggrieved person considers have been published³.
13. An offer to make amends must include an offer to publish a reasonable correction of the matter in question, an offer to pay the expenses reasonably incurred by the aggrieved person before the offer was made (and in considering the offer) and may include other forms of redress (such as monetary compensation). If an offer to make amends is accepted, and the publisher carries out the terms of that offer, the aggrieved person’s rights to pursue litigation against the publisher that made the offer to make amends. Failure by a plaintiff to accept a reasonable offer to make amends by a publisher is a defence in litigation brought against the publisher.
14. Additionally, a publisher may make an apology, which may help to limit the publisher’s exposure to damages.
15. Subject to the above, an aggrieved person has a right to commence litigation against a publisher of defamatory. If the matter proceeds to litigation, and is successful, the Court will seek to compensate the aggrieved person, having regard to the amount of damage to the reputation and the extent of the publication. Depending upon the conduct of the publisher, it is also open for the Court to award aggravated damages. That said, it is not uncommon for a publisher to have no funds with which to satisfy any award for damages leaving a plaintiff with no financial redress.
16. Interlocutory (interim) and final relief by way of injunction is available in defamation. However, interlocutory injunctions in the area of defamation are only granted in very clear. Generally, an

injunction will not be granted:

- a. unless the plaintiff is clearly identified;
- b. unless the publication, on its face, is defamatory;
- c. where there are grounds for considering that the defendant may have a successful defence or the publication is in the public interest;
- d. where, if successful, the plaintiff would recover nominal damages only; and
- e. where damages would be an appropriate remedy (particularly difficult to establish).

17. Actual loss need not be proven but it must be established that there is a strong possibility that loss would occur if the injunction were not granted.
18. While the law of defamation is centuries old, internet defamations are comparatively recent, and the law is still coming to terms with many of the nuances of publishing in this Defamation proceedings are notoriously long and expensive and therefore can be a very dissatisfying experience. Nonetheless, litigation is an option for a person who considers that they have been defamed.

Criminal Law

19. Section 365 of the *Criminal Code Act 1899* (Qld) makes it a misdemeanour with a maximum penalty of 3 years imprisonment for any person who, without lawful excuse, publishes matter defamatory of another person:
 - a. Knowing the matter to be false or without having regard to whether it is true or false; and
 - b. Intending to cause serious harm to the person, the subject of the defamatory matter, or any other person, or without having regard to whether serious harm to the person or other person is caused.
20. Prosecution requires the consent of the director of public prosecutions.
21. Chapter 33A of the *Criminal Code Act 1899* (Qld) deals with "unlawful stalking", which is relevantly defined in section 359B as conduct that includes:

"...(ii) contacting a person in any way, including, for example, by telephone, mail, fax, email or through the use of any technology;

...(iv) leaving offensive material where it will be found by, given to or brought to the attention of, a person;

(v) giving offensive material to a person, directly or indirectly;

(vi) an intimidating, harassing or threatening act against a person, whether or not involving violence or a threat of violence...

(d) that:

(i) would cause the stalked person apprehension or fear, reasonably arising in all the circumstances, of violence to, or against property of, the stalked person or another person; or

(ii) causes detriment, reasonably arising in all the circumstances, to the stalked person or another person." [underlining added]

22. The term "detriment" is relevantly defined to include:

"...(b) serious mental, psychological or emotional harm;...

(c) prevention or hindrance from doing an act a person is lawfully entitled to do..."

23. It will be a question of fact as to whether the conduct is preventing or hindering Council staff.
24. However, at a Federal level, under the *Criminal Code Act 1995* (Cth), it is an offence for a person to use a "...*carriage service; and the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.*"⁴ The offence carries a maximum penalty of 3 years imprisonment.
25. A carriage service as defined includes the internet⁵.
26. With the terms "*menacing, harassing or offensive*" undefined in the legislation, on its face this section is seemingly broad, particularly in comparison to the State legislation. However, in cases involving this provision and other analogous provisions, the Courts have construed the concepts of what is menacing, harassing or offensive, very narrowly.
27. Such an interpretation is not surprising given that offence of this provision attracts criminal sanction together with the fact that application of the provision may offend the competing freedom of political communication protected by the Commonwealth Constitution. Consequently, the degree of offence or distress caused by the harassing or offensive behaviour, for the purposes of section 474.17, must be significantly serious⁶.

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Is there any action that can be taken especially to require retractions or removal of "posts"?

28. On a more pragmatic level, it is unfortunately currently very difficult to stop people from posting inappropriate material in social media and on the internet in general. However, there are some limited options available that may restrict or curtail an offender's behaviour.

Facebook

29. An administrator of a Facebook page or group has the ability to remove offending posts and will usually be the first port of call. A reasonable administrator when presented with the relevant posts and their effect may be convinced to see reason and remove an offending post. However, this is entirely at the administrator's discretion.
30. At a higher level, offenders and offensive material may be reported to Facebook through the Help Centre mechanism in the Help and Support setting. Once reported, the Facebook content reviewers will review the relevant postings against the "Facebook Community Standards".
31. According to those Standards, Facebook will remove content (or restrict or ban users who post material) that encourages suicide or self-injury; constitutes bullying (however this does not apply to public figures); constitutes harassment (applies to both public and private individuals); or constitutes 'objectionable material' (such as hate speech or cruel and insensitive material). Any action taken by Facebook remains within Facebook's complete discretion.

The Internet in General

32. If the offender is posting material on a site owned by Council, it may contact its Internet Service Provider ("ISP") and direct them to block the internet provider ("IP") addresses used by the offender. This requires knowledge of what IP addresses are used by the offender.
33. However, this may only give limited relief and protection. An IP address assigned to a person by an ISP can be changed at the discretion of the ISP, or an IP address may be changed if a router is simply turned on and off. Further, an offender need only go to an external venue such as a café or

library and continue to post using a different IP address.

34. For those sites not owned by Council on which an offender has published offensive material, Council can contact the site owners and, similar to Facebook, ask that they take the material down, or have the offender blocked. Again, this is discretionary.

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Has a Council any role to play in supporting an employee who has been threatened or defamed by a member of the public in any publication, especially some form of social media?

35. It is well established that employers owe their employees a duty to take reasonable care not to expose employees to unnecessary risk of In situations where employees are exposed to a high level of stress and mental anguish as a result of defamatory statements being published about them in the context of their employment with Council, it may be appropriate (and within its jurisdiction) for Council to fund a defamation action on behalf of the employee to protect their reputation and lessen the possibility of them suffering a psychiatric injury.
36. Whilst there is no legislative provision that explicitly empowers or prevents Council from funding a defamation action taken by an employee, the power to do so may be (most relevantly) supported by section 9 of the *Local Government Act 2009*, which broadly empowers Council to take any action “...that is necessary or convenient for the good rule and local government of its local government area”. However, there must be sufficient nexus between the action (such as funding a defamation action) and “the good rule and local government” of the Whether sufficient nexus may be established will depend on the particular circumstances of each case.
37. Other options available to Council ‘on behalf of’ its employees include funding actions seeking injunctive relief (attempts to stop the continuance of defamatory publications) or compensation for any mental health assistance the employee may have received (and may require) as a result of defamatory publications.
38. Keeping in mind an employer’s duty to take reasonable care not to expose employees to unnecessary risk of injury (such as stress and mental anguish), what other practices or support a Council wishes to implement in circumstances of harassment or defamation is a matter for the Council. This may include privacy protection policies, counselling or technical support.

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Are there different responses available where the threat or defamation is directed against an elected member?

39. So far as Council is concerned, as a body corporate and government entity, it does not, in the interests of freedom of political speech, have the ability to sue for defamation⁷.
40. So far as councillors are concerned, we refer you to the [attached “LGAQ Legal Assistance \(Defamation\) Guide 2017”](#), adopted by the LGAQ Policy Executive on 30 June 2017 and circulated by the LGAQ on 3 July 2017.

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[1]Publication can be oral or written, or can occur by other forms of communication, including electronic means and may be defamatory as a result of the ordinary and natural meaning of the publication, or as a result of its implied or inferred meaning.

[2]In the context of Facebook or other social media commentary, publication occurs each time the commentary is read by a person.

[3]Section 14 of the Act

[4]Section 474.17 of the *Criminal Code Act 1995* (Cth)

[5]Defined in the *Criminal Code Act 1995* (Cth) as defined in the *Telecommunications Act 1997* (Cth), being “a service for carrying communications by means of guided and/or unguided electromagnetic energy”

[6]All cases we have considered to this point concern acts causing extremely high levels of distress and concern for the safety of one's own person and/or property; to a vulnerable member of society such as a child; or to the relatives of a deceased soldier in the context of highly denigrating and political comment.

[7]*Ballina Shire Council v Ringland* (1994) 83 LGERA 115

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Local Government Association of Queensland

LG House, 25 Evelyn Street, Newstead Qld 4006

GUIDE ON THE PROVISION OF LEGAL ASSISTANCE FOR DEFAMATION ACTIONS FOR COUNCILLORS AND EMPLOYEES

1. Purpose

- 1.1 The Local Government Association of Queensland (**LGAQ**) is the peak body for local government in Queensland. It is a not-for-profit apolitical association set up solely to serve councils and their individual needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities.
- 1.2 Against this background, the LGAQ has developed this guide as a framework to assist councils when making decisions or developing a policy for the provision of legal assistance for defamation actions that are commenced by council members and employees. The guide is designed to ensure compliance with council's obligations under the *Local Government Act 2009* and the *Local Government Regulation 2012*.

2. Legislation

- Local Government Act 2009 (Qld) (**LGA**); and
- Local Government Regulation 2012 (Qld) (**LGR**).

3. Introduction

- 3.1 The LGAQ recognises that councillors and employees may at times, as a result of their functions and duties, be the subject to defamatory publications. Depending on the nature of these defamatory publications, councillors and employees may seek to take legal action. In exceptional circumstances, it may be appropriate for a council to provide financial assistance to meet the cost of councillors or employees obtaining the legal representation to institute defamation proceedings against third parties.
- 3.2 Section 9 and 28 of the LGA give a local Council wide powers to take executive action in respect of local government matters, including to fund legal assistance to councillors or employees. Several local governments throughout Australia have adopted legal assistance policies, some of which enable council to provide legal assistance to councillors or employees to commence a defamation action in exceptional circumstances.
- 3.3 Accordingly, the LGAQ has developed this guide to assist councils to identify the exceptional circumstances in which it may fund or partly fund the cost of providing relevant legal representation to councillors and employees to commence a defamation action against third parties in relation to publications made about councillors and employees in connection with their work with council. This guide also sets out the process that a council should follow in dealing with any requests for legal assistance that are received from councillors and employees.

4. Roles and Responsibilities

- 4.1 Councils should adopt a Legal Assistance (Defamation) Policy and appoint the CEO (or another qualified employee) to receive, assess and decide any requests for legal assistance from a councillor or employee in accordance with that policy. The CEO is then to make any other related decisions on behalf of the council under the policy.

- 4.2 If the applicant under the policy is the CEO, the Mayor should receive, assess and decide the request for legal assistance from the CEO. The Mayor is then to make any other related decisions on behalf of the council under the policy.
- 4.3 Any application made under the policy should be assessed in the first instance by an appropriate employee so nominated by either the CEO or the Mayor.
- 4.4 The CEO and the Mayor should be delegated by the Council to make the relevant decisions provided for under the policy and incur the relevant liabilities on behalf of the Council in accordance with the policy

5. **Exceptional Circumstances**

While the categories of exception circumstances are not closed, it will generally be the case that providing financial assistance to a councillor or employee to undertake defamation proceedings will be appropriate only if:

- (a) the publication:
- (i) is persistent;
 - (ii) would lower or harm the councillor or employees' personal or professional reputation, hold the councillor or employee up to ridicule, or lead others to shun and avoid the person;
 - (iii) is causing, or is likely to cause, the councillor or employee distress in the workplace;
- (b) a concerns notice under the Defamation Act 2005 (**Defamation Act**) has been provided by the councillor or employee to the publisher;
- (c) the councillor or employee has not refused to accept a reasonable offer to make amends by the publisher under the Defamation Act;
- (d) the resources of Council have been, or are likely to be, unreasonably directed towards dealing with the publications; and
- (a) there is no other reasonable legal cause of action or course available to the person to prevent the ongoing publication.

6. **Types of legal representation costs that may be approved**

- 6.1 If the exceptional circumstances outlined in section 5 exist, the CEO or the Mayor may approve the payment of legal representation costs for a councillor or employee to institute or consider the institution of a defamation action against a third party seeking damages under the council's Legal Assistance (Defamation) Policy.
- 6.2 The CEO or the Mayor should not approve a funding decision under clause 6.1, unless there are exceptional circumstances that justify the expenditure of public funds.

Exceptional circumstances - Example

John Smith is a councillor. Terry Murphy is a local environmentalist and has made on-going and persistent publications indicating that the councillor has a drinking problem and alleging that he is drunk at every Council meeting - which he asserts explains Council's pitiful response to environmental issues in the City. He also says that the Councillor has no morals and regularly cheats the people of the City, by accepting bribes and gifts from developers. He says that something serious has to be done about the Councillor to save the City from environmental and economic

ruin. Terry posts these publications on line and also has been leaving flyers around the City.

John has given Terry a concerns notice under the Defamation Act, but has not received any reasonable offer to make amends from Terry. John has also raised the matter with the police, but no action has been taken because Terry's behaviour is not considered sufficiently threatening.

John has indicated to Council that he is concerned about the impact of the publications on his family and that it is causing him stress in performing his duties and functions as a councillor. Council is spending a lot of time responding to John's concerns and in trying to manage the issue. For example, Council is continually fielding calls from journalists and ratepayers about the publications.

Not exceptional circumstances - Example

Mary Bloggs is a councillor. Bob James, her neighbour, was dissatisfied at the state of Mary's garden, which had trees overhanging on Bob's property. Bob sent Mary an email in which he asked her to get the trees cut, but Mary did not respond. Bob then complained about the state of Mary's garden on social media and suggested that the poor delivery of council services was a direct result of Mary's incompetence as a councillor.

Mary is frustrated that the post was made. Some local newspapers have reported the comments about the neighbourly dispute, but the council have not fielded any calls from residents and ratepayers.

- 6.3 The council should not approve for a councillor, unless there are exceptional circumstances, the payment of legal representation costs that arise from, or are associated with, election issues or the conduct of an election campaign especially having regard to the implied freedom of political communication that has been recognised by the Australian Courts.

7. Application for Payment

- 7.1 A councillor or employee who seeks assistance for the payment of legal representation costs under a council's policy should be required to make an application(s) in writing in a form similar to that set out in Schedule 1. If the applicant under the policy is the CEO the application should be made to the Mayor.
- 7.2 A written application under the policy for the payment of legal representation costs should provide the required details which may include:
- (a) the details of the matter for which legal representation is sought;
 - (b) how that matter relates to the council functions and duties of the councillor or employee making the application;
 - (c) the steps that the councillor or employee have taken in respect of the publication (e.g. whether a concerns notice has been served and/or whether an offer to make amends has been received);
 - (d) the lawyer (or law firm) who is to be asked to provide the legal representation;
 - (e) the nature of legal representation to be sought (such as legal advice, representation in court, preparation of legal proceedings etc);
 - (f) an estimate of the cost of the relevant legal representation; and
 - (g) why the council should provide the relevant support and assistance.

- 7.3 The application should include a declaration by the applicant that they have acted in good faith.
- 7.4 Any application should normally be made before the incurring of any legal costs to which the application relates.
- 7.5 The application should be accompanied by a signed written statement by the applicant that he or she:
 - (a) has read, and understands the terms of council's Legal Assistance (Defamation) Policy;
 - (b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions (see guidance in clauses 10.1 - 10.2) and any other conditions which are provided for in any approval given under the policy; and
 - (c) the applicant undertakes to repay to the council any legal representation costs (see guidance in clauses 10.1 - 10.2).
- 7.6 In relation to clause 7.5(c), if the amount of the legal assistance is material, then an applicant should be requested to sign a more formal document which requires repayment of monies to the council in return for the provision of assistance under the terms of the policy.

8. Limitation of Legal Representation Costs

- 8.1 Council should require the CEO or the Mayor in approving an application to set a limit on the legal costs that will be paid.
- 8.2 A councillor or employee should be allowed to make a further or subsequent application to the council under the policy in respect of the same matter.

9. Possible Decisions

- 9.1 Under the council's Legal Assistance (Defamation) Policy, the CEO or the Mayor may:
 - (a) refuse;
 - (b) grant; or
 - (c) grant subject to conditions,

an application for the payment of legal representation costs.
- 9.2 The CEO or the Mayor may, in appropriate circumstances decide to approve the provision of legal representation to a councillor or employees but may require that the council's legal team provide the relevant advice or representation using internal or external resources.
- 9.3 The conditions that may be imposed under clause 9.1 may include, but are not restricted to, setting a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment of the legal representation costs paid for by the council under the policy.
- 9.4 In assessing an application, the policy may provide that the CEO or the Mayor can have regard to any insurance benefits that may be available to the applicant under the council's insurance policies or other similar arrangements.
- 9.5 The policy should provide that the CEO or the Mayor may, subject to clause 9.6, determine that a councillor or employee whose application for legal representation costs has been approved:

- (a) did not act in good faith; or
- (b) provided false or misleading information in respect of their application for assistance under this policy.

9.6 A determination under clause 9.5 should be made only on the basis of, and consistently with, the findings of a court, tribunal inquiry, regulatory investigation or other similar independent body.

9.7 Where a determination is made under clause 9.5, the legal representation costs paid by the council should be required to be repaid by the councillor or employee in accordance with clauses 10.1 - 10.2.

10. Repayment of Legal Representation Costs

10.1 A councillor or employee whose legal representation costs have been paid by the council should be required to repay to the council:

- (a) all or part of those legal costs - in accordance with a determination made under clause 9.7; and
- (b) if the councillor or employee receives monies from costs orders, damages, or any settlement, in respect of the matter for which the council has paid legal representation costs then the councillor or employee is to repay such sum to the council up to the amount of legal representation costs that have been paid by the council under the policy.

10.2 The council should reserve its rights to take action in a court of competent jurisdiction to recover any monies due and owing to it by a councillor or employee under its policy.

11. Definitions

11.1 **approved lawyer** is to be —

- (a) an 'Australian legal practitioner' under the *Legal Profession Act 2007* (Qld);
- (b) from a law firm on the Council's panel of legal service providers, unless the Council considers that this is not appropriate in the circumstances; and
- (c) as otherwise approved in writing by the Council or the CEO under delegated authority.

11.2 **councillor** or **employee** means a current or former councillor, non-elected member of a council committee or employee of the Council.

11.3 **legal representation costs** are the costs, including reasonable professional fees and disbursements, that are properly incurred in providing the approved legal representation and the associated legal costs arising therefrom.

11.4 **legal services** includes advice, representation or the preparation of documentation that is provided by an approved lawyer.

11.5 **payment** by the Council of the legal representation costs may be either by:

- (a) a direct payment to the approved lawyer; or
- (b) a reimbursement to the councillor or employee.

Policy Author: [insert]

Date of Council resolution:

No of resolution:

Committee Reference and date:

Date of review:

SCHEDULE 1

APPLICATION FOR LEGAL ASSISTANCE (DEFAMATION)

FROM: Name of Councillor or Employee:

- Current Position:
- Current Department or entity:
- Position at the time of the incident:
- Department at the time of the incident:
- Address:
- Telephone:
- Fax:
- Email:
- Include brief details of assigned duties and functions:
- If applicable, include details of legal representatives:

TO: Name of Decision Maker:

- Position:
- Department or entity:
- Address:

Details of matter

I am applying for Legal Assistance in relation to the following matter/s:

- (a) [insert the details of the matter for which legal representation is sought];
- (b) [how that matter relates to the council functions and duties of the councillor or employee making the application];
- (c) [the steps that the councillor or employee have taken in respect of the publication (e.g. whether a concerns notice has been served and/or whether an offer to make amends has been received)];
- (d) [the lawyer (or law firm) who is to be asked to provide the legal representation];
- (e) [the nature of legal representation to be sought (such as legal advice, representation in court, preparation of legal proceedings etc)];
- (f) [an estimate of the cost of the relevant legal representation]; and
- (g) [why the council should provide the relevant support and assistance].

Undertakings by Councillor or Employee:

1. I have diligently and conscientiously endeavoured to carry out my Council functions and duties in good faith.
2. I have not been convicted of a criminal offence nor had a finding of official misconduct against me in relation to this matter.
3. I am / am not aware of any criminal, official misconduct or disciplinary proceedings being brought against me in relation to this matter. Include details if applicable.
4. I have attached a copy of any relevant documents (e.g. copies of publications, concerns notice, offer to make amends, cost estimate from legal representative etc).
5. I agree to provide any further information requested by the decision maker and to keep the decision maker informed of any change in circumstances which may affect my application.

I agree that any grant that I receive of legal assistance under this policy will be subject to any terms and conditions placed on the grant by the relevant decision maker as well as the terms and conditions of the Policy on the Provision of Legal Assistance for Councillors and Employees

Signature of councillor/employee: _____

Date: _____



Ordinary Meeting of Council Tuesday 15th January 2019

9.2 Subject: Council Briefing Sessions Policy
Attachments: Council Briefing Sessions Policy –DRAFT
Author: Chief Executive Officer
Date: 15 January 2019

Executive Summary:

A new policy for the conduct of Council Briefing Sessions is presented to Council.

Recommendation:

That Council adopts the Council Briefing Sessions Policy V1.0 as presented.

Background:

It is important to establish a clear operating framework to ensure that there is clarity and transparency associated with the conduct of Council Briefing Sessions. The objective of this policy is to establish guidelines for the conduct of non-decision making discussion forums, which create an opportunity for:

- Councillors and officers to discuss matters and obtain and exchange information; and
- Councillors to otherwise better inform themselves as to:
 - a) the implementation of previous decisions of Council;
 - b) the ongoing operations of Council; and
 - c) matters coming before future Council meetings.

Consultation:

Nil

Legal Implications:

The policy and associated documents have been compiled to meet the requirements of the *Local Government Act 2009*.

Policy Implications:

Nil

Financial and Resource Implications:

Nil

InfoXpert Document ID:

NA



Council Briefing Sessions Policy

1. BACKGROUND AND PRINCIPLES

It is important to establish a clear operating framework to ensure that there is clarity and transparency associated with the conduct of Council Briefing Sessions.

2. SCOPE

This policy applies to all Councillors (including the Mayor) and employees of McKinlay Shire Council .

3. POLICY OBJECTIVES

The objective of this policy is to establish guidelines for the conduct of non-decision making discussion forums, which create an opportunity for:

- Councillors and officers to discuss matters and obtain and exchange information; and
- Councillors to otherwise better inform themselves as to:
 - a) the implementation of previous decisions of Council;
 - b) the ongoing operations of Council; and
 - c) matters coming before future Council meetings.

4. POLICY STATEMENT

Intent

4.1 There are no formal decisions made at Council Briefing Sessions.

4.2 Any matters requiring a Council decision (i.e. matters not able to be dealt with by a Council Officer under delegated authority) will be reported by the responsible officer to a meeting of Council for determination.

Councillors shall deal with conflicts of interest (COI) and material personal interests (MPI) in the same manner as at a Council Meeting; by leaving the meeting and not taking part in the content or discussion of the subject matter.

Schedule

4.3 Council Briefing Sessions are generally scheduled on the first Tuesday of the month.

Date of Approval:
Approved By:

Effective Date:
Version:
Review Date:



Council Briefing Sessions Policy

4.4 The Briefing Session held on the first Tuesday of the month shall nominally be for the purpose of discussing business in all departments.

4.5 The Mayor or CEO may call briefing sessions as necessary for discussion of emergent matters.

Participants

4.6 Council Briefing Sessions are generally attended by all Councillors, the CEO (or a delegate of the CEO), the Directors, any Managers who have an interest in an item on the agenda and any other relevant officers.

4.7 External persons may attend Council Briefing Sessions upon invitation.

Administration

4.8 For each agenda item, the Agenda shall state the title of the item, the name of the officer who will lead the discussion, the time allotted to each agenda item and whether a briefing note is attached.

4.9 A copy of the Agenda and any briefing notes/attachments shall be circulated to Councillors at least three (3) working days prior to the Briefing Session.

4.10 Where (due to urgency or a Council resolution) no briefing note or agenda has been circulated in accordance with paragraph 4.9, the responsible Director shall provide hard copies of the briefing note to each Councillor at the briefing session with an additional copy provided to the Office of the Mayor and CEO to distribute to Councillors not present at the Briefing Session.

4.11 Agenda items relevant to the department/s to which the briefing session is nominally assigned shall receive precedence over agenda items submitted by other departments with the exception of agenda items from the Office of the Mayor and CEO which can be included on any agenda and which take precedence over all other agenda items.

4.12 The Mayor shall chair the Briefing Sessions. In the event that the Mayor is not present, the Deputy Mayor shall chair the Briefing Session. In the event that the Mayor and Deputy Mayor are absent, Councillors shall appoint a chair.

4.13 Minutes or notes of discussion at the Briefing Session will not be recorded as Briefing Sessions are an informal meeting and no decisions are taken.

4.14 If an external person (for example a consultant, contractor or guest) is to be present at the Briefing Session, the person's name, title and company shall be included on the Agenda.

Date of Approval:
Approved By:

Effective Date:
Version:
Review Date:



Council Briefing Sessions Policy

4.15 An external person who will be attending a Briefing Session shall only be present at the Briefing Session during discussion of the agenda item that their name appears next to on the agenda.

4.16 If a Director believes it is necessary to schedule a Briefing Session with Councillors outside of the scheduled Briefing Sessions, the Director shall liaise with the Mayor and CEO who shall decide whether to call a Briefing Session.

4.17 In the event that a Briefing Session is cancelled, the Office of the Mayor and CEO shall advise Councillors of the cancellation as soon as practicable.

4.18 Information presented or discussed at a Briefing Session shall be considered confidential.

5. RELEVANT LEGISLATION

Local Government Act 2009.

6. DEFINITIONS

CEO refers to a person who holds an appointment as Chief Executive Officer of McKinlay Shire Council, under section 194 of the Local Government Act 2009. This includes a person acting in this position.

Date of Approval:
Approved By:

Effective Date:
Version:
Review Date:



10. WORKPLACE HEALTH AND SAFETY

Work Place Health & Safety Report (InfoXpert Doc ID: 96691)

Workplace Health, Safety and Risk Report

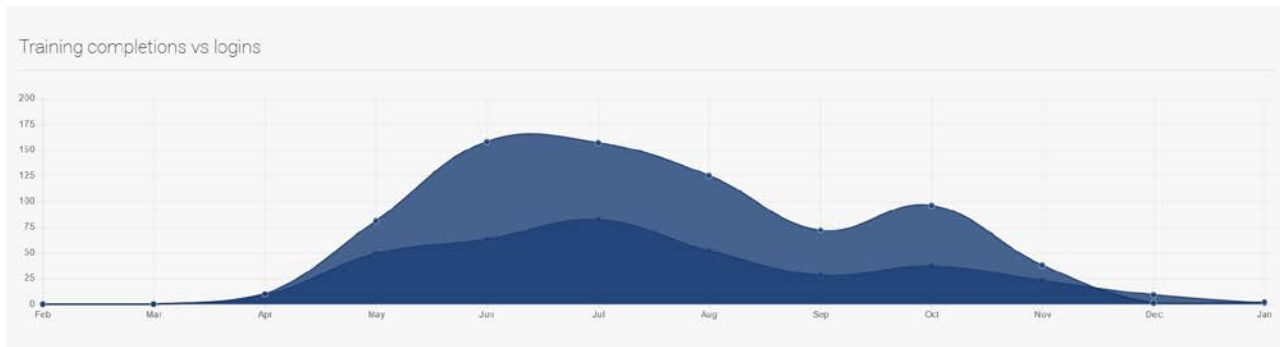
DATE; 4 January 2019		<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Yearly	<input type="checkbox"/> Two Yearly
December 2018					
Objectives of WH&S Management System Plan 2017 / 2018;					
<ol style="list-style-type: none"> 1. Comply with the intent of the Workplace Health and Safety Act 2011 in preventing a persons death, injury or illness being caused by a workplace, by a relevant workplace area, by work activities, or by plant or substances for use at a workplace 2. Contribute to a Management framework that allows all work areas to manage WH&S in a preventative way; 3. Ensure that WH&S is an integral part of effective business practice; and 4. Clearly state the principles for managing WH&S and how the organisation is expected to perform in accordance with legislative requirements <p><i>The primary objective is to provide a structured methodology to conduct all WH&S matters over an annual cycle.</i></p>					
Monthly KPI's		Measurement / Score	Detail / Information		
80% of completed items indicated in MAP's		46%	See MAP's, Per month and accumulative tally		
20% of carry over items indicated in MAP's		54%			
Quarterly KPI's		Measurement / Score	Detail / Information		
Progressive Statistics as above		✓	See MAP's Table following on P3 of this Report, Per month and accumulative tally		
Progressive incidents, LTI's and days lost over the year;		✓	Incident and Event Statistical information collated on P4 of this Report, Per month and accumulative tally		
Progressive lost time frequency and duration rates compared to the scheme		✓			
Progressive costs of claims over the year;		✓	LGMS Dashboard Information, P6 of Report		
Hazard inspections completed as per the Hazard Inspection Matrix		✓	See Hazard Inspection Table on P7		
Yearly KPI's		Measurement / Score	Detail / Information		
Progressive monthly statistics as above		✓	See MAP's Table following on P3 of this Report, Per month and accumulative tally		
Progressive incidents, LTI's and days lost over the year;		✓	Incident and Event Statistical information collated on P4 of this Report, Per month and accumulative tally		
Progressive lost time frequency and duration rates compared to the scheme		✓			
Progressive costs of claims over the year;		✓	LGMS Dashboard Information, P6 of Report		
Hazard inspections completed as per the Hazard Inspection Matrix		✓	See Hazard Inspection Table on P7		
Results of Internal WH&S Management System Audit or the WHSA Annual Assessment Report		January 2019	To Schedule 2019 - Schedule for Handover with new Resource		

Two (2) Yearly	Measurement / Score	Detail / Information
Progressive Monthly and 3 monthly statistics as above	✓	See the following tables for statistical outcomes.
Results of an external WHS Management Systems Audit or the WHSA's Annual Assessment Report	50%	External LGW Audit Scheduled for; 13 th November 2017
Completion of the two yearly MAP's	N/a	Scheduled for January 2019
Results of the overall, two yearly injury trend analysis	N/a	Scheduled to culminate January 2019 Ongoing statistical information following
Additional Objectives (WH&S Management System Plan 2017 / 2018)	Measurement / Score	Detail / Information
Sufficient resources trained to conduct SafePlan's Internal WHS Management Systems Auditing.	TBC	To be completed when a permanent resource is secured.
The audit report will be accompanied by a Rectification Action Plan (RAP) that will be forwarded to the CEO, Senior Management and then to the WHS Committee for discussion.	✓	Monthly Action Plan for September ready for sign off.
The RAP is to be included in the WHS Plan for the next two years.	✓	Ongoing, Complete to January 2019
Actions Register; number of actions outstanding	✓	See the Actions Register Table at P7
Training / Information completed as per 'Matrix for T5 Papers' / mapped training E3 LMS.	✓	In process of change over of systems, See Compliance training table at P8
Prestarts and Toolbox Meetings completed	✓	See Table at P10 for Consultation completions
Key Outcomes		
<ol style="list-style-type: none"> 1. Management and workers display commitment and involvement in achieving a safe and health workplace 2. Appropriate consultative mechanisms are implemented 3. Safe systems of work are implemented and maintained 4. Plant and equipment is maintained in a safe condition 5. All workers receive supervision, instruction, information & induction training in all matters pertaining to WHS 6. Reporting of all accidents / incidents & mishaps & / or systems that may be related to WHS risks at workplace 7. Effective rehabilitation programs with early intervention to assist injured workers back into the workplace 8. The provision & maintenance of workplaces and equipment where risk to people is eliminated or minimised; 9. Provision of personal protective clothing & equipment, where appropriate, for control of workplace hazards 		
<p>Note all of the above KPI's are mandatory and MUST be reported on as directed</p> <p>Reference; SafePlan2 WHS Management System Plan 2017 / 2018, MSC Ver 1 02/2017 Procedure, Performance Measures, April 2015 and Procedure, WH&S Incentives and Awards, March 2014</p>		

Compliance Training

As per WHS Management System Plan 2017 2018

E3 LMS (Online) Training initiated April 2018



Upcoming training for January;

- Nil, we will be catching up on already scheduled training.

Key Performance Indicators

As per 'Schedule, Hazard Management Inspection Register', and WHS Management System Plan 2017 2018

Including Monthly Action Plans (MAP's) as per WH&S Management System Plan 2017 2018

MONTH	Monthly Action Plans (MAP's)						Audits / Hazard Inspections			Actions; Insp & Audits	WH&S Audits & Observ.	Consultation		Risk Management			Comments / Information
	#	Total	Close Out	Comp %	Target	Carry Over	Sched	Complete	Not Comp			P/Start	T/box	Journey Plans	JSEA's & SWMS's	Plant & Equip	
Jan-18	2	25	11	44%	80%	14	56%	0	0	0	0	65	0	22	2	0	
Feb-18	12	26	16	62%	80%	10	38%	25	16	9	25	1	76	0	42	3	0
Mar-18	13	23	12	52%	80%	11	48%	22	13	9	9	0	73	0	54	1	0
Apr-18	9	21	9	43%	80%	12	57%	10	4	6	11	0	71	5	18	0	0
May-18	11	23	9	39%	80%	14	61%	17	9	8	5	1	82	0	29	0	0
Jun-18	7	21	8	38%	80%	13	62%	11	8	3	3	0	63	3	23	0	0
Jul-18	10	23	10	43%	80%	13	57%	7	5	2	9	2	69	1	14	6	0
Aug-18	9	22	10	45%	80%	12	55%	20	14	6	20	3	84	1	30	1	0
Sep-18	8	20	9	45%	80%	11	55%	13	8	5	6	2	52	1	18	3	0
Oct-18	12	23	12	52%	80%	11	48%	8	5	3	6	1	63	0	37	4	0
Nov-18	11	27	13	48%	80%	14	52%	16	3	13	8	0	86	0	58	6	0
Dec-18	9	23	6	26%	80%	17	74%	0	0	0	0	0	17	0	28	0	0
Jan-19	3	20		0%	80%	20	100%	0	0	0							
Total 2018	234		220	46%	80%	11	54%	149	85	64	102	10	801	11	373	26	0

OUTSTANDING ACTIONS	Extreme Risk	High Risk	Moderate Risk	Low Risk	Details / Comments
Total 223	1	53	142	27	At 04/01/19

Extreme Risk; Identified issue with access to Kynuna Bore, EWP Access only – remove platform and ladder (dangerous)

Actions are identified via Inspections, Audits, Incidents etc. and their risk assessed, with preventative or corrective actions identified to control the risk – this process improves the Health, Safety and compliance of the business

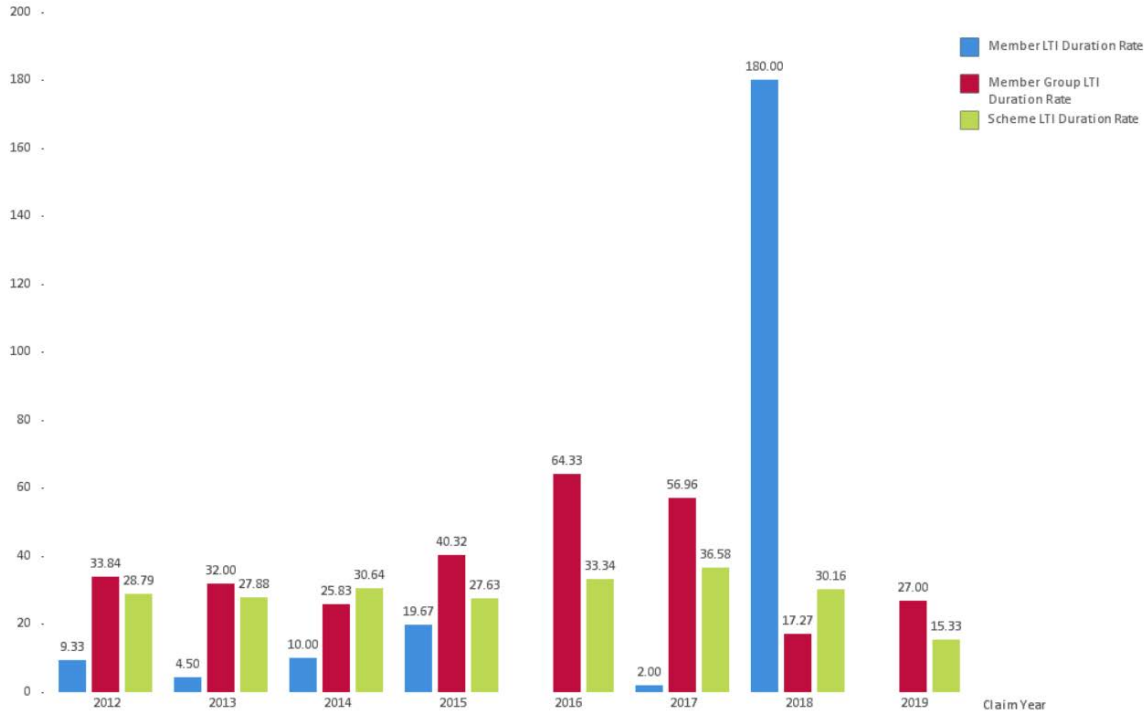
Currently Work Health & Safety Management Plan will expire at the end of January 2019. WH&S has reviewed the plan and made appropriate updates, this has been reviewed by Management Group 14th of December. It is still in draft form and will be presented at Council induction 14th of January 2019 and then presented at the WH&S Committee meeting on the 23rd of January 2019.

LGW

As at 29th October 2018;

1 x WorkCare Claim to date \$209k (2017 Incident), 2 x General Insurance Claims \$140k (1 is a 2017 Incident)

LGW



Comparison of MSC (blue)

To

Overall member group (red)

LGW are planning a visit in February with two (2) of their Consultants Abbey Overland and Joshua Mountford, both have been terrific to deal with regarding MSC claims and they take great care and consideration of the personnel on rehabilitation. I have advised MSC would absolutely welcome them.

Incidents and Events

MONTH	Total Reports	Injuries						Damage		Environ.	Hazards	Breach	Near Miss
		LTI	RRTW	MTI	FAI	Report Only	Not work Related	Plant, Equ & Property	Vandalism	Spills	Procedural		
Jan-18	1						1						
Feb-18	2				1			1					
Mar-18	0												
Apr-18	0												
May-18	1							1					
Jun-18	1							1					
Jul-18	2				1					1			
Aug-18	0												
Sep-18	4			1	1						1		
Oct-18	5		1		1						2	1	
Nov-18	1				1								
Dec-18	2				1	1							
Total 2018	19	0		1	6	1	1	3	0	1	3	1	1
2018													
Monday	5	26%			0600 to 1200	11	58%						
Tuesday	5	26%			1200 - 1600	1	5%						
Wednesday	2	11%			1600 - 0600	5	26%						
Thursday	3	16%			Unknown	2	11%						
Friday	1	5%											
Sat / Sun	3	16%											
	19	100%				19	100%						

Incidents for MSC

2018 YTD

Occurrence of incidents;



11. MEMBERS BUSINESS

12. CLOSE