

Budget Meeting of Council

Date: Friday 3rd July 2020



Tabled Documents:

Policy Reviews:	Policy 101 - Purchasing and Acquisition Policy
	Policy 102 - Advertising Spending Policy
	Policy 109 - Revenue Policy 2020/2021
	Policy 110 - Internal Audit Policy
	Policy 111 - Councillor Expenses Re-imbusement Policy
	Policy 119 – Investment Policy
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	Policy 122 - Councillor Interaction Policy (Acceptable Request Guidelines)
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BOULIA SHIRE COUNCIL

PURCHASING AND ACQUISITION

Category:	Policy
Policy Number:	Policy 101
Document Version:	4
Obsolete Version:	Policy 101 Purchasing and Acquisitions 2019/11.24 - 18 th November 2019
Keyword Classification:	Purchasing policy contracts goods and services
Summary:	The purpose of this policy is to ensure that Council is using sound contracting principles in relation to the purchase of goods and services.
Adoption Date:	
Resolution:	
Due for Revision:	Annually
Revision Date:	June 2021
Date Revoked:	n/a
Related documents:	<p>ATO Statement by Supplier form no. 17 Request for Quotation (Verbal) form no. 34 Contractor Performance Checklist form no. 59 Councillor Reimbursement form no. 24 Delivery of goods form no. 50 Payment Request Approval form no. 4 Purchasing Delegation Conflict of Interest Declaration form no. 44 Tender Declaration form for Tender Evaluation Assessment Panel Member form no. 55 Assessing Quotes Template Council's Tender Register WHS – Safety Management System (Purchasing & Suppliers Controls)</p>
Responsible Section:	CEO
Responsible Officer:	Director of Corporate Services
Legislation:	Local Government Act 2009, Local Government Regulation 2012, WHS Act & Regulation 2011, Work Health and Safety Consultation Code of Practice 2011

OBJECTIVE

To provide Council and its officers with a framework for procurement activities that ensures compliance with requirements of the Local Government Act 2009, Local Government Regulation 2012 and Workplace Health and Safety Act, Regulations 2011, Work Health and Safety Consultation Code of Practice 2011.

SCOPE

This document covers all activities that result in the commitment and expenditure of Council monies.

POLICY

This Policy is in three sections:-

1. Purchasing Principles
2. Purchase Procedures
3. Voucher and Cheque Authorisation

PURCHASING PRINCIPLES

In accordance with the Local Government Act 2009, Sect 104 all Council purchases shall be determined while having regard to the following principles:

1. VALUE FOR MONEY

The objective of obtaining Value for Money is that the goods, equipment or services being procured represent the best return and performance for the money spent from a “total costs of ownership” or “whole-of-life costs” perspective. The result of using such an evaluation methodology to assess Value for Money may not necessarily favour the lowest price.

2. OPEN AND EFFECTIVE COMPETITION

Open and Effective Competition is achieved by:

- (a) Procurement procedures and processes being visible to Council suppliers, and the public (i.e. rate payers and the local community)
- (b) Delegates accepting their accountability to the Chief Executive Officer and Council
- (c) Suppliers having real opportunity to do business with Council
- (d) Invitations to suppliers being arranged so that there is competition among suppliers to provide Value for Money offerings
- (e) Delegations, authorisations and associated financial thresholds being appropriate for the level of judgement expected of individual officers
- (f) Fair and equitable assessment of all tenders

3. THE DEVELOPMENT OF COMPETITIVE LOCAL BUSINESS AND INDUSTRY

Encouragement of the development of competitive local business and industry is achieved by:

- (a) Actively seeking out potential local supplies and suppliers
- (b) Encouraging prime contractors to give local suppliers every opportunity, as partners or subcontractors, to participate in major projects

- (c) Ensuring that the principles of open and effective competition are applied and equal treatment is given to local offers, when being compared with other offers, on the basis of fair and equitable behaviour
- (d) Giving preference to locally-sourced goods and services, where price, performance, quality, suitability and other evaluation criteria are comparable
- (e) Ensuring that payments are prompt and in accordance with the agreed terms of contract
- (f) Giving points-weighting to the advantages of buying locally-sourced goods and services, and to dealing with local suppliers, including:
 - more readily available spare parts and servicing support
 - more reliable compliance with warranty provisions
 - shorter supply lines
 - more convenient communications for contract administration
 - benefit to Queensland and Australia from the transactions occurring (including transport, distribution, finance, etc.) and the employment created locally
 - general benefit to Queensland and Australia from on-going Government support given to local manufacturing, construction and service industries

4. ENVIRONMENTAL PROTECTION

The objectives of Environmental Protection are consistent with the Council's commitment to sustainable development, by promoting purchasing practices that conserve resources, save energy, minimise waste, protect human health and maintain environmental quality and safety.

The objectives are:

- (a) To maximise the purchase of environmentally sensitive goods and services
- (b) To provide leadership to business, industry and the community in promoting the use of environmentally sensitive goods and services
- (c) Where appropriate, ensuring that specifications require suppliers to conform to necessary standards, codes or legislation for the identifications of hazardous materials and that suppliers carry proper certification and registration procedures
- (e) Enforcing bans and/or phase-out timetables on the use of products prohibited under Queensland and applicable Commonwealth laws, including those laws ratifying international treaties and other agreements
- (f) Using lifecycle costing for all purchases (including constructing projects), rather than initial purchase cost. This would, among other things, favour high durability goods and thereby minimise waste
- (g) Avoiding, wherever possible, the purchase of known hazardous and environmentally damaging products, especially where alternatives are available within reasonable bounds of price, performance and suitability

5. ETHICAL BEHAVIOUR AND FAIR DEALINGS

Ethical Behaviour and Fair Dealing are achieved by officers:

- (a) Performing their duty impartially, un-influenced by the receipt or prospects of threats, reprimands or rewards
- (b) Not accepting or seeking gifts or other favours
- (c) Not entertaining approaches from suppliers that might be interpreted as attempts to influence the evaluation process
- (d) Ensuring that their private interest do not conflict with their public duties
- (e) Maintaining high standards of accountability
- (f) Developing systems and procedures that ensure a consistent approach to procurement
- (g) Promoting professional procurement practices

PURCHASING PROCEDURE

The Local Government Regulation 2012 identifies three categories of contracts;

1. **Minor Contracts:** Contractual arrangements the value of which is less than \$15,000 (Net GST) in a financial year or over the term of the contract.
2. **Medium Sized:** Contractual arrangements the value of which is expected to be greater than \$15,000 or more but less than \$200,000 (Net GST) in a financial year or over the term of the contract.
3. **Large Sized Contracts:** Contractual arrangements the value of which is expected to be greater than \$200,000 (Net GST) in a financial year or over the term of the contract.

Where *the expected value of a contractual arrangement with a supplier for a financial year or over the term of the contractual arrangement is the total value of all the local government's contracts with the supplier for goods and services of a similar type under the arrangement.* (Sect 224 (4) LGR)

ETHICAL BEHAVIOUR

Council's Code of Conduct dictates expectations of behaviour and conduct for all staff.

Invitation thresholds have been set within this Policy to ensure proper controls and checks are carried out on all procurement activities. An officer shall not break down a procurement of products into its various components or reduced quantities in order to avoid the necessity of obtaining the prescribed approvals.

PURCHASING ARRANGEMENTS

In accordance with the *Local Government Regulation 2012* three types of purchasing arrangements may be established which allow individual purchases without the need to obtain tenders or quotations for **medium or large contractual arrangements**.

These are:

- (a) Preferred supplier arrangements or standing offer arrangements;
- (b) Approved contractor list of pre-qualified suppliers; and
- (c) Purchases made under a LGAQ arrangement or with or under an arrangement with a government agency. (e.g LGAQ - Local Buy, State and Commonwealth Contracts to which Local Government is eligible)

The preferred supplier and standing offer arrangements can be used where there are frequent or regular purchases of similar items e.g. stationery. A preferred supplier arrangement would contain a pricing structure (e.g. 10 % below retail, or parts at cost plus 5 %, labour at \$45.00 per hour). A standing offer would state fixed price per unit.

Registers of pre-qualified suppliers can be set up where it is necessary to ensure that a supplier is capable of meeting Councils requirements before the precise nature of the requirement is known.

In each case the procedure is to call tenders, by advertisement, for the particular arrangement being set up. The tenders are assessed in exactly the same way as single tenders and must take in to account the five principles as outlined above.

Minor Contractual arrangements: Whilst the legislation only refers to medium and large contractual arrangements, Council staff exercising delegated authority to enter into contracts must have regard to the five principles and this policy framework and cannot split contracts to avoid having to call for quotations or tenders.

LOCAL PREFERENCE POLICY

As it is Council's intention to encourage the development of competitive local business and industry within the Shire, therefore in accordance with Sect 104 (3) LGA officers involved in procurement activities are to encourage local business to quote in competition with businesses operating outside the shire boundary.

For the purposes for this policy a "Local Supplier" is one who is a ratepayer and/or has business premises and/or lives in the Shire. In determining the successful quotation a local preference margin of up to 10% may be applied to all offers received from businesses that qualify as a "Local Supplier".

The application of this margin on purchases over \$50,000 shall be by resolution of Council.

STATUTORY POLICY FRAMEWORK

MEDIUM CONTRACTURAL ARRANGEMENTS: BETWEEN \$15,000 AND \$199,999

If purchase is not through a purchasing arrangement as provided for in this policy then the Council must

1. Invite written quotes for the contract.
2. The written invitation must be given to at least three 3 persons who can meet the requirements.
3. Can decide not to accept any of the quotations received or
4. Must accept the quotation most advantageous to the Council having regard to the sound contracting principles (Sect 225 LGR).

LARGE CONTRACTURAL ARRANGEMENTS: \$200,000 AND OVER

If purchase is not through a purchasing arrangement as provided for in this policy then the Council must undertake a tender process prior to awarding a contract. The tender process can be for expressions of interest (EOI) followed by selective Tender or general tender. In either case the process must involve:

1. Advertisement in a newspaper generally circulating in Shire allowing a minimum 21 days from the date of publication.
2. If seeking EOI then prepare short list for invitation to tender and
3. Can decide not to accept any of the Tenders received or
4. Must accept the Tender most advantageous to the Council having regard to the sound contracting principles (Sect 228 LGR).
5. Information resulting from any conversation that maybe beneficial to other Tenderers, this information will be released to all Tenderers.

PURCHASING PROCEEDURE

PURCHASE OF GOODS AND SERVICES LESS THAN \$200,000

Contracts of goods and services of a value of less than \$200,000 may be entered into in one of three ways:-

- (1) the issue of an official order; or
- (2) by direct supply of goods/services without an order; or
- (3) by purchase card.

The purchase of goods and services that are not part of an approved budget must be authorised by the Chief Executive Officer.

PROCEDURE FOR RECORDING QUOTE INFORMATION

1. All verbal quotes are to be written up on the Request for Quotation (Verbal) form **no 34**.
2. All requisitions/purchase orders must be recorded in the notes section, details of the successful quote number (if numbered) or in the case of Local Buy the Vendor Panel or BSU number and attach the quote to the requisition raised.

INVITATION THRESHOLDS

The following are Council's minimum requirements for the calling or obtaining of goods and services less than \$200,000 (**GST inclusive**).

Less than \$10,000

The officer should use best judgement using catalogues or sales brochures as guide to purchasing and seeking estimates where reasonably practical to do so. Details of all quotations sought shall be clearly documented on the verbal quote form **no. 34** including the price, name, address and telephone number of providers and any terms/conditions that apply to the offer. A copy of the quotes are to be attached to the requisition raised in SynergySoft. The requisitioning Officer and the Delegate approving the order must not be the same person.

\$10,000 up to \$15,000

At least two (2) verbal, written or email quotations are to be sourced. Details of all quotations sought shall be clearly documented on the request for quotation (verbal) form **no. 34** detailing the price, name, address and telephone number of providers and any terms/conditions that apply to the offer and attached to the requisition raised in SynergySoft. The most advantageous to Council shall be selected. The requisitioning Officer and the Delegate approving the order must not be the same person.

\$15,000 up to \$80,000 (Note Section 225 LGR applies)

At least three (3) written or email quotations are to be invited by the Officer. Copies of all written quotations should be attached and detailed on the Council requisition in SynergySoft. The most advantageous to Council shall be selected. The requisitioning Officer and the Delegate approving the order must not be the same person.

\$80,000 up to \$199,999


A formal specification is to be prepared and written quotations are to be invited by the Officer through a public advertising process on Council's web site, Channel Chatter, email blast or newspaper allowing a reasonable time for responses. As an alternative or in addition to other means, the officer may choose to use the LGAQ Local Buy-Vendor Panel to seek formal quotation responses. Copies of all written quotations should be attached and detailed on the Council requisition in SynergySoft, including Council resolution number. A copy of the tender documents, advertising and tender submission paperwork is to be put into Council's records management system. The most advantageous to Council shall be selected. The requisitioning Officer and the Delegate approving the order must not be the same person.

PROCEDURE FOR ASSESSING QUOTES

Using the table below (template called – Quote Assessments), detail the cost of goods, cost of delivery to Boulia. Consider previous orders, did they arrive on time and or the quality of the goods.

Once completed the table, decide on your winning quote and detail the reason for the quote being successful.

A copy of this assessment is to be attached to the requisition raised in SynergySoft.



Assessment of Quotes

	<i>Provider 1</i>	<i>Provider 2</i>	<i>Provider 3</i>
Business Name			
ABN			
Cost of Goods			
Freight Costs			
Total Cost			
Record of Service (has been used before, goods delivered timely, quality of goods)			
Winning Quote 1,2,3			
Reason for Winning			

Assessed by: _____

Officer's Name Officer's Signature Date

To be attached to Requisition being raised in Synergy Soft

PURCHASE OF GOODS AND SERVICES GREATER THAN \$200,000

If purchase is not through a purchasing arrangement as provided for in this policy then the Council must undertake a tender process prior to awarding a contract.

The officer responsible shall prepare a formal tender specification (tender number to be obtained from Council’s tender register) which together with the invitation to tender shall be made available on Council’s web site for download.

A tender advertisement must appear at least once in the Channel Chatter and the local/regional newspaper. The officer may choose to use the LGAQ Local Buy-Vendor Panel to assist with tender selection and to manage formal tender responses.

In any case, the process must allow a minimum 21 days from date of advertisement in the newspaper for Tender responses.

Expressions of Interest (EOI) may be sought in the first instance to establish a preferred supplier list, in which case the tender specification cannot be amended between date of first advertisement to short listing of preferred suppliers, unless all those who responded to the EOI have had an opportunity to respond.

Details of all Tender documentation is to be recorded in Council's tender register, attached to the requisition raised and in Council's records management system.

Details of tenders and quotations received may be commercial in confidence and are not generally available for public viewing without Council or the CEO consent.

PROCEDURE FOR RECEIPT AND OPENING OF PUBLIC TENDERS/QUOTATIONS:

Where Council has invited tenders (or quotations) through a public process then the following procedures are to be adhered to:

1. Tenders are to be lodged in a sealed tender box, a secure email address or with LGAQ Local Buy drop box.
2. The officer responsible for assessing tenders or quotations cannot have access to the secure tenders until after closing of tenders.
3. Where tenders are received in the mail, they are to be stored in a locked tender box and opened by the CEO or delegate responsible in the company of two other staff, who will witness the opening by recording details in the tender register and initialling tender documents and prices. The tender documents are then to be scanned to records and distributed to the officer responsible.
4. In the case of emails, the tenders are to be released by the Systems administrator and simultaneously emailed to the Records Officer and delegate responsible for accepting the tender/quotation or report to Council. The tender documents are to be scanned to records and distributed to the officer responsible.
5. A summary of tenders received is to be recorded in the Council's Tender register.
6. A summary of the winning Tenderers prices, terms and conditions should then be attached to the requisition raised.

PROCEDURE FOR RECORDING TENDER INFORMATION

1. All tenders must be recorded in the tender register using the next available tender number.
2. All purchase orders must record in the notes section the details of the Council resolution, the tender number or in the case of Local Buy the tender number from the register and the Local Buy number (BSU).
3. All Council agenda papers and correspondence must have the tender number recorded on the documents.
4. All letters of acceptance for tenders to have the resolution and tenders numbers recorded.



BOULIA SHIRE COUNCIL

ADVERTISING SPENDING POLICY

Category:	Policy
Policy Number:	102
Document Version:	2
Obsolete Version:	Policy 102 Advertising Spending Policy as adopted 19th July 2017
Keyword Classification:	Advertising, Spending
Summary:	This policy establishes the guidelines and controls on advertisements placed in various media.
Adoption Date:	
Resolution:	
Due for Revision:	Every three years or as impacted by legislation
Revision date:	3 rd July 2023
Date revoked:	n/a
Related documents:	101 Purchasing and Procurement, 120 Community Engagement and 125 Telecommunications
Responsible Section:	Executive
Responsible Officer:	Chief Executive Officer
Legislation:	Local Government Regulation 2012 - Section 197 Local Government Act 2009

DEFINITION

Advertising: Promoting to the public an idea, goods or services for which a fee is paid.

Election Material: is anything able to, or intended to –

- (a) influence an elector about voting, at an election or
- (b) affect the result of an election (LGA sect 90D)

OBJECTIVE

The objective of this policy is to:

- Meet the requirements of the legislation;
- Ensure appropriate authorisation of advertising expenditure; and
- Ensure the Council obtains value for money in placing advertising.

Advertising can only be used to provide information or education to the public for the purposes of the Council and/or for the benefit of the community.

In all cases advertising must be for the public interest and cannot be used to promote the achievements or plans of particular Councillors or groups of Councillors or to influence the voters in an election.

SCOPE

This policy applies to all mediums commonly used for promoting ideas, goods or services and includes, but is not limited to, magazine, newspaper, radio, internet mail, web page, Facebook and television.

This policy unless otherwise stated does not apply to reports published in media where no payment is made for the report.

POLICY

1. The Council may incur expenditure for advertising only if:
 - a) The advertising is for providing information or education to the public; and
 - b) The information or education is provided in the public interest; and
 - c) The advertising falls into one of the categories set out in paragraph 2.
2. Advertising shall be limited to:
 - a) Employee recruitment, tenders, quotations or expressions of interest in accordance with Council's business processes and procurement policies.

- b) The requirement to give public notice relating to proposed developments, public health, the adoption of policies, plans or other regulatory or enforcement provisions in accordance with legislation.
- c) To inform the public about new or continuing services or facilities provided by the Council and/or changes to an existing service or facility provided by the Council.
- d) To promote the sale of goods, services or facilities provided by the Council.
- e) To promote tourism, community events, meetings or workshops consistent with Council's adopted policies and corporate objectives.
- f) To inform the public about decisions made by the Council and/or to request comment on proposed policies or activities of the Council.
- g) To inform the public about matters consistent with the public interest.

3. Advertising during caretaker period:

The Council must not during a caretaker period for the election publish or distribute election material.

Election material may include:

- a) Advertisements relating to future plans unless, and only to the extent that, those plans have been formally adopted by Council.
- b) Advertising the activities of the Council otherwise than in the manner and form it is customary for the Council to advertise its activities.
- c) Advertisements which seek to influence support for particular candidates or potential candidates in the election.
- d) Advertisements, featuring one or more Councillors or containing quotations attributed to individual Councillors.

4. All expenditure on advertising must be approved by the Chief Executive Officer or a delegated Officer.

The approving Officer must ensure that:

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



BOULIA SHIRE COUNCIL

REVENUE POLICY 2020/2021

Category:	Policy
Policy Number:	109
Document Version:	Revenue – 2020/21
Obsolete Version:	Policy 109 Revenue – 2019/20
Keyword Classification:	Revenue Policy
Summary:	Details the principles that Council will use to set its budget and to identify in broad terms the general strategy to be used for raising revenue
Adoption Date:	
Resolution:	
Due for Revision	Annually
Revision date:	
Date revoked	N/A
Related documents:	N/A
Responsible Section	Finance
Responsible Officer	Director Corporate Services
Legislation	Local Government Regulation 2012

OBJECTIVE

In accordance with Section 193 of the *Local Government Regulation 2012*, Council is required to prepare a Revenue Policy each financial year. The Revenue Policy is intended to be a strategic document. Its adoption, in advance of setting the budget, allows Council to set out the principles that it will use to set its budget and to identify in broad terms the general strategy to be used for raising revenue.

The revenue policy sets out the principles used by Bouliia Shire Council, in 2020/2021 for:

1. *the making of rates and charges;*
2. *the levying of rates;*
3. *the granting of rebates and concessions; and*
4. *the recovery of unpaid rates and charges; and*
5. *Principles used for cost recovery fees.*

SCOPE

This policy applies to all of Council.

PROVISIONS

Making of Rates and Charges

The general principle adopted by Council in determining rates and charges for this financial year, shall be that wherever possible, charges will relate directly to the services provided. Examples of services are water supply, sewerage and refuse collection. Whilst Council attempt to implement a policy of full cost recovery of services wherever possible, given the small population base within the Shire full cost recovery may not always be possible.

Costs that cannot be recovered by specific charges shall be met by the levying of a differential general rate. Council uses revenue raised through the differential general rate to maintain general assets and provide services to the Shire as a whole. In determining how this revenue is raised, Council takes into consideration the following factors:

- The use of the land in so far as it relates to the extent of utilisation of Council's services,
- The rateable value of the land and the rates which would be payable if only one general rate were adopted,
- Equity by taking into consideration the capacity to pay within the local community,
- Flexibility to take account of changes in the local economy, and
- Having in place a rating regime that is simple and inexpensive to administer.

Levying of Rates

Council is responsible for ensuring that funds levied for a specific purpose such as water supply; sewerage, etc are expended for these purposes. Council's responsibility also extends to ensuring that all funds levied (including both specific and general charges) are expended in a cost efficient, effective and appropriate manner.

To assist with service continuity and with regard to capacity to pay, Council rates bi-annually, and will do so as soon as practicable in each half of the year.

Council offers a variety of payment methods for ratepayers, including payment by cash, credit card (in person or by phone), via internet banking facilities, cheque or money order. Ratepayers may also pay rates in advance.

Granting of Rebates and Concessions

Discount

To encourage prompt payment and to ensure equity, council offers to all ratepayers, a discount on the 'Rates Notice' (excluding interest charges and fire levy), if all current and outstanding rates and charges are paid within at least 30 days after the issue of the rates notice. The amount of this discount is detailed in the Revenue Statement.

Pensioner Rebate

Ratepayers who are in receipt of a government pension will receive a rebate on their rates notice to the amount detailed in the Revenue Statement. The total rebate is made up of two amounts. The State Government supplies a rebate amount and the Council shall also supply an additional amount.

COVID-19 Pandemic Emergency Rates Relief (Service Charges only)

Identified tourism (hospitality) affected business in the shire are eligible to apply for financial assistance for payment of the services component (water, garbage and sewerage) for the following rating periods.

1st January 2020 to 31st December 2020

1st January 2021 to 30th June 2021

Businesses must submit a letter in writing to apply for this relief.

Other

Other remission requests, or rate deferral requests, will be assessed on a case-by-case basis.

In considering the application of concessions, Council will be guided by the principles of:

- equity - by having regard to different levels of capacity to pay within the local community;
- consistency - the same and consistent treatment for ratepayers receiving concessional; rating;
- capacity to pay - in determining appropriate arrangements for different groups within the community;
- transparency - by making clear the requirements necessary to receive concessions; and
- Flexibility - To allow Council to respond to local economic issues.

Council on the request of a ratepayer may also offer other flexible payment arrangements as appropriate. This may be appropriate in times of economic downturn, drought, flood, or when other factors affect individual ratepayers.

Recovery of Unpaid Rates and Charges

Rate payers are responsible for ensuring rates are paid by the due date, to ensure Council is able to continue to provide the level of service to which rate payers are accustomed.

Amounts outstanding 30 days after the due date will incur interest daily at the rate detailed in the Revenue Statement. This is in accordance with s133 of the *Local Government Regulation 2012*.

Council exercises its recovery powers pursuant to the provisions of Chapter 4 Part 12 of *Local Government Regulation 2012*, in order to reduce the overall burden on ratepayers. Council will pursue the collection of outstanding rates and charges diligently but with due concern for the financial hardship faced by some members of the community.

To this end Council will establish administrative processes, which allow for the payment of rates and charges by instalment and for the selection of various options (including legal action) for the recovery of debt.

Principles Used for Cost Recovery Fees

Section 97 of the *Local Government Act 2009* allows Council to set cost-recovery fees. Council recognises the validity of fully imposing the user pays principle for its cost recovery fees, unless the imposition of the fee is contrary to its express social, economic, environmental and other corporate goals. This is considered to be the most equitable and effective revenue approach, and is founded on the basis that the Region's rating base cannot subsidise the specific users or clients of Council's regulatory products and services.

However, in setting its cost-recovery fees, Council will be cognisant of the requirement that such a fee must not be more than the cost to Council of providing the service or taking the action to which the fee applies.



BOULIA SHIRE COUNCIL

INTERNAL AUDIT POLICY

2020/21

Category:	Policy
Policy Number:	110
Document Version:	Version 1
Obsolete Version:	Internal Audit Policy as adopted 21st November 2018, 2019/7.23 24 th July 2019
Keyword Classification:	Internal Audit
Summary:	Framework for the conduct of the internal audit function
Adoption Date:	
Resolution:	
Due for Revision:	Annually
Revision date:	24 th July 2021
Date revoked:	N/A
Related documents:	N/A
Responsible Section:	Finance
Responsible Officer:	Chief Executive Officer Director of Corporate Services
Legislation:	Local Government Act 2009 s105 Local Government Regulation 2012 s207

SCOPE

Internal audit reviews cover all programmes and activities of the Boulia Shire Council together with associated entities as provided for in relevant business agreements, memorandum of understanding or contracts. Internal audit activity encompasses the review of all financial and non-financial policies and operations.

PURPOSE

Boulia Shire Council has established an internal audit function as a key component of Council's governance framework.

This policy provides the framework for the conduct of the internal audit function in the Boulia Shire Council and has been approved by the Council.

Internal audit provides an independent and objective review and advisory service to:

- provide assurance to the Council that the Boulia Shire Council's financial and operational controls designed to manage the organisation's risks and achieve the entity's objectives are operating in an efficient, effective and ethical manner, and
- assist management in improving the entity's business performance.

RESPONSIBILITY

The scope of internal auditing encompasses, but is not limited to, the examination and evaluation of the adequacy and effectiveness of the organisation's governance, risk management, and internal process as well as the quality of performance in carrying out assigned responsibilities to achieve the organisation's stated goals and objectives. This includes:

- i) Evaluating the reliability and integrity of information and the means used to identify, measure, classify, and report such information;
- ii) Evaluating the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations which could have a significant impact on the organisation;
- iii) Evaluating the means of safeguarding assets and, as appropriate, verifying the existence of such assets;
- iv) Evaluating the effectiveness and efficiency with which resources are employed;
- v) Evaluating operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are being carried out as planned;
- vi) Monitoring and evaluating governance processes;
- vii) Monitoring and evaluating the effectiveness of the organisation's risk management processes;
- viii) Evaluating the quality of performance of external auditors and the degree of coordination with internal audit;
- ix) Performing consulting and advisory services related to governance, risk management and control as appropriate for the organisation;
- x) Reporting periodically on the internal audit activity's purpose, authority, responsibility, and performance relative to its plan;

- xi) Reporting significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by the Audit & Risk Management Committee or Management.
- xii) Evaluating specific operations at the request of the Audit & Risk Management Committee or management, as appropriate.

INDEPENDENCE

Independence is essential to the effectiveness of the internal audit function.

The internal auditor has no direct authority or responsibility for the activities it reviews. The internal audit function has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in original line processing functions or activities.

The internal audit activity will remain free from interference by any element in the organisation, including matters of, procedures, frequency, timing, or report content to permit maintenance of a necessary independent and objective approach to the audit.

The internal auditor reports functionally and administratively to the Chief Executive Officer. Boulia Shire Council will engage an external accounting firm to undertake the internal audit function. Internal audit staff will report through the relevant firm's supervisors, managers and partners. The firm will report back through Council's Chief Executive Officer.

AUTHORITY AND CONFIDENTIALITY

Subject to compliance with Boulia Shire Council's security policies, internal auditors are authorised to have full, free and unrestricted access to all functions, premises, assets, personnel, records, and other documentation and information that the Internal Auditor considers necessary to enable internal audit to meet its responsibilities.

All records, documentation and information accessed in the course of undertaking internal audit activities are to be used solely for the conduct of these activities. The Internal Auditor and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive during the course of their work.

STANDARDS

Internal audit activities will be conducted in accordance with the Boulia Shire Council values, policies and procedures.

Audit activities will also be conducted in accordance with relevant professional standards including:

- i) Standards relevant to internal audit issued by the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia; and
- ii) Standards issued by Standards Australian and the International Standards Organisation.

In the conduct of internal audit work, internal audit staff will:

- i) Comply with relevant professional standards of conduct;
- ii) Possess the knowledge, skills and technical proficiency relevant to the performance of their duties;
- iii) Be skilled in dealing with people and communicating audit, risk management and related issues effectively;
- iv) Develop their technical competence through a programme of professional development, and
- v) Exercise due professional care in performing their duties.

RELATIONSHIP WITH EXTERNAL AUDITOR

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit may be held to discuss matters of mutual interest.

External audit will have full and free access to all internal audit plans, working papers and reports.

INTERNAL AUDIT PLAN

At least annually, the Internal Auditor will submit to Chief Executive Officer an internal audit plan for review and approval. The internal audit plan will consist of a work schedule as well as budget and resource requirements for the next fiscal/calendar year. The Internal Auditor will communicate the impact of resource limitations and significant interim changes to the Chief Executive Officer.

The internal audit plan will be developed based on a prioritisation of the organisational environment and outcomes using a risk-based methodology, including input of senior management and Council.

Any significant deviation from the approved internal audit plan will be communicated to Chief Executive Officer through periodic activity reports.

REPORTING AND MONITORING

A written report will be prepared and issued by the Internal Auditor or designee following the conclusion of each internal audit engagement and will be distributed as appropriate. Internal audit results will also be communicated to the Chief Executive Officer.

The internal audit report may include management's response and corrective action taken or to be taken in regard to the specific findings and recommendations. Management's response, whether included within the original audit report or provided thereafter (i.e. within thirty days) by management of the audited area should include a timetable for anticipated completion of action to be taken and an explanation for any corrective action that will not be implemented.

The internal audit activity will be responsible for appropriate follow-up on engagement findings and recommendations. All significant findings will remain in an open issues file until cleared.

PERIODIC ASSESSMENT

The Internal Auditor will periodically report to the Chief Executive Officer on the internal audit activity's purpose, authority, and responsibility, as well as performance relative to its plan. Reporting will also include significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by the Chief Executive Officer.

In addition, the Internal Auditor will communicate to Chief Executive Officer on the internal audit activity's quality assurance and improvement program, including results of ongoing internal assessments and external assessments conducted at least once in every engagement period.

Draft



BOULIA SHIRE COUNCIL

Councillor Expenses Re-imbusement Policy

Category:	Policy
Policy Number:	111
Document Version:	4
Obsolete Version:	19th July 2017
Keyword Classification:	Councillor Expenses Re-imbusement
Summary:	This policy serves to provide information about the payment or reimbursement of expenses and the provision of facilities for Councillors
Adoption Date:	
Resolution:	
Due for Revision:	Every three years or as impacted by legislation
Revision date:	3 rd July 2023
Date revoked:	n/a
Related documents:	
Responsible Section:	Executive
Responsible Officer:	Chief Executive Officer
Legislation:	Local Government Act 2009 sections 240 Local Government Regulations 2012 sections 249-252 Criminal Code Act 1899 Public Service Act 1996 (Directive 14/10-Motor Vehicle allowance)

Purpose and Scope

Council is committed to ensuring that Councillors are provided with the facilities required to enable them to perform their duties. Councillors should not be financially disadvantaged when carrying out the requirements of the role of Councillor and should be fairly and reasonably compensated in accordance with statutory requirements and community expectations.

The payment and/or reimbursement of expenses and provision of facilities for Councillors:

- is to be open and transparent, prudent, responsible, acceptable to the community and in accordance with statutory requirements;
- based on ensuring economy and efficiency; and
- subject to budget provisions.

The *Local Government Regulations 2012* further states:

250 Requirement to adopt expenses reimbursement policy or amendment

- (1) A local government must adopt an expenses reimbursement policy.
- (2) A local government may, by resolution, amend its expenses reimbursement policy at any time.

251 Notification of adoption of expenses reimbursement policy

- (1) As soon as practicable after a local government adopts or amends its expenses reimbursement policy, the local government must -
 - (a) ensure a copy of the policy may be inspected and purchased by the public at the local government's public office; and
 - (b) publish the policy on the local government's website.
- (2) The price for purchasing a copy of the policy must be no more than the cost to the local government of making the copy available for purchase.

252 Meetings about expenses reimbursement policy

A local government can not resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

The purpose of this policy is to:

- ensure compliance with community expectations and statutory requirements relating to the payment or reimbursement of legitimate expenses and provision of facilities for Councillors while carrying out their duties and responsibilities as elected representatives of the Council; and
- ensure that all Councillors have the facilities and other support necessary to perform their civic duties.

The scope of this policy provides for:

- payment of expenses incurred, or to be incurred, by the Councillors in the course of discharging their duties and responsibilities as Councillors; and
- the provision of facilities to the Councillors for that purpose.

This policy does not provide for salaries or other form of Councillor remuneration.

Definitions

Authorising person - Is the person with delegated authority to approve expenditure or

Council business -	<p>reimbursement for Councillor expenses and facilities.</p> <p>means official business conducted on behalf of, and/or approved by Council, where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business continuity for the Council. Council business should result in a benefit being achieved either for Council, the local government area or the community. Council business includes functions that are a statutory requirement of the Councillor's role or are officially recorded in minutes or other public records. This might also include, attending an event or function to perform official duties or as an official Council representative, such as:</p> <ul style="list-style-type: none"> • ceremonial openings of buildings or facilities; • fetes and carnivals; • annual or presentation dinners; • public meetings; • private meetings arranged through official Council channels (i.e. documented in official records or diary) for the purpose of conducting bona fide discussions of business of Council; and • any other meeting, event or function described of the Local Government Act 2009 under Insurance of Councillors for example attendance: <ul style="list-style-type: none"> ✓ At the meetings of the local government or its committees that the Councillor is entitled or asked to attend, or at which the Councillor has business for a resident of the local government's area; ✓ At inspections or deputations, conferences and meetings at which the Councillor's attendance is permitted by the local government; ✓ At official functions organised for the local government; and ✓ On residents of the area for the purpose of local government business. • Gathering of information by a Councillor necessary to inform him or her of an incident of interest to Council or which properly falls within the responsibility of Council and a Councillor.
Civic Duties -	means Council business.
Councillors -	include Councillors, the Mayor and Deputy Mayor.
Discretionary training -	is any training that is not determined by Council as "mandatory".
Expenses -	refers to expenses described in the Guidelines.
Facilities -	refer to the facilities deemed necessary to assist Councillors in their role as shown in the Guidelines.
Mandatory training -	is any training that Council resolves that all Councillors must attend.
Meal allowance -	is the daily amount allowed for meals while travelling on Council business.
Official capacity -	refers to activities undertaken while on Council business.
Public record -	is any record created, received or kept in an official capacity.
Preferred travel provider -	Council may appoint a preferred travel provider that processes all travel requests, negotiates discount air and accommodation rates and provides assistance to Councillors on all travel related matters.
Reasonable -	refers to what would be perceived as prudent, responsible and acceptable to the community. What the community would expect in terms of limits and Council being able to demonstrate that there is no excessive use or abuse of public funds.
Representing Council -	a Councillor is representing Council when Council resolves that the Councillor is to attend an event or function as a representative of Council.

Policy Statement

The reimbursement of expenses and provision of facilities for Councillors must only be for the actual cost of legitimate business use and only in accordance with the Local Government Act 2009, Local Government Regulations 2012 and Attachment A: Guidelines for Expenses Reimbursement and Provision of Facilities for Mayor and Councillors.

Council must provide for public accountability and transparency by:

- disclosure of overseas travel details in the Annual Report;
- Council reports on international travel activities;
- resolutions made during the year authorising the payment or provision of remuneration;
- including expenses paid or facilities provided, to Councillors or members of committees of the local government; and
- particulars of the total remuneration paid or provided, including expenses paid or facilities provided, to each Councillor during the year and the total superannuation contributions paid for each Councillor during the year.

For details about entitlements in regard to the payment or reimbursement of Councillor expenses and the provision of facilities for Councillors, refer to Attachment A: Guidelines for Expenses Reimbursement and Provision of Facilities for Mayor and Councillors.

~~Council's Annual Report must contain a copy of the policy and a copy of any resolution made during the year authorising payment of expenses or provision of facilities to Councillors.~~

Spouses, partners and family members of Councillors are not entitled to reimbursement of expenses or to have access to facilities allocated to Councillors, with the exception as referred to in the Motor Vehicle Policy.

Failure to comply with this policy or misappropriation of expenses or facilities may be a breach of the Councillor Code of Conduct and/or an offence under the Criminal Code Act 1899.

Attachment A - Guidelines for Expenses Reimbursement and Provision of Facilities for Mayor and Councillors

Purpose of the Document

The purpose of this document is to provide information about the payment or reimbursement of expenses and the provision of facilities for Councillors of the Council, including the Mayor. Councillor remuneration is not covered by this document. Councillor remuneration is in accordance with the determination of the Local Government Remuneration Tribunal.

Approval and Authorisation

The payment or reimbursement of expenses and the provision of facilities for Councillors is subject to Council approval where necessary (e.g. for travel), budget provisions and the authorisation of Council's Chief Executive Officer or the officer delegated that authority by the Chief Executive Officer.

Wherever practicable, Council officers will provide the specified facilities and manage the payment of expenses on behalf of Councillors. Any claims by Councillors for reimbursement of expenses are to be authorised by the Chief Executive Officer or delegated officer.

1. EXPENSES

The following expenses refer to actual expenses deemed necessary for Council business. Councillors are only entitled to the expenses contained in the categories listed below.

The Mayor will be provided with a Council credit card for business use under the approved administrative process. All claims for reimbursement must be submitted on a monthly basis to the Chief Executive Officer. Claim expenses more than three months cannot be claimed after the expense is incurred. The following credit card limits will apply:

- Mayor \$10,000

1.1 Council business

Where Councillors are attending to Council business (refer to definitions) such as meetings, functions or other activities in an official capacity, Council will pay for the approved expenses associated with that activity.

The Mayor attends conferences as the primary Delegate, and may attend any other relevant Conference/Seminar/Workshop/Forums. The Mayor may be accompanied to these by the Deputy Mayor or other Councillors.

The Council shall appoint the other delegates and/or attendees at the above conferences. Attendance by Councillors at other Conferences/Seminars/Workshops shall be recommended by Council or senior officers in writing to the Council meeting. Council may approve travel for Councillors where Council considers it appropriate to promote or represent Council for a local government purpose.

1.1.1 Representing Council at events

Councillors may be required to attend a range of events and functions as part of their role in attending to Council business. Councillors may, for example, be required to attend significant sporting and other community events in an official capacity.

Council will provide tickets to events for Councillors for the purpose of addressing Council's advocacy strategy and to provide support for community social and economic development activities.

1.2 Professional development

The payment of expenses for professional development requires Council approval.

There are two categories of professional development for Councillors – Mandatory Training and Discretionary Training.

1.2.1 Mandatory training

Where Council resolves that all Councillors or a class of Councillors (e.g. newly elected Councillors) are to attend training courses, seminars, conferences, workshops and/or forums for skill development related to a Councillor's role, Council will meet all costs.

Examples of mandatory training may include training for Councillor induction, code of conduct, meeting procedures and legislative obligations.

1.2.2 Discretionary training

Where an individual Councillor wishes to attend a conference, workshop or training to improve skills relevant to their role as a Councillor (other than mandatory training), Council approval is required to pay the expenses of the event.

The funding limit for individual discretionary training is \$5,000 (\$1,500 per annum) for each Councillor during their four (4) year term in office, with annual amounts approved to roll over.

1.3 Travel costs

Councillors may incur travel costs for a number of reasons including, but not limited to, attendance at Council meetings, travelling to conferences, training or workshops. In general, the most cost effective form of travel must be used. Councillors may request to travel using their own private vehicle for business purposes and claim a mileage allowance.

1.4 Accommodation

When attending conferences, Councillors must take advantage of (any costs savings available from) any package provided by conference organisers and, therefore, stay in the recommended accommodation unless prior approval has been granted by Council. In all other cases, Council must decide what are legitimate accommodation costs that will be reimbursed.

Given the location of the Boulia Shire Council area, accommodation may be made available for Councillors when attending to Council business if it is impractical to return home for that evening. However any such accommodation, where possible, must be authorised by Council; or for unforeseen reasons, by Mayor or Chief Executive Officer.

Councillors may claim up to \$20.00 per day to cover incidental costs incurred while travelling and staying away from home overnight outside the Council area.

1.5 Meals

Councillors may claim for the reimbursement of each actual cost per meal (breakfast, lunch and dinner) when travelling for business related purposes. Where possible, any such reimbursement must be authorised by Council; or for unforeseen reasons, by Mayor or Chief Executive Officer.

Reasonable beverages, excluding alcohol, may be included as part of the meal reimbursement.

Where Councillors claim for reimbursement, this must be reconciled with actual costs, supported by receipts.

1.6 Hospitality expenses

Where Councillors incur hospitality expenses while conducting Council business, apart from official civic receptions organised by the Council, the maximum amount that may be reimbursed is:

- \$500.00 per annum for each Councillor; and
- \$5,000.00 per annum for the Mayor.

Hospitality expenses related to official receptions and other functions organised by Council officers are met from relevant approved budgets.

1.7. Cab Charge, taxi and public transport

Councillors may claim for cab charge and taxi facilities or reimbursement for public transport tickets (rail, bus, ferry) to attend official Council functions only. Any taxi travel within the Council area will not be reimbursed unless prior authorisation is given.

Incidental personal travel while attending an event must be met by the Councillor. An approved function includes any function approved pursuant to sections 1.2.1 and 1.3 above.

2. FACILITIES

Facilities provided for Councillors must be deemed necessary and required to assist Councillors in their official capacity. In accordance with statutory provisions, Council may only provide Councillors with the facilities listed below.

Council determines the reasonable standard for facilities for Councillors. If a Councillor chooses a higher standard of facility than that prescribed by Council, any difference in cost must be met by the Councillor personally.

All facilities provided to Councillors remain the property of Council and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires, unless Council agrees to dispose of the facility in some other manner.

2.1. Administrative tools and office amenities

2.1.1 Office space and access to meeting rooms

The Mayor has allocated office space. Council provides access to occasional office accommodation and meeting rooms for Councillors to meet with constituents and the public. Such accommodation may be booked through the Council Office.

2.1.2 Secretarial support

The Mayor's office will be staffed with an Executive Assistant shared with the Chief Executive Officer.

Limited secretarial support will be provided to Councillors by the current secretarial support based in the office of the Mayor and Chief Executive Officer.

2.1.3 Computer and Printer for business use

Councillors are provided with an iPad for Council business use, at their choosing.

Councillors will be reimbursed for any Apps purchased which are required for official business use.

2.1.4 Photocopier and paper shredder

Councillors are entitled to access photocopiers and paper shredders for Council business use at the Council office.

2.1.5 Stationery

Councillors are provided stationery for official purposes only, including, but not limited to:

- Pens and pen sets
- Paper
- Note paper
- Letterhead
- Business cards
- Envelopes

Council stationery is not to be converted or modified in any way and may only be used for carrying out the functions of the role of Councillor.

Stationery does not include any form of advertising by Council.

2.1.6 Publications

Councillors are provided access to copies of relevant legislation, books and journals considered necessary for undertaking their duties.

2.1.7 Other administrative necessities

Subject to Council approval, Councillors may be provided with any other administrative necessities to meet the business of Council.

2.1.8 Advertising

Council will not reimburse or provide funds, services or facilities for the purposes of advertising for Councillors.

2.1.9 Community consultation

Councillors may use facilities provided to correspond with community representatives for the purpose of clarifying issues that are relevant to Council.

2.2 Home office

Councillors may be provided with a multipurpose unit (photocopier/scanner/fax) for Council business use only within a home office environment, should they choose to.

Councillors who opt to use their own multipurpose unit (photocopier/scanner/fax) may be entitled to reimbursement for up to 50% of printer cartridges/toners.

2.3 Maintenance costs of any Council owned equipment

Council will cover all ongoing maintenance costs associated with fair wear and tear of Council owned equipment to ensure it is operating for optimal professional use.

2.4 Name badge and uniforms

Councillors will be provided with any safety equipment such as overalls, safety helmets or glasses, as required, in their role. Councillors will be provided with uniforms, equivalent to the indoor staff Starter Kit and a Blazer, and a name badge if required.

2.5 Vehicles, fuel and parking

2.5.1 Vehicles

All Councillors are eligible to be provided with a Council owned vehicle for official Council business.

Where a Council vehicle is unavailable to Councillors, private vehicle mileage will be re-imbursed at the rate set for 2601cc and over vehicles, in accordance with the Directives made under section 54(1) of the Public Service Act 1996 for Motor Vehicle Allowance payable to public service employees. (Currently Directive 14/10- Motor vehicle allowance), by the Australian Taxation Office's *Cents per kilometre method*.

The mileage rate will also be paid for Councillors travelling to and from scheduled and unscheduled Council meetings held in Boulia.

Currently the mileage rate of 2601cc and over vehicles is \$0.75c per klm.

2.5.2 Fuel

All Council vehicles will be provided with a choice of one of two (2) Fuel Cards suppliers for use with a Council owned vehicle, for official Council business, paid for by Council.

2.5.3 Parking

Council will reimburse parking costs paid by Councillors while attending to official Council business.

2.6 Telecommunication needs

Councillors may be provided with a mobile telephone which Council will pay for all costs associated with the Council business use, should they choose to. Any personal calls made by the Councillor within reasonable provision of use may be reimbursed to Council.

If a Councillor uses a personally owned mobile device, Council may reimburse up to 50% of the costs incurred (\$500 per annum).

2.7. Legal costs and insurance cover

Councillors will be covered under Council insurance policies while discharging civic duties. Specifically, insurance cover will be provided for public liability, professional indemnity, Councillor's liability, personal accident and/or workers compensation, international and domestic travel insurance.

Council may decide, pursuant to Section 240 of the Local Government Act, to cover costs incurred through any inquiry, investigation, hearing or legal proceedings into the conduct of a Councillor, or arising out of, or in connection with the Councillor's performance of his/her civic functions. Council shall resolve on this matter on each and every occasion specifically.

3. COUNCILLOR ACCOMMODATION AND TRAVEL

3.1 General conditions – Councillor accommodation and air travel

All Councillor air travel requires prior approval, where possible, by Council and authorisation by the Chief Executive Officer or delegate. All Councillor accommodation requirements will be coordinated through the office of the Chief Executive Officer or delegate, and where possible requires prior approval by Council and authorisation by the Chief Executive Officer or delegate.

Council is committed to ensuring that travel and related services and products are procured as cost effectively and efficiently as possible using the Council's preferred travel suppliers. Travel related expenses that do not comply with policy provisions will not be reimbursed. Requests for ineligible expense claims risk delays in processing, or partial or total forfeiture of reimbursement.

All requests for travel (including associated registrations) should be made in sufficient time to take advantage of discounts and gain access to the widest range of accommodation and flights. Failure to do so will limit flight and accommodation options.

3.2 Responsibilities

Councillors are required to:

- process all travel related requests in a timely manner through the Chief Executive Officer's office so that available discounts are taken;
- make bookings in a timely manner so that available discounts are taken;
- complete necessary reimbursement process for valid out of pocket expenses each month following completion of the journey;
- complete all necessary registration and travel request forms.

The Chief Executive Officer must:

- ensure the application complies with policy provisions;
- approve travel requests in a timely manner; and
- implement systems of risk management to ensure that expenditure on travel is efficient, economic and appropriate.

The Officer coordinating the travel is responsible for:

- identifying 'best deals' and negotiating special rates with Council's preferred travel providers;

- providing advice to Councillors in relation to travel services, policies and procedures;
- coordinating all travel requests to ensure bookings are made in a timely manner and that all requests are processed in accordance with Council's policy; and
- maintain information on issues as accommodation, airfares, car hire and other related costs for the purpose of reporting to Council, as required.

3.3 Approval

All Councillor travel requires the approval of Council or in unforeseen circumstance Mayor and Chief Executive Officer. All travel requests from a Councillor must be submitted to Council and should identify the relevance of such event to the Council and as far as practicable indicate the cost of attendance.

Where time does not permit the presentation of a report to Council and Councillor's travel has been approved by the Mayor and Chief Executive Officer, a report of the delegated approval and the circumstances should be submitted to the next available Council meeting.

3.4 Air travel

The most cost effective form of air travel will be used.

3.5 Frequent Flyer or Reward Programs

Points from loyalty programs accumulated by Councillors on their personal rewards program, whilst travelling on official Council business, should not be used for personal gain.

Councillors are permitted to use benefits accrued on Council business to upgrade to a higher class of air travel if the cost to the Council is not increased by the upgrade. The use of points should not override the Council's 'best fare' available policy.

3.6 Class of travel

The standard of air travel for Councillors travelling on Council business shall be economy. Councillors may upgrade to a higher class of travel if there is no additional cost to Council.

3.7 Flexible tickets

Where flexibility is required for return times or connecting flights, a suitably flexible ticket may be purchased with the approval of the authorising person.

3.8 Accommodation

Accommodation arrangements for Councillors must comply with the provisions of section 1.4 of this Attachment of this policy.

3.9 Hire cars

The requirement for a hire car should be identified at the time of seeking Council approval for attendance.

3.10 International travel

For international travel, actual Council business related costs will be reimbursed on presentation of original receipts.

Claims without receipts will not be accepted. Any expenses above the travel advance will be reimbursed. Any overpayment must be repaid to Council.

3.11 In-room internet connection for Council business purposes

Where in-room internet connection is required for undertaking Council business, reasonable connection costs may be claimed on completion of travel. However, it is preferred that Councillors will use a wireless Internet card available by prearrangement through Council's administration officer.

3.12 Hospitality expenses

Hospitality expenses may only be paid in accordance with section 1.6.

Expenses will not be reimbursed for personal items or costs unrelated to Council business; e.g.:

- Alcohol;
- Babysitting fees;
- Kennel fees;
- Occasional Airline club fees;
- Toiletries;
- Barber or hair stylist;
- Traffic infringements;
- In flight and in house movies;
- Tourism related costs;
- Food related items only for mini bar purchases;
- Social events; and
- Reading materials.

As a guide, expenses not normally reimbursed at home, will not be reimbursed when travelling.

3.13 Expenses reimbursement process

Where practical, Council will pay all travel and accommodation expenses before departure, however, any claim for allowable expenses not covered should be made at the completion of travel. Councillors must ensure that all expenses are recorded and that the correct claim for expenses form is completed.

3.14 Accompanying partners and personal travel arrangements

All travel and accommodation for partners of Councillors must be arranged by and paid by the Councillor. Council will not pay for any private travel expenses. In the event costs have been incurred by Council for a Councillor's partner, the Councillor will reimburse Council.

Council will not arrange private travel for Councillors or their partners except where the partner is travelling as an official delegate of Council.

3.15 Cancellation of travel and accommodation

If a Councillor cancels travel previously planned and booked by the Council as part of official business for Council, then the Councillor will be required to reimburse the Council the costs incurred. Submission to the Council to waiver the reimbursement would be required to avoid such costs being imposed.



BOULIA SHIRE COUNCIL

INVESTMENT POLICY 2020/21

Category:	Financial Policy
Policy Number:	119
Document Version:	Version 6
Obsolete Version:	Policy 119 Investment Version 5, 2019/7.23 24 th July 2019
Keyword Classification:	Investments
Summary:	To outline guidelines when investing Council money.
Adoption Date:	
Resolution:	
Due for Revision:	Annually
Revision date:	24 th July 2021
Date revoked:	N/A
Related documents:	N/A
Responsible Section:	Finance
Responsible Officer:	Director of Corporate Services
Legislation:	Local Government Act 2009 s104 (5) (c) (i) Local Government Regulation 2012 s191 Statutory Bodies Financial Arrangements Act 1982 Statutory Bodies Financial Arrangements Regulation 2019

PURPOSE:

To provide Council with a contemporary investment policy based on an assessment of counterparty, market and liquidity risk within the legislative framework of the Statutory Bodies Financial Arrangements Act and Regulations.

SCOPE:

This Policy applies to the investment of surplus funds in accordance with investment powers under Part 6 of the Statutory Bodies Financial Arrangement Act 1982 (SBFAA).

DEFINITIONS:

For the purpose of these guidelines the following definitions shall apply:

CEO – shall mean the person appointed to the position of Chief Executive Officer under the Act and anyone acting in that position.

Council – shall mean the Boulia Shire Council.

Investment Officer/s – shall mean the CEO and any other employees who have delegated authority to engage in activities related to the physical investment of funds (eg investment placement and redemption, reconciliations, checking).

The Act – shall mean the *Local Government Act 2009* (as amended).

SBFAA – shall mean the Statutory Bodies Financial Arrangements Act 1982 (as amended).

Short Term - Is defined as an investment of money that is placed at call, overnight or generally for a term of less than seven days.

Long Term - is defined as any investment of money other than Short term investments.

BACKGROUND:

Investment of Council's funds is to be in accordance with Council's power of investment as set out in the following flow of legislative Authority:

Section 104(5) of the Local Government Act 2009 under Chapter 4 Finances and Accountability requires as part of the Long Term Financial Plan an Investment Policy.

Section 5 (2) (e) Part 2A – The Act refers to Local Government as a *Statutory Body* under the Statutory Bodies Financial Arrangements Act 1982.

Section 42 – 52 Part 6 points to the Statutory Bodies Financial Arrangements Act 1982 to determine Council's power of Investment.

Section 42 of the Statutory Bodies Financial Arrangement Act 1982 refers to three different categories of Investment power.

Section 42 Investment power depends on allocation under regulation:

- (1) A statutory body may invest under this part depending on whether a category 1, 2 or 3 investment power is allocated to the body.
- (2) A regulation may allocate to a statutory body 1 of the following powers—
category 1 investment power
category 2 investment power
category 3 investment power.
- (3) However, if a statutory body has control of more than 1 fund (including, for example, as a trustee), a different category of investment power for each fund may be allocated to it.
- (4) Also, if no category of investment power is allocated under a regulation to a statutory body, the body does not have power to invest under this part

Schedule 3, 4 and 5 of the Statutory Bodies Financial Arrangements Regulations 2019 list the statutory bodies' categories and investment power.

Section 44 of the Statutory Bodies Financial Arrangement Act 1982 dictates the types of Investments that Council may use.

Section 44 Category 1 investment power

- (1) **Category 1 investment power is the power to invest in all or any of the following—**
 - (a) deposits with a financial institution;
 - (b) investment arrangements accepted, guaranteed or issued by or for the Commonwealth or a State or a financial institution;
 - (c) other investment arrangements secured by investment arrangements accepted, guaranteed or issued by or for the Commonwealth or a State or a financial institution;
 - (d) investment arrangements, managed or offered by QIC or QTC, prescribed under a regulation for this paragraph;
 - (e) an investment arrangement with a rating prescribed under a regulation for this paragraph;
 - (f) other investment arrangements prescribed under a regulation for this paragraph.
- (2) **However, the investment must be—**
 - (a) at call; or
 - (b) for a fixed time of not more than 1 year.

Section 8 of the Statutory Bodies Financial Arrangements Regulations 2007 prescribes the rating of the Investment arrangements as prescribed under Section 44

- (1) (e) of the Statutory Bodies Financial Arrangements Act 1982.
Section 8 Category 1 investment power—Act, s 44(1)(e)

For section 44(1)(e) of the Act, the rating prescribed for an investment arrangement is—

- (a) a rating by Fitch (Australia) Pty Ltd of AA, AA+ or AAA or
- (b) a rating by Moody's Investors Service of Aa2, Aa1, Aaa ; or
- (c) a rating by Standard and Poor's of AA, AA+ or AAA.

INVESTMENT OBJECTIVES:

Boulia Shire Council's overall objective is to maximize investment returns whilst acting responsibly given the fiduciary responsibility to protect the capital investment and not to speculate.

Investment officers are to avoid any transaction that might harm confidence in the Boulia Shire Council.

In priority, the order of investment activities shall be preservation of capital, liquidity and return.

PRESERVATION OF CAPITAL:

Preservation of capital shall be the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security of principal of the overall portfolio. This would include managing credit and interest rate risk within given risk management parameters and avoiding any transactions that would prejudice confidence in Council or its associated entities.

Council has decided to utilize the Commonwealth Bank as its primary banking institution and the Qld Treasury Corporation as a major source of loan finance, both institutions are highly rated and well established financial institutions for Local Government.

a) Credit Risk

Boulia Shire Council will evaluate and assess credit risk prior to investment. Credit risk is the risk of loss due to the failure of an investment issue or guarantor. The investment officer will minimise credit risk in the investment portfolio by restricting investments to well established major Banking Institutions in Australia and the Treasury Corporation of Queensland.

b) Interest Rate Risk

The investment officers shall seek to minimise the risk of a change in the market value of the portfolio because of a change in interest rates. This would be achieved by considering the cash flow requirements of Council and structuring the portfolio accordingly. This will avoid having to sell securities prior to maturity in the open market. Secondly, interest rate risk can be limited by investing in shorter term securities.

MAINTENANCE OF LIQUIDITY:

The investment portfolio will maintain sufficient liquidity to meet all reasonably anticipated operating cash flow requirements of Council, as and when they fall due, without incurring significant transaction costs due to being required to sell an investment.

RETURN ON INVESTMENT:

The portfolio is expected to achieve a market average rate of return and take into account Boulia Shire Council's risk tolerance and current interest rates, budget considerations, and the economic cycle. Any additional return target set by Council will also consider the risk limitations, prudent investment principles and cash flow characteristics identified within this Investment Policy.

ETHICS AND CONFLICT OF INTEREST:

Investment officers/employees shall refrain from personal activities that would conflict with the proper execution and management of Boulia Shire Council's investment portfolio. This includes activities that would impair the investment officers' ability to make impartial decisions.

This policy requires that employees and investment officers disclose to the Chief Executive Officer any conflict of interest or any investment positions that could be related to the investment portfolio.

INVESTMENTS WITH LOCAL BANKS:

Notwithstanding any other clause in this policy the investment officers/employees shall give preference to lodging Council cash investments through any bank that maintains a full time branch presence in Boulia. In making this decision Council acknowledges that the intention is to maintain the viability of a local bank hence, in turn, providing full banking services to the residents of Boulia Shire.

REQUIREMENTS:

In accordance with Schedule 3 of the Statutory Bodies Financial Arrangements Regulation 2007 - Statutory bodies allocated category 1 investment power Boulia Shire Council has been allocated a Category 1 investment power.

PORTFOLIO INVESTMENT PARAMETERS:

Section 44(1) of SBFAA details the investment powers allocated to Category 1 authorities:

- (a) deposits with a financial institution;
- (b) investment arrangements accepted, guaranteed or issued by or for the Commonwealth or a State or a financial institution;
- (c) other investment arrangements secured by investment arrangements accepted, guaranteed or issued by or for the Commonwealth or a State or a financial institution;
- (d) investment arrangements, managed or operated by Queensland Investment Corporation or Queensland Treasury Corporation, prescribed under a regulation for this paragraph;
- (e) an investment arrangement with a rating prescribed under a regulation for this paragraph;
- (f) other investment arrangements prescribed under a regulation for this paragraph.

Section 44(2) states that the investment must be:

- (a) at call; or
- (b) for a fixed time of not more than 1 year.

PROHIBITED INVESTMENTS:

This investment policy prohibits any investment carried out for speculative purposes. The following investments are prohibited by this investment policy.

- Derivative based instruments (excluding floating rate notices)
- Principal only investments or securities that provide potentially nil or negative cash flow

- Stand alone securities that have the underlying futures, options, forward contracts and sways of any kind, and
- Securities issued in non-Australian dollars

PLACEMENT OF INVESTMENT FUNDS:

Short Term:

Council's investment officers are authorised to invest with either the Commonwealth Bank or Qld Treasury Corporation as required. At any one time no less than 10% of the investment portfolio should be short term.

Long Term:

Council investment officers are to seek competitive Quotes from the Commonwealth Bank, Queensland Treasury Corporation, ANZ, National and Westpac Banks and invest funds with due regard to the best benefit to Council taking into account not only the rate quoted but any transfer costs or bank fees.

Investment Officers will generally seek to maintain a balance of funds so that at any one time not more than 50% of the Long Term portfolio should be with any one institution.

MATURITIES:

The maturity structure of the portfolio will reflect a maximum term to maturity of one year.

IMPLEMENTATION

INTERNAL CONTROLS:

The Chief Executive Officer shall establish internal controls and processes that will ensure investment objectives are met and that the investment portfolios are protected from loss, theft or inappropriate use.

The CEO shall also ensure that the manner in which investment quotes are obtained is transparent and recorded so as to ensure that decisions are based on the investment principles established by Council.

The Chief Executive Officer shall issue a letter to any approved counterparty advising that funds transferred from investments to Council must only be deposited into Council's General Account or Trust Account. This instruction cannot be varied unless a written request is made in writing signed in accordance with Council's account signing authority.

DELEGATION OF AUTHORITY:

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the Local Government Act 2009, Section 257.

BREACHES:

Any breach of this Investment Policy is to be reported to Chief Executive Officer and rectified within seven (7) days of the breach occurring.



BOULIA SHIRE COUNCIL

Confidentiality (Use of Information) Procedure Policy

Category:	Policy
Policy Number:	121
Document Version:	1
Obsolete Version:	19th July 2017
Keyword Classification:	Confidentiality, Use of Information
Summary:	To provide assistance to Councillors and staff in managing information
Adoption Date:	
Resolution:	
Due for Revision:	Every three years or as impacted by legislation
Revision date:	3 rd July 2023
Date revoked:	n/a
Related documents:	Councillor Code of Conduct
Responsible Section:	Executive
Responsible Officer:	Chief Executive Officer
Legislation:	Local Government Act 2009 Section 200 Local Government Regulation 2012 Sustainable Planning Act 2009 Right to Information Act 2009

Purpose

To provide assistance to Councillors and Staff in managing information.

Policy Objectives

This procedure provides guidance to Councillors in complying with section 171 of the Local Government Act 2009 (“LGA”) and staff under section 200 of the LGA regarding the proper handling of confidential information. The procedure aims to assist Council in determining what might be considered confidential information and how this information should be handled.

Context

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

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

This procedure does not override an individual Councilor’s statutory obligations in respect of the use of information, nor does it override Council’s obligations under the LGA or any other legislation or subordinate legislation to disclose or publish information where this is required by law.

Councillors and staff must use Council information in a way that promotes and maintains the public’s trust and confidence in the integrity of the local government.

Definitions

Councillor briefing sessions - are non-decision making forums convened by Councillors, the CEO and, as directed by the CEO, other Council officers that create an opportunity for Councillors and officers to discuss matters of proposed policy or other strategic or community sensitive issues, as well as providing a forum for Councillors to be made aware of issues of significance to the organisation and/or to the community.

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

Council - means Bouliia Shire Council

Staff Member - all employees of a local government and a contractor of a local government (refer to section 200 of the LGA).

Policy Provisions

- Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council and its committees. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest.
- At the same time, Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.
- It is accepted that Councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. It is Council's responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation, or enable any individual or organisation to gain a financial advantage.
- Whilst endeavouring in the interests of public accountability to limit the number of matters which are considered in confidential sessions, Council acknowledges that it is appropriate to consider certain matters in closed meetings.

Responsibilities of Councillors

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

- exercise due care when handling or using information acquired in their role as a Councillor;
- acknowledge that there will be information that must be treated as confidential because to release it would reduce public trust and confidence in the integrity of the Council;
- acknowledge that disclosure of confidential information constitutes a breach of the LGA;
- if uncertain, presume information is confidential, and seek advice from the CEO prior to any release of it;
- undertake not to disclose, and to use their best endeavours to prevent disclosure of, confidential information to any person or organisation, specifically:
 - avoid discussing confidential Council information with family, friends and business associates; and
 - ensure documents containing confidential information are properly safeguarded at all times – including materials stored at private or business residences and on electronic devices.

Responsibilities of Council Staff

Council staff must be aware of their responsibilities and agree they should:

- exercise due care when handling or using information acquired in their role with Council;
- acknowledge that there will be information that must be treated as confidential because to release it would reduce public trust and confidence in the integrity of the

Council;

- acknowledge that disclosure of confidential information constitutes a breach of the LGA;
- if uncertain, presume information is confidential and seek advice from the CEO prior to any release of it;
- undertake not to disclose, and to use their best endeavours to prevent disclosure of, confidential information to any person or organization, specifically:
 - avoid discussing confidential Council information with family, friends and business associates; and
 - ensure documents containing confidential information are properly safeguarded at all times – including materials stored at private or business residences and on electronic devices.

Confidential Information

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

- Commercial in confidence information — including where the release of information would affect a third party's competitive advantage; this is particularly relevant in a competitive tender situation.
- Information derived from Government Departments or Ministers that has been classified as confidential.
- Information of a personal nature or about personal affairs, for example the personal details of Councillors or Council staff.
- Information relating to a property disposal or acquisition process where release of the information may prejudice Council (see also section 171(1) (3) of the LGA).
- Financial and legal analysis where the disclosure of that information may compromise Council or someone else.
- Information that could result in action being taken against Council for defamation.
- Information involving legal advice to Council or a legal issue or a matter before the courts.
- Information that is expressly given to Councillors in confidence.
- Information examined or discussed at Councillor briefing sessions, unless the CEO declares that such information (or part thereof) is not confidential.
- Information about:
 - the appointment, dismissal or discipline of employees
 - industrial matters affecting employees
 - the Council's budget
 - rating concessions
 - contracts proposed to be made by Council
 - starting or defending legal proceedings involving Council
 - any action to be taken by the local government under the Sustainable Planning Act 2009, including deciding applications made to it under that Act.

It is acknowledged that some of the above classes of information may need to be disclosed from time to time for legal proceedings or in accordance with the Right to Information Act 2009.

Nevertheless, this procedure deems that as a minimum:

- The CEO may make a declaration that information concerning a specific matter is to be treated as confidential to Council, and the information will remain confidential unless or until Council resolves to the contrary.
- An item on a Council or committee meeting agenda – and the information contained in the documentation or supporting material – that is declared confidential by the CEO is to remain confidential unless or until Council or the committee resolves to the contrary.
- If the Mayor or a Councillor in a meeting asks that a matter be treated as confidential, Council will formally resolve as to whether all information concerning the matter is confidential.
- If a meeting of a committee resolves that an item – and the information contained in the documentation or supporting material – is to be confidential it remains confidential unless or until Council resolves to the contrary.
- If Council exercises its powers under Local Government Regulation 2012 section 275 to close its meeting to members of the public, all information in relation to the matters discussed during that closed meeting or the closed portion of the meeting is confidential, unless and until the Council resolves to the contrary.
- Confidential information shall be clearly identified as confidential.
- Any information of a type deemed to be confidential is to be presumed by Councillors to be confidential to Council and must not be released without seeking advice from the CEO.
- If a Councillor has any doubt as to whether Council considers information to be confidential, the Councillor is to act on the assumption that Council does so intend until the doubt is resolved at a subsequent meeting of Council.

Consideration of Confidential Material – Council Meetings

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

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

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

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

4. Council will resolve that:

- the matter is to be considered in a closed meeting, and all information relating to that matter is confidential to Council, or
- the matter will be considered in open session.

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

Release of Confidential Information

Any release of confidential information for any purpose to any person or organisation (other than those who are entitled to the information, such as other Councillors or Council staff) is a breach of section 171(3) or section 200(5) of the LGA. Release includes:

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

Breach of this Policy

A person may make a complaint about a breach by a Councillor of section 171(3) by giving notice of the complaint to the Council's CEO. A breach of section 171(3) is "misconduct" (see the definition of "misconduct" in section 176(3) 150L of the LGA). Allegations of misconduct must be referred by the Council's CEO to the Department's Chief Executive Assessor (see section 477-1500 and 150P of the LGA).

~~Thereafter the Department's Chief Executive must refer the complaint to the Local Government Tribunal (see section 177(3) of the LGA). If the Local Government Tribunal decides that a Councillor has breached section 171(3), section 180(5) provides that the Local Government Tribunal may make any one or more of the following orders or recommendations:-~~

- ~~(a) an order that the Councillor be counselled about the misconduct, and how not to repeat the misconduct;~~
- ~~(b) an order that the Councillor make an admission of error or an apology;~~
- ~~(c) an order that the Councillor participate in mediation with another person;~~
- ~~(d) a recommendation to the department's chief executive to monitor the Councillor or the local government for compliance with the Local Government Acts;~~
- ~~(e) an order that the Councillor forfeit an allowance, benefit, payment or privilege;~~
- ~~(f) an order that the Councillor reimburse the local government;~~

(g) a recommendation to the Minister that the Councillor be suspended for a specified period, either wholly or from performing particular functions;

Examples of particular functions—

- attending Council meetings or offices
- representing the Council at public functions

(h) a recommendation to the Minister that the Councillor be dismissed;

(i) a recommendation to the Crime and Misconduct Commission or the Commissioner of Police that the Councillor's conduct be further investigated.

The Assessor will then process the allegation as per sections 150Q, 150T, 150U and 150V of the Local Government Act and subsequently make a decision about the conduct in accordance with section 150W of the Local Government Act.

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BOULIA SHIRE COUNCIL

Councillor Interaction Policy

- Acceptable Requests for Information
- Advocating constituent service requests

Category:	Policy
Policy Number:	122
Document Version:	1
Obsolete Version:	19 th July 2017
Keyword Classification:	Councillor Interaction, Acceptable Request Guidelines
Summary:	This policy seeks to outline the way in which Councillors will interact with staff in seeking information from employees and placing work requests on behalf of constituents
Adoption Date:	
Resolution:	
Due for Revision:	Every three years or as impacted by legislation
Revision date:	
Date revoked:	n/a
Related documents:	129 – Councillor Code of Conduct
Responsible Section:	Executive
Responsible Officer:	Chief Executive Officer
Legislation:	Local Government Act 2009 – Section 170A Public Sector Ethics Act 1994

Purpose

This policy seeks to outline the way in which Councillors will interact with staff in seeking information from employees and placing work requests on behalf of constituents pursuant to section 170A(6) of the Local Government Act 2009 (LGA) which mentions

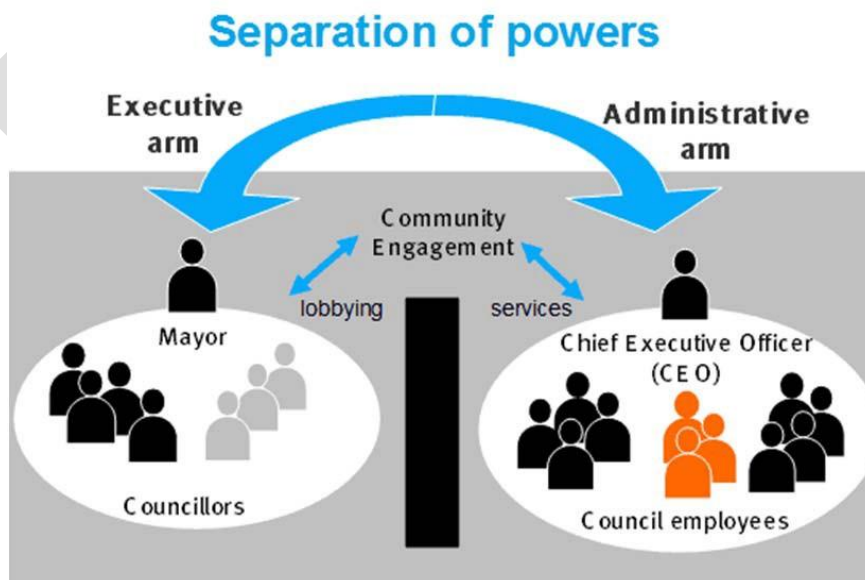
- a) the way in which a Councillor may ask a local government employee for advice to help the Councillor carry out his or her responsibilities under the Act; and
- b) reasonable limits on requests that a Councillor may make.

Councillors are of course not precluded from talking to staff, indeed a constructive relationship between staff and elected Councillors is encouraged to ensure that Councillors feel comfortable that they are fully informed about the operations of Council.

BACKGROUND

Bouli is a small community and Councillors will interact with staff in a variety of mediums through personal and family connections, membership in community groups and participation in organising groups for community events and celebrations. Councillors should not be restricted in this active participation within the community by these guidelines and the legislative restriction placed on them by the LGA.

The structure of the Local Government Authority provides for a clear separation between the executive arm of Council (the elected representatives) and the administrative arm (Council employees). The following diagram has been drawn from the Queensland Department of Local Government website and reflects the department's interpretation of how the Act defines the relationship between Councillors and Council Staff.



Section 170 of the LGA is explicit in its intent and prohibition of Councillors giving direction to staff and is listed below.

170 Giving directions to local government staff

(1) ~~The mayor may give a direction to the chief executive officer~~ **or senior executive employees.**

~~(2) No councillor, including the mayor, may give a direction to any other local government employee.~~

(2) **However, a direction under subsection (1) must not be inconsistent with a resolution, or a document adopted by resolution, of the local government.**

~~(3) No councillor, including the mayor, may give a direction to any other local government employee.~~

Note -

Contravention of subsection (3) is misconduct that could result in disciplinary action being taken against a councillor. See sections 150L(1)(c)(iv), 150AQ and 150AR.

(4) The chief executive officer must -

(a) keep a record of each direction given to the chief executive officer; and

(b) make available to the local government each direction mentioned in paragraph (a).

Pursuant to the above legislative provisions, a Councillor may ask a local government employee to provide advice to assist the Councillor carry out his or her responsibilities under the Act. That is, Councillors have a specific right to access Council documents and this is achieved through the Chief Executive Officer.

DEFINITIONS

- Executive Arm - the elected Council including the Mayor and all Councillors
- CEO - is the Chief Executive Officer appointed by Council from time to time
- Administrative Arm - is the ~~Deputy Chief Executive Officer~~ **Senior Management** and all Council staff including both internal and external workers
- Councillor Request - is a request received from a Councillor that requires the programming of work and the commitment of resources other than the provision of information.

POLICY STATEMENT

- Pursuant to section 170 of the LGA, Councillors may not direct staff to undertake any tasks or work.
- The Mayor may direct the Chief Executive Officer and Senior Staff in the implementation of Council Policy.
- Councillors are entitled to seek such information as they require from all staff to confidently make a decision on Council matters.
- Councillors are welcome to converse with all staff within the organisation and are encouraged to develop constructive relationships with all staff, however Councillors may not request staff undertake tasks for them.
- Where Councillors are advocating for work to be undertaken on behalf of a constituent, Councillors are requested to make the request in writing **on a Councillor Request Form submitted** to the CEO.
- Where Councillors are participating in a community committee or group developing a

program or event, the Councillor has the same capacity to make requests as other members of the Committee to Council staff to have work completed.

ACCEPTABLE REQUEST GUIDELINES FOR COUNCILLORS

Advocating Service Request

Where Councillors are advocating for services on the part of their constituents, the following process has been established:

1. The request is to be given to the CEO in writing (eg. email) or via Council Meeting in general business.
2. The CEO is to respond to the Councillor within **seven ten** days advising whether the request can be completed within the constraints of the current workloads and budget (where practical).
3. Should the Councillor be unhappy with the response, the request can be escalated to Council.
4. Information requests will also be responded within **seven ten** days.
5. All requests are to be recorded on the Council 'Action List Report' which is reported on at each Council meeting.
6. Simple operational requests from residents can be forwarded directly to administration for recording and allocation to relevant Department (i.e. burst water main).

Councillor Request for advice or information

A Councillor request for advice or information must follow these guidelines:

1. Councillors may request, from any employee, assistance or information of a similar nature and in a similar manner to that which the employee would ordinarily give to the public, such as a minor or routine matter;
2. For anything other than minor or routine matters, wherever reasonably possible, Councillors shall direct requests for assistance or information to the Chief Executive Officer or **Deputy chief executive Officer, Director of Works and Operations**, whichever is the most appropriate given the nature of the request;
3. A request for information or advice must identify the proposed decision that the Councillor needs information or advice on;
4. To facilitate the timely and accountable flow of information, Councillors are required to submit requests, with the exception of straight-forward advice, via email or in writing;
5. Any interaction between a Councillor and employee must have due regard to the provisions of all relevant legislation and policies;
6. Interaction between Councillors and employees shall, at all times, be carried out in a

professional manner with due regard for each other's respective roles;

7. A Councillor cannot direct, and must not attempt to direct, any employee about the way in which the employee's duties are performed;
8. A Councillor's request for advice must not take the form of an attempt to direct or pressure an employee to prepare a response in a certain manner;
9. A Councillor is to inform the Chief Executive Officer if they believe an employee has not appropriately responded to a request for information or advice.

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BOULIA SHIRE COUNCIL

Complaints Management Policy and Process

Category:	Policy
Policy Number:	127
Document Version:	Version 3
Obsolete Version:	Version 2 - 19 th July 2017
Keyword Classification:	Complaints Management
Summary:	This policy provides guidance on the process of handling administrative action complaints
Adoption Date:	
Resolution:	
Due for Revision:	Every three years or as impacted by legislation
Revision date:	3 rd July 2023
Date revoked:	n/a
Related documents:	Policy 128 - Public Interest Disclosure Policy and Procedure
Responsible Section:	Executive
Responsible Officer:	Chief Executive Officer
Legislation and reference documents:	Crime and Corruption Act 2001 Human Rights Act 2019 Industrial Relations Act 2016 Information Privacy Act 2009 Public Interest Disclosure Act 2010 Public Sector Ethics act 1994 Public Service Act 2008 Code of Conduct for the Queensland Public Service Discipline Guideline (Public Service Commission) Appeals Directive (Public Service Commission) Managing employee complaints Directive(Public Service commission) AS/NZS 10002-2014 Guidelines for complaint management in organisations Whistle-blowers Protection Act 1994 Whole of Government human rights resources Local Government Act 2009 Local Government Regulation 2012

POLICY:

Boulia Shire Council is committed to providing a level of customer service that does not attract complaints however, acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint.

Council is therefore equally committed to providing an effective resolution to all complaints received and undertakes to make sure that complaints about administrative actions of Council or Council employees will be resolved in a fair, efficient, consistent and timely manner, strengthened by principles of natural justice and procedural fairness.

Section 268 of the *Local Government Act 2009* (LG Act), requires Council to establish a Complaints Management Process for resolving administrative action complaints and this process must include elements contained in Section 187 of the *Local Government Regulation 2012*.

POLICY OBJECTIVE

The Complaints Management Policy and Process provides the framework for the effective management of complaints received by Boulia Shire Council.

The objectives of this policy are:

- To capture and record all complaints;
- To provide a clear administrative process for the management of complaints received from affected persons from receipt to resolution;
- To provide an effective, efficient, sustainable, consistent and transparent process for the management of complaints in accordance with legislative requirements and with regard to the framework of natural justice and procedural fairness;
- To facilitate the use of information obtained from the Complaints Management Process to improve customer service and service delivery;
- To build the capacity of staff to effectively manage complaints in an environment of continuous improvement;

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

- People with particular needs are assisted – for example people who are in any way disadvantaged by intellectual or physical disability, education, language ability or any other impairment.
- Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of the Council's administrative practices.
- Complainants will not suffer any reprisal from Council or its officers for making a complaint.
- Complaints are responded to as quickly as possible and in accordance with the timeframes set out in the complaints process.

- Complaints are properly monitored with a view to continuous improvement of the Council's business processes.
- If a complainant is not satisfied that a complaint has been satisfactorily resolved, he/she will be informed of any statutory right of review and, if they request, be provided with details of any further review mechanism that is available.

Council will use the complaint management process to deliver excellence in customer service, encourage open and honest communication and encourage continuous improvement. The process is aimed at improving the community's confidence in Council's complaints management system and enforcing Council's reputation of being accountable, open and transparent.

SCOPE

This policy applies to all employees of the council and non employees including contractors, consultants, volunteers, Councillors and any other person or entity who may provide the council with services on a paid or voluntary basis and deals with administrative action complaints only. Section 268(2) of the LG Act, defines an administrative action complaint as a complaint that –

- (a) is about an administrative action of a local government, including the following, for example -
 - (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
 - (ii) an act, or a failure to do an act;
 - (iii) the formulation of a proposal or intention;
 - (iv) the making of a recommendation; and
- (b) is made by an affected person.

Section 268(3) defines an affected person as a person who is apparently directly affected by an administrative action of a local government.

This policy does not apply to:

- General Customer requests (for example a complaint about a barking dog), a suggestion or proposed service improvement, a follow up or further request for a service that has not been completed by Council but is still in the timeframes advised to the customer, reports of damage or faulty infrastructure such as roads or fallen branches.
- Complaints about a resolution of Council. Such matters may be referred by a complainant to the elected members.
- Complaints regarding National Competition Policy or competitive neutrality issues.
- Complaints made under the *Public Interest Disclosure Act 2010* or the *Whistle-blowers Protection Act 1994*.
- A complaint about corrupt conduct that should be directed to the Crime and Corruption Commission;
- Complaints about the conduct and performance of Councillors

LODGING A COMPLAINT

The Complaints Management Policy and Process will be readily accessible to and able to be understood by all people, including those with special needs. Information about the complaints process is available on Council's website and at the Council Administration Office.

Complaints may be lodged using the online complaints form or a formal complaints form which can be obtained from the Council Administration Office. All complaints are to be submitted in writing. Completed forms can be submitted:

By mail to	Chief Executive Officer Boulia Shire Council 18 Herbert Street Boulia QLD 4829
Email to	admin@boulia.qld.gov.au
In person at	Boulia Shire Council Administration Office Herbert Street Boulia QLD 4829

KEY PRINCIPLES - COMPLAINTS MANAGEMENT PROCESS

Wherever possible, Council will aim to resolve a customer's complaint at the customer's first point of contact with Council. Should this not be achievable, the following process will serve as a guide on how the complaint will be processed.

Consideration of human rights

Council decisions and actions can impact upon an individual's human rights, in either a positive or negative way. The Council will consider human rights in all decision-making and action and will only limit human rights in certain circumstances and after careful consideration.

Visibility

Information about how and where to complain to the Council will be well publicised for customers, employees and other interested parties (e.g. through the Council's website and in contracts).

Accessibility

- The complaints management process will be easily accessible to all complainants through readily accessible information about the process and flexibility on the process for making complaints (e.g. complainants may make complaints by telephone, mail, email or online).
- The complaints management process and supporting information (such as procedures) will be easy to understand and use.
- Complainants will have access to the complaint's management process free of charge.
- Complaints made anonymously, or through an authorised agent, will be recognised and assessed in the same manner as any other complaint.

- Reasonable assistance to make complaints will be provided to complainants with special needs so that no complainants are disadvantaged.
- All reasonable steps must be taken to ensure that a complainant is not subject to reprisal.

Responsiveness

- Complaints will be acknowledged promptly.
- Complaints should be informally resolved at the first point of contact wherever possible, at the lowest level possible (e.g. frontline staff or manager level).
- Each complaint will be acknowledged and recorded within Council's Register of Complaints and the complainant provided with a complaint number and finalised as quickly as possible.
- Where a complaint cannot be resolved within 10 business days, the Receiving Officer will negotiate with the complainant a timeframe for the resolution of the complaint.
- All complaints will be treated with appropriate respect for the confidentiality and privacy of the complainant, subject of the complaint and officers involved. Publication of information relating to complaints about Council Officers will be limited to that prescribed by legislation.
- Complainants will be kept informed of the progress of the handling of their complaint, the timing of its handling and the outcome of their complaint (subject to the principles of the *Information Privacy Act 2009*).

Assessment and Action

All complaints will be assessed without undue delay and investigated with regard to the framework of natural justice and procedural fairness where appropriate.

The investigation and assessment of a complaint may take some time dependent on its complexity and severity.

Anonymous complaints will be recorded and assessed in accordance with this Complaints Management Process. Where a complaint cannot be actioned without further information or if the complaint is determined as being frivolous or vexatious, the decision to take no further action and the reasons for the decisions will be recorded with the complaint.

Council will co-operate fully with any investigating authority charged with dealing with a complaint, e.g. the Queensland Ombudsman or Crime and Corruption Commission.

Confidentiality

Complaints will be managed in a manner that protects privacy and confidentiality to the extent possible under the law and subject to requirements of natural justice.

Feedback

Subject to the provisions of the *Information Privacy Act 2009* complainants will:

- be advised of the outcome of their complaint as soon as possible after a decision is made;
- be given reasons for any decision made;
- be advised of their right to a review of the decision utilising either or both, internal or external avenues

Continual improvement

Complaints and complaints management trends will be analysed periodically to assist Council to identify and understand trends and business improvement opportunities.

Council's systems, this policy, the associated guidelines and legislative requirements will be reviewed periodically to maintain best practice. Complaints that give rise to a possible business improvement will be communicated to the relevant section Manager.

Council will periodically review reports generated from the complaints management system to:

- determine the effectiveness of the policy and associated guidelines;
- assess the application of the policy and associated guidelines;
- analyse trends to identify and recommend improvements to processes, staff training and policy and procedures.

If there is any conflict between this policy, the requirements of the *Local Government Act 2009* or any other relevant legislation, the legislative requirements will take precedence.

TYPES OF COMPLAINTS

The Council has obligations to deal with various types of complaints. The relevant procedure or legislation governing the management of the complaint, are shown below. Note that complaints may fall within one or more of the following types.

Type of complaint	Complaint governed by
Human rights complaint	<ul style="list-style-type: none">• Human rights complaint procedure• <i>Human Rights Act 2019</i>
Customer complaint	<ul style="list-style-type: none">• Customer complaint procedure• <i>Public Service Act 2008</i>, section 219A
Employee complaint	<ul style="list-style-type: none">• Managing employee complaints procedure• Directive relating to managing employee complaints• Directive relating to appeals• Discipline guideline

Privacy complaint	<ul style="list-style-type: none"> • Privacy complaint procedure • <i>Information Privacy Act 2009</i>
Complaint about the Chief Executive Officer	<ul style="list-style-type: none"> • Complaints about the CEO • <i>Crime and Corruption Act 2001</i>
Complaint comprising allegation/s about (or including information giving rise to a reasonable suspicion of) corrupt conduct	<ul style="list-style-type: none"> • Corrupt conduct procedure • <i>Crime and Corruption Act 2001</i> • The complaint may be referred to the Crime and Corruption Commission (CCC) for investigation or investigated by the department and reported to the CCC if required under the <i>Crime and Corruption Act 2001</i>
Complaint assessed as a public interest disclosure (PID) in accordance with the <i>Public Interest Disclosure Act 2010</i>	<ul style="list-style-type: none"> • PID procedure • Public Interest Disclosure Act 2010

RESPONSIBILITIES AND ACCOUNTABILITIES

Role	Responsibilities
All employees	<ul style="list-style-type: none"> • Be familiar with the Council's complaints management policy and procedures and assist people to access the complaints process • Receive and action complaints in accordance with this policy and applicable procedure and seek advice from the Ethics unit if in doubt • Respond to constructive feedback as an opportunity to improve • Proactively report conduct of employees that is inconsistent with the public service values and Code of Conduct, including information giving rise to a reasonable suspicion of corrupt conduct, to the CEO
Managers and supervisors	<ul style="list-style-type: none"> • Ensure employees under their supervision are aware of the Council's complaints management policy and procedures and can assist people to access the complaints process • Encourage, demonstrate and model ethical conduct in their teams / units • Proactively identify workplace issues and inappropriate employee conduct and performance • Cultivate a work environment where employees and customers are empowered to give feedback • Promote a workplace culture where customer feedback and complaints are taken seriously and inform continuous improvement
Delegate	<ul style="list-style-type: none"> • Exercise delegated powers in accordance with all relevant statutory provisions, policy, directives and principles of procedural fairness

Ethics	<ul style="list-style-type: none"> • Act as a central referral and coordination point for the employees, customers and the public on the requirements of this policy and associated procedures • Promote requirements of this policy and associated procedures and implement appropriate awareness initiatives for employees • Review, monitor, and report on complaints to ensure they are appropriately managed • Receive, assess, refer and/or case manage, monitor and report on complaints in accordance with this policy and applicable procedures, to ensure complaints are appropriately managed within the department • Analyse, evaluate and audit complaints and their outcomes in order to support quality improvements
Director of Corporate Services (DCS)	<ul style="list-style-type: none"> • Act as the department's liaison officer to refer complaints and information giving rise to a reasonable suspicion of corrupt conduct to the CCC (as appropriate) • Actively case manage complaints where appropriate • Coordinate management of cases involving public interest disclosures (PIDs) • Monitor and report on complaints to ensure they are appropriately managed • Manage the discipline process
Human Resources (HR)	<ul style="list-style-type: none"> • Act as a referral and coordination point for employee complaints • Case manage employee complaints (in consultation with the DCS and CEO) • Ensure any discipline process activities are recorded appropriately
Chief Executive Officer (CEO)	<ul style="list-style-type: none"> • Ensure the department has established and implemented systems for dealing with complaints (including customer complaints) • Ensure systems and procedures are in place to monitor a discloser's workplace for any signs of reprisal action in relation to a PID.



BOULIA SHIRE COUNCIL

Councillor Code of Conduct

Category:	Policy
Policy Number:	129
Document Version:	3
Obsolete Version:	20/02/2018 22nd May 2019
Keyword Classification:	Councillor Code of Conduct
Summary:	The policy outlines ethical behaviour for Councillors
Adoption Date:	
Resolution:	
Due for Revision:	Every three years or as impacted by legislation
Revision date:	3 rd July 2023
Date revoked:	n/a
Related documents:	<p>Department of Local Government, Racing and Multicultural Affairs <i>Code of Conduct for Councillors in Queensland</i> document (issued 07/04/2020)</p> <p>Policy 111 - Councillor Expenses Re-imbusement Policy Policy 121 - Confidentiality (Use of Information) Procedure Policy Policy 122 - Councillor Interaction Policy Policy 127 - Complaints Management Policy and Process Policy 139 - Related Party Disclosure Policy Policy 140 - Statement of Business Ethics Policy 141 - Conflict of Interest Policy Policy 148 - Standing Orders for Council Meetings Policy Policy 150 - Investigation Policy Policy 151 - Model Meeting Procedures Policy</p>
Responsible Section:	Executive
Responsible Officer:	Chief Executive Officer
Legislation:	Local Government Act 2009 Crime and Corruption Act 2001

PURPOSE OF THE CODE OF CONDUCT

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

BACKGROUND

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

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

THE LOCAL GOVERNMENT PRINCIPLES AND VALUES

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

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

This Code of Conduct provides a set of values that describe the types of conduct Councillors should demonstrate ~~under each principle~~ to ensure their compliance with the local government principles. These values are listed below:

1. In making decisions in the public interest, Councillors will:
 - make decisions in open Council meetings
 - properly inform relevant personnel of all relevant information
 - make decisions in accordance with law and policy
 - commit to exercising proper diligence, care and attention.
2. To ensure the effective and economical delivery of services, Councillors will:
 - manage Council resources effectively, efficiently and economically
 - foster a culture of excellence in service delivery.
3. In representing and meaningfully engaging with the community, Councillors will:
 - show respect to all persons
 - clearly and accurately explain Council's decisions

- accept and value differences of opinion.
4. In exercising good governance, Councillors are committed to:
 - the development of open and transparent processes and procedures
 - keeping clear, concise and accessible records of decisions.
 5. To meet the community's expectations for high level leadership, Councillors will:
 - be committed to the highest ethical standards
 - uphold the system of Local Government and relevant laws applicable.

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

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

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

STANDARDS OF BEHAVIOUR

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

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

- 1. RESPONSIBILITIES**
- 2. RESPECT**
- 3. REPUTATION**

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

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

For example, Councillors will, at a minimum, **have the following responsibilities:**

- 1.1 Attend and participate meaningfully in all Council meetings, **committee meetings, informal meetings**, briefings, relevant workshops and training opportunities to assist **Councillors** **them** in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given
- 1.2 Respect and comply with all policies, procedures and resolutions of Council

- 1.3 Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business
- 1.4 Report any suspected wrongdoing to the appropriate entity in a timely manner
- 1.5 Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
- 1.6 Cooperate with any investigation being undertaken by the Local Government or other entity.

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

For example, Councillors will, at a minimum, act in the following ways:

- 2.1 ~~Show respect for fellow Councillors, Council employees and members of the public~~ Treat fellow Councillors, Council employees and members of the public with courtesy, honesty and fairness
- 2.2 ~~Not bully, harass, intimidate or act in a way that the public would reasonably perceive a Councillor's behavior to be derogatory towards other Councillors, Council employees and members of the public~~ Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other Councillors, Council employees and members of the public
- 2.3 ~~Be respectful of other people's rights, views and opinions.~~ Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare

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

For example, Councillors will, at a minimum, conduct themselves in the following manner:

- 3.1 When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the Council decision represents the majority view of the Council
- 3.2 When making public comment, clearly state whether they are speaking on behalf of Council or expressing their personal views
- 3.3 ~~Avoid making unnecessary or irrelevant comments or accusations about Councillors or Council employees in order to undermine them or their position~~ At all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity
- 3.4 ~~Ensure behaviour and presentation is appropriate to maintain the dignity of the office of the Councillor.~~

CONSEQUENCES OF FAILING TO COMPLY WITH THE CODE OF CONDUCT

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

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

Unsuitable meeting conduct

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

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

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

Inappropriate conduct

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

The conduct of a Councillor is also inappropriate conduct if the conduct contravenes an order by the Chairperson of a meeting of Council for the Councillor to leave the meeting, or **is a series of** conduct at Council meetings that leads to orders for the Councillor's unsuitable meeting conduct being made on three occasions within a period of one year. **The local government is not required to notify the OIA and may deal with the conduct under section 150AG of the LGA.**

The ~~Independent Assessor~~ **OIA** is responsible for assessing allegations of suspected inappropriate conduct **other than that arising from unsuitable meeting conduct**. If ~~the Independent Assessor~~ **OIA** chooses to refer the matter to the Council to deal with, the Council must deal with the matter as quickly and effectively as possible.

Misconduct

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

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

The conduct of a Councillor is misconduct if the conduct:

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

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

Corrupt conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001* (**Section 15**) and must be referred to the Crime and Corruption Commission. For a Councillor, corrupt conduct involves behaviour that:

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

- if proven would be a criminal offence.

The OIA has entered into a section 40 (of the *Crime and Corruption Act 2001*) arrangement with the Crime and Corruption Commission (CCC) which allows the OIA to commence investigation into some allegations of corrupt conduct and report the matters to the CCC on a monthly basis, to provide the CCC with the opportunity to take over an investigation, should the CCC consider that appropriate.

When the OIA deals with corrupt conduct which is a statutory offence under the LGA, the OIA has the discretion to deal with the matter either as misconduct or as a criminal prosecution of the statutory offence. For an understanding of when the OIA will deal with corrupt conduct as misconduct refer to the OIA's prosecution policy at www.oia.qld.gov.au/resources/oia/policy/guidelines-for-commencing-a-prosecution-under-lga.pdf.

MORE INFORMATION

The Department of Local Government, Racing and Multicultural Affairs website at www.dlgrma.qld.gov.au provides further information and resources for Councillors.

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

For more information, please contact your regional office within the Local Government and Regional Services in the Department or Division of the Department of Local Government, Racing and Multicultural Affairs on:

Telephone: 13 QGOV (13 74 68)

Post: PO Box 15009, City East, Queensland 4002

Website: www.dlgrma.qld.gov.au

Southern office

Phone: (07) 3452 6762

Email: southern@dlgrma.qld.gov.au

Northern office

Phone: (07) 4758 3472

Email: northern@dlgrma.qld.gov.au



BOULIA SHIRE COUNCIL

Dealing with a Complaint involving a Public Official (CEO)

Category:	Policy
Policy Number:	130
Document Version:	Ver 2
Obsolete Version:	19th July 2017
Keyword Classification:	Public official, CEO, misconduct, complaint
Summary:	Process to follow involving a complaint regarding the Chief Executive Officer
Adoption Date:	
Resolution:	
Due for Revision:	Annually
Revision date:	3 rd July 2021
Date revoked:	n/a
Related documents:	Policy 127 -Complaints Management Policy and Process Policy 128 - Public Interest Disclosure Policy and Procedure
Responsible Section:	Executive
Responsible Officer:	CEO
Legislation:	Crime and Corruption Act 2001

Approval

This policy is approved by:

- Chief Executive Officer..... Date
- Mayor Boulia Shire Council..... Date

Complaints about the public official (CEO): section 48A of the *Crime and Corruption Act 2001*

1 Objective

The Chief Executive Officer is the public official of the Boulia Shire Council.

The objective of this policy is to set out how the Boulia Shire Council will deal with a complaint (also information or matter)¹ that involves or may involve corrupt conduct² of its

Chief Executive Officer as defined in the *Crime and Corruption Act 2001* (CC Act).

2 Policy rationale

The policy is designed to assist the Boulia Shire Council to:

1. Comply with s48A of the *Crime and Corruption Act 2001*
2. Promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer for the Boulia Shire Council is dealt with (s34(c) CC Act)
3. Promote accountability, integrity and transparency in the way the Boulia Shire Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Chief Executive Officer.

3 Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i>
Contact details	should include a direct telephone number, email address and postal address to enable confidential communications
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
Corruption in Focus	http://www.ccc.qld.gov.au/corruption/information-for-the-public-sector/corruption-in-focus ; see chapter 2, page 2.5 https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Corruption-in-focus-Guide-2020.pdf
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>

¹ See s48A of the CC Act and definitions below

² The CCC's Corruption function encompasses both "corrupt conduct" and "police misconduct". For the purposes of the Queensland Police Service, wherever the term "corrupt conduct" is used in the policy, they would also have to consider police misconduct, as per s37 of the CC Act

Nominated person	see item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>
Unit of public administration (UPA)	see s20 of the <i>Crime and Corruption Act 2001</i>

4 Policy application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer of the Bouliia Shire Council
- to all persons who hold an appointment in, or are employees of, the Bouliia Shire Council

For the purpose of this policy a complaint includes information or matter.³

5 Nominated person

Having regard to s48A(2) and (3) of the CC Act, this policy nominates:

- Mayor as the nominated person/s⁴ to notify⁵ the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.⁶

Once the Bouliia Shire Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the public official/CEO is a reference to the nominated person⁷.

6 Complaints about the CEO

Complaint involving a reasonable suspicion of corrupt conduct, where there is a nominated person

Where there is a nominated person, if a complaint may involve an allegation of corrupt conduct of the Chief Executive Officer of the Bouliia Shire Council, the complaint may be reported to:

- the nominated person, or
- a person to whom there is an obligation to report under an Act⁸ (this does not include an obligation imposed by s38 and 39(1) of the CC Act).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

³ See s48(4) CC of the CC Act

⁴ See footnote 2 'Suggested outline of policy'

⁵ Under s38 of the CC Act

⁶ Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act

⁷ See s48A(3) CC Act

⁸ See s39(2) of the CC Act

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the Chief Executive Officer, they are to:

- (a) notify the CCC of the complaint⁹, and
- (b) deal with the complaint, subject to the CCC's monitoring role, when —
 - directions issued under s40 apply to the complaint, if any, or
 - pursuant to s46, the CCC refers the complaint to the nominated officer to deal with¹⁰.

If the Chief Executive Officer reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the Chief Executive Officer must:

- (i) report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
- (ii) take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor of Boulia Shire Council.
- (iii) Where there is a nominated person, and if directions issued under s40 apply to the complaint:
 - (i) the nominated person is to deal with the complaint, and
 - (ii) the Chief Executive Officer is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor of Boulia Shire Council.

7 Resourcing the Nominated Person

If pursuant to s40 or 46, the nominated person has responsibility to deal with the complaint¹¹:

- (i) the Boulia Shire Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately¹², and
- (ii) the nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
 - authorisation under a law of the Commonwealth or the State, or
 - the consent of the nominated person responsible for dealing with the complaint
- (iii) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - purposes of the CC Act¹³
 - the importance of promoting public confidence in the way suspected corrupt conduct in the Boulia Shire Council is dealt with¹⁴, and
 - the Boulia Shire Council's statutory, policy and procedural framework.

If the nominated person has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the Chief Executive Officer to direct and control staff of the Boulia Shire Council as if the nominated person is the Chief

⁹ Under s38, subject to s40 of the CC Act

¹⁰ Under s43 and 44 of the CC Act

¹¹ Under s43 and 44 of the CC Act

¹² See the CCC's corruption purposes and function set out in s4(1)(b), 33, 34, 35 and the [UPA] Boulia Shire Council's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

¹³ See s57 and the CCC's corruption purposes and function set out in s4(1)(b), 33, 34, 35 of the CC Act

¹⁴ See s34(c) CC Act

Executive Officer of the Boulia Shire Council for the purpose of dealing with the complaint only

- are delegated the same authority, functions and powers as the Chief Executive Officer to enter into contracts on behalf of the Boulia Shire Council for the purpose of dealing with the complaint
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Mayor of Boulia Shire Council or the Chief Executive Officer, to the nominated person; **and**

8 Liaising with the CCC

The Chief Executive Officer is to keep the CCC and the nominated person/s (if any) informed of:

- the contact details for the public official/CEO and the nominated person/s (if there is a nominated person)
- any proposed changes to this policy.

9 Consultation with the CCC

The Chief Executive Officer will consult with the CCC when preparing any policy about how the Boulia Shire Council will deal with a complaint that involves or may involve corrupt conduct of the public official/CEO.¹⁵

10 Statutory references

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

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¹⁵ Section 48A of the CC Act



BOULIA SHIRE COUNCIL

RELATED PARTY DISCLOSURE POLICY

Category:	Policy
Policy Number:	139
Document Version:	Version 1
Obsolete Version:	2017/5.22 2 nd June 2017
Keyword Classification:	Related Party Disclosures Policy
Summary:	This policy is to provide guidance for determining who are the related parties of Council, what equates to related party transactions and how to record them.
Adoption Date:	
Resolution:	
Due for Revision	3-years hence
Revision date:	2 nd June 2023
Date revoked	n/a
Related documents:	Related Party Declaration Form
Responsible Section	Finance
Responsible Officer	Director of Corporate Services
Legislation	Local Government Act 2009 Local Government Regulation 2012 Accounting Standard AASB 124 - Related Party Disclosures

OBJECTIVE:

The objective of the policy is to define the parameters for related party transactions and the level of disclosure and reporting required to achieve compliance with *Australian Accounting Standard AASB 124 – Related Party Disclosures*.

SCOPE & PURPOSE:

The purpose of this policy is to be applied in:

- (1) identifying Key Management Personnel (KMP); and
- (2) identifying related party relationships and transactions; and
- (3) identifying outstanding balances, including commitments, between Council and its related parties; and
- (4) identifying the circumstances in which disclosure is required; and
- (5) determining the specific disclosures to be made.

DEFINITIONS:

Arm's length terms – terms between parties that are reasonable in the circumstances of the transactions that would result from:

- (a) neither party bearing the other any special duty or obligation; and
- (b) the parties being unrelated and uninfluenced by the other; and
- (c) each party having acted in its own interests.

Close members of the family of a person – are those family members who may be expected to influence, or be influenced by that person in their dealings with the entity and include:

- (a) that person's children and spouse or domestic partner;
- (b) children of that person's spouse or domestic partner; and
- (c) dependents of that person or that person's spouse or domestic partner.

Entity – can include a body corporate, a partnership or a trust, incorporated association or unincorporated group or body.

Key Management Personnel – are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly including but not limited to a Councillor, Chief Executive Officer, Manager or Foreman.

Ordinary citizen transactions - transactions that an ordinary citizen would undertake with Council, which is undertaken on arm's length terms and in the ordinary course of carrying out Council's functions and activities, such as paying rates and utility charges, using Council's public facilities after paying the relevant fee.

Related party - means a person or entity that is related to the entity that is preparing its financial statements. A related party may be an affiliate, and employee, members of the immediate family of an employee or persons having a controlling influence on controlled entities.

POLICY STATEMENT:

Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A Related Party relationship could influence the normal business operations of Council. In some instances, Council may enter into transactions with a Related Party that unrelated parties would not. For example, goods are supplied to Council on terms that might not be offered to other customers. Also, transactions between Related Parties may not be made on the same terms as between unrelated parties.

The normal business operations of Council may be affected by a Related Party relationship even if Related Party Transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another - for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations by users of financial statements, including assessments of the risks and opportunities facing the Council.

IDENTIFICATION OF KEY MANAGEMENT PERSONNEL

For the purposes of this policy, Key Management Personnel are identified as the following:

- (a) Mayor and Councillors;
- (b) Chief Executive Officer;
- (c) Director of Works and Operations;
- (d) Foreman of Roads Construction and Maintenance and the Foreman of Roads Utilities and Services; and
- (e) Director of Corporate Services
- (f) Finance Manager.

IDENTIFICATION OF RELATED PARTIES

A person or entity is a related party of Council if any of the following apply:

- (a) They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- (b) They are an associate or belong to a joint venture of which Council is part of;
- (c) They and Council are joint ventures of the same third party;
- (d) They are part of a joint venture of a third party and Council is an associate of the third party;
- (e) They are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- (f) They are controlled or jointly controlled by close members of the family of a person.

- (g) They are identified as a close member of the family of a person with significant influence over Council or a close member of the family of a person who is a KMP of Council;
- (h) They, or any member of a group of which they are a part, provide KMP services to Council.

For the purposes of this Policy, related parties of Council are:

- (a) Entities related to Council;
- (b) Key Management Personnel of Council;
- (c) Close family members of KMP;
- (d) Entities or persons that are controlled or jointly controlled by KMP, or their close family members.

REVIEW OF RELATED PARTIES

A review of KMP's and their related parties will be undertaken on an annual basis. Particular events, such as a change of Councillors, Chief Executive Officer or other relevant staff or a corporate restructure, will also trigger a review of Council's related parties. The method for identifying the close family members and associated entities of KMP will be by KMP self-assessment and recorded on a Related Party Declaration Form.

IDENTIFICATION OF CONTROL OR JOINT CONTROL

A person or entity is deemed to have control if they have:

- (a) power over the entity;
- (b) exposure, or rights, to variable returns from involvement with the entity; and
- (c) the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

REQUIRED DISCLOSURES & REPORTING

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

1. Disclosure of any related party relationship - must disclose in the annual financial statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period.
2. Compensation disclosures - must disclose in the annual financial statements KMP for each of the categories of compensation (as defined in AASB 124) in total.

RELATED PARTY TRANSACTION DISCLOSURES

Related Party Transactions are required to be disclosed, regardless of whether a price is charged. Such transactions may include:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;

- Rendering or receiving services;
- Leases;
- Quotations and/or tenders;
- Commitments; and
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party.

Council must disclose all **material** and **significant** Related Party Transactions in its annual financial statements and include the following detail:

- (i) The nature of the related party relationship; and
- (ii) Relevant information about the transactions including:
 - (a) The amount of the transaction;
 - (b) The amount of outstanding balances, including commitments, and
 - i. Their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
 - ii. Details of any guarantee given or received
 - (c) Provision for doubtful debts related to the amount of outstanding balances; and
 - (d) The expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- (i) significance of transaction in terms of size;
- (ii) whether the transaction was carried out on non-market terms;
- (iii) whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- (iv) whether the transaction is disclosed to regulatory or supervisory authorities;
- (v) whether the transaction has been reported to senior management; and
- (vi) whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

Disclosures that Related Party Transactions were made on terms equivalent to those that prevail in arm's length transactions can only be made if such terms can be substantiated.

All transactions involving Related Parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary citizen transactions and to determine the significance of each of the transactions.

REVIEW:

Key Management Personnel must update their related parties where there is a change or, in any case, review their related parties on an annual basis.



BOULIA SHIRE COUNCIL COMMUNITY FACILITIES HIRE

Category:	Policy
Policy Number:	145
Document Version:	1
Obsolete Version:	2019/11.25 18 th November 2019
Keyword Classification:	Facilities hire
Summary:	To give guidance on the hiring of community facilities to ensure community enjoyment and facility longevity.
Adoption Date:	
Resolution:	
Due for Revision:	Annually with Fees and Charges
Revision date:	June 2021
Date revoked:	n/a
Related documents:	BBQ Trailer Hire Form (form 18) Bus Hire Form (form 20) Casual Hirer of Facilities Application (form 22) Facility Booking Form (form 14) InKind Assistance Request Form (form 25) Bus Driver Details Form (form 26) Regular Hirer of Council Facilities Application (form 33) Key Swipe Fob Form (form 28) Policy 152 - Security Access Card and CCTV Policy
Responsible Section:	Administration
Responsible Officer:	Director of Corporate Services
Legislation:	n/a

COMMUNITY FACILITIES HIRE POLICY



The following facilities are for hire under this policy:

Facility Name	Location
Boulia Shire Hall	Herbert Street, Boulia
Boulia Sports and Aquatic Centre	Burke Street, Boulia
Boulia Burke St Hall	Burke Street, Boulia
Racecourse Reserve	Selwyn Rd, Boulia

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HIRE OF COUNCIL FACILITIES POLICY

PURPOSE

This policy seeks to outline the way in which Council manages its community facility hire to enable the enjoyment of the hirers and promote the longevity of the facilities themselves.

1. AGREEMENTS

The hiring of Council's facilities will be based on a standardised application/agreement process. The conditions of hire will accompany the application form provided to the prospective applicant, and these conditions will be formally acknowledged and signed-off by the applicant as being read and understood.

Under no circumstances will the hire of a Council Community Facility be allowed without a formal agreement.

Agreements will include the applicant's requirement to supply a copy of their current 'Public Liability Certificate of Currency' if they are a regular hirer; or for a casual hire, sign and date an indemnity in favour of the Council. Public Liability Insurance may not be required in some circumstances. Refer ***Fact sheet - Insurance Requirements for Hire of Council Facilities*** to determine what is required of the applicant.

Charity Hire

A charity is an organisation established solely for any charitable purpose as defined by the *Collections Act 1966*. A community purpose organisation is an organisation that wants to raise funds or conduct appeals for the general welfare of the community.

If approved, the Department of Taxation will issue the applicant with *Form 2 – Certificate of registration as a charity*. It is a one-off requirement for each charity to register if it intends conducting appeals for support. ***A copy of this form must be given to the Council administration staff before the hire is approved for fee relaxation.***

Community Support

Bouliashire Council provides scope for Inkind Assistance to not-for-profit community groups. This assistance is provided to eligible groups to access Council's physical resources in order to support the local community in our region. To apply for Inkind Assistance you must complete and submit an ***Inkind Assistance Request Form (No.25)*** - obtain a copy from Council's office or website.

Endorsement of this assistance must be provided to the Council office prior to booking the facility. If the application is declined full fees and charges apply.

The ***refundable bond must still be paid by the hirer*** and any relevant insurance. The hirer is still liable for any damage, which cannot be waived, if this relax of fee is approved. The request must be addressed to the Chief Executive Officer for processing by Council. Hire cannot progress if approval has not been granted in writing. It is not permitted to apply to forgo the hire fees following the event/function.

2. PRE AND POST EVENT INSPECTIONS

Council staff will conduct a **pre-event inspection** with the hirer. A walk-through of the Community Facility is to be carried out and any important issues pertaining to the facility/hall explained to the hirer. The **post event inspection** will be undertaken by the appointed person prior to relevant bonds being returned to the hirer.

Venue	Responsible Officers
Boulia Shire Hall	Administration staff
Boulia Burke Street Hall	
Boulia Sports and Aquatic Centre	Sports Centre Attendant
Racecourse Reserve – Boulia	Racecourse Caretaker / Town Team Leader

3. RISK MANAGEMENT

Council staff are to assess hiring applications and ensure that **appropriate insurance** and indemnity requirements are met before facility use is approved. Council administration staff must conduct pre and post event inspections.

4. APPLICATION (Form No. 14)

The right to use the facility is subject to the Council receiving an application in the required form signed by the proposed hirer undertaking to comply with these conditions.

The application is to be received at least 10 working days prior to the event.

The hirer shall only be entitled to the use of the **particular part or parts of the building** hired on the date set out in the application form. Council reserves the right to permit any other portion of the building to be hired at the same time.

The hirer shall not sub-let the facility or transfer the hiring to another.

Areas locked or not available for hire are classified as prohibited areas and not to be entered or used in any way, this will be discussed with the Council administration staff.

5. KEYS/SWIPE CARDS (Form No. 28)

Hirers must collect and return keys/swipe cards at times pre-arranged with the Council administration staff. Keys/swipe cards must be returned on time, to allow other people to hire the facility/hall. If keys are not returned on time the hirer may be charged further hire fees.

- Keys/Swipe Cards are NOT available to long term hirers on a permanent basis.
- Keys/Swipe Cards are registered and CANNOT be copied.
- Keys/Swipe Cards are NOT permitted to be passed onto other hirers/users of the facility.

If the keys/Swipe Cards are lost and unable to be found within a reasonable time the hirer will be liable to pay the cost of rekeying the locks for the entire building.

6. FACILITY HIRE FEES

For information on Fees & Charges, applicants can visit Boulia Shire Council's website (**Fees and Charges**) or directly discuss this with the Council administration staff.

Hire Fees shall be in accordance with Council's adopted Fees & Charges Schedule which is subject to change as determined by Council and shall be **payable ten working (10) days prior** to the date of the function.

7. CANCELLATION OF BOOKING

Any cancellation of a booking for the hire of the facility shall be made at least five (5) days prior to the date of the function. Any cancellation within five (5) days prior to the date of the function or a “no show” will result in a cancellation fee of full hired amount, less refundable bond of facility hire being levied.

8. SECURITY BOND (REFUNDABLE)

A refundable security bond shall be ***paid by the hirer ten (10) days prior*** to the facility booking as a guarantee of fulfilment of these conditions and as security against any damage, repair or cleaning.

If there is no breach of the conditions the refundable security bond will be ***returned*** within ***fourteen (14) days*** of the use of the premises.

If the facility is damaged or requires cleaning by the Council resulting from the hirers use of the premises, the cost will be deducted from the bond.

Important: If the damage or cleaning cost exceeds the bond, the hirer shall be liable to pay any further amounts in excess of the bond to meet the full cost.

9. REFUSAL TO GRANT HIRE

If you or your guests have previously hired or attended a facility and the facility was subsequently damaged, was left unclean or an incident occurred at the facility, any future hire or use may be refused.

It shall be at the discretion of the **Director of Corporate Services** or his/her representative (Council administration staff) to refuse to grant the hire of a facility in any case and not withstanding that permission to hire the premises may have been granted or that these conditions may have been accepted, signed and fees/deposit paid.

The **Director of Corporate Services** or his/her representative shall have the power to cancel such permission and direct the return of the fees and deposits so paid. The hirer hereby agrees in such case to accept the same and shall be held to have consented to such cancellation and to have no claim at law or in equity for any loss or damage in consequence thereof.

10. INDEMNITY

The hirer agrees to indemnify, and keep indemnified, and to hold harmless the Council, its servants and agents, and each of them from and against all actions, costs, charges, expenses and damages whatsoever which may be brought, or made, or claimed against them, or any of them, arising out of, or in relation to the hiring engagement. Indemnity form (Application for Facility Hire Form **No. 14**) must be signed and dated by applicant and will form part of this agreement.

11. INSURANCE

Regular hirers (*more than ten days hire over a twelve month period*) shall take out and keep current during the period of hire a liability insurance policy in a form approved by the Council, insuring for a sum of not less than **twenty million dollars (\$20,000,000)**.

Proof of this policy must be by way of a Certificate of Currency, which must be provided to the Council and annexed to the application and forms part of the agreement.

NOTE: Some individuals may qualify under a public liability blanket cover provided by Council's public liability insurer. To determine eligibility, refer to the **Fact sheet Insurance Requirement for Hire of Council Facilities Guideline**

12. SUPERVISION/GATE CRASHERS

No facility will be hired unless suitable adult supervision **is present at all times during the hired period**. Security and/or supervision is mandatory and needs to be planned and organised by the hirer. The hirer must disclose what planned supervision has been organised. If the hirer cannot provide this information, hire of the facility can be refused.

The capacity of the facility MUST NOT be exceeded. The number of people attending must be disclosed. The hirer is responsible to shut down the function and secure the building if it gets out of control and arrange for guests to vacate the facility as a duty of care.

PRIVATE FUNCTIONS:

Guide to recommended supervision levels for local residents having a PRIVATE function:

If the hire is for a party type function the Council administration staff WILL require a copy of the PARTY SAFE registration number or stamped verification. (Refer attached Queensland Police Service – Party Safe Program information - please note the minimum notice of a party is two weeks)

The responsible persons are to be noted on the application to hire form along with contact details.

- 0 - 50 people = 2 sober responsible adults
- 50 - 100 people = 3 sober responsible adults
- 100 – 150 and over = 4 sober responsible adults

If the hirer fails to take appropriate measures to control their guests or any excessive guests (*gate crashers*) and Council's property is damaged or mistreated the hirer will incur the costs of damage or cleaning costs to the facility for failing to provide a safe environment and a duty of care to limit damage to Council property.

EVENTS:

Events which require a liquor permit or licence will be subject to the requirements of the licence for the provision of paid security.

13. FIRE SAFETY REGULATIONS/EVACUATION PLAN

The hirer (occupier) is responsible for the safety of guests attending their hired event/function and implementation of the below procedure. The hirer is responsible for/but not limited to, the following:

- **Must** read and abide by the Emergency **Evacuation Plan** located on the wall within the facility hired and inform guests attending.
- Knowledge of the location of prescribed fire safety installations/equipment provided in the facility (instructions for use are detailed on all fire extinguishers)
- Knowledge of the **location of all fire exits** in the facility and be capable of alerting and directing guests to these fire exits. The hirer shall ensure occupants of the building can exit directly into open space or another place of safety;
- **(N.B. FIRE SAFETY EXITS MUST BE LEFT UNIMPEDED AT ALL TIMES).**
Ensure Fire Exit Doors are not locked or obstructed and can be opened.

14. EMERGENCY CONTACT NUMBERS

Fire Services on "000" immediately

Council 24/7 Emergency Contact Numbers:

0427 163 773 – Supervisor - Boulia Shire Council (24/7)

15. USE OF FACILITY

Hire of the facility shall not commence prior to the prearranged time discussed with the Council administration staff and evening functions shall vacate the facility by 12.00am midnight. Note: the entire bond shall be forfeited if the hirer fails to vacate the facility by the nominated time.

Community facilities may be located within residential areas and consideration must be given by people using and vacating the area to the residents who live nearby in regards to minimising noise and unruly behaviour. The hirer is accountable to Qld Police Service if complaints are received.

Closing and cleaning the facility/hall must be discussed with the Council administration staff, including return of facility keys/swipe cards. Hirers are required to lock and secure all doors & windows prior to vacating the premises.

Hirers using facilities fitted with security systems will be instructed on how to operate the system prior to their event. The hirer must ensure that security systems are de-activated prior to entry and that the facility is empty prior to re-activating the system.

Other important information:

- 15.1 The use of the following are extras and must be discussed with the Council administration staff, prior to any hire:
 - a) Kitchen (includes use of all equipment & utilities)
 - b) Cold Room and/or Bar (if available)
 - c) P.A System & Microphones (if available)
- 15.2 All electrical equipment brought in for use at any facility must be in good condition and must have a current **Electrical Test Tag (AS 3760)**.
- 15.3 Use of furniture (tables & chairs) to be discussed with Council administration staff.
Items removed from storage ***MUST*** be returned clean and neatly restacked.
Where available, trolleys must be used to move furniture & equipment.
Items must be carried and ***NOT*** dragged across the wooden floor.
- 15.4 Waste and wheelie bins must be discussed with the Council administration staff. Any waste not able to fit into the allocated bin must be removed by the hirer. ***DO NOT*** place bags of rubbish on the ground adjacent to the bin. Hirers will incur a removal fee if they fail to remove their waste.
- 15.5 The following is ***NOT*** permitted within the hire facility:
 - a) animals
 - b) smoking allowed only in designated outdoor smoking areas. Must be 5 meters from a doorway
 - c) flammable material or naked flames within the facility
 - d) confetti or throwing of rice
- 15.6 First aid kits only available at the Bouliia Sports and Aquatic Centre and the Racecourse Reserve. Kits are not supplied at any other facility.
- 15.7 No signs, notices, advertisement or decorations of any kind shall be erected on the building or affixed to the walls, doors or any other portion of the building without prior consent of the Council administration staff.
- 15.8 The building or any fittings or furniture shall not be broken, pierced by nails/screws, peeled or scared or in any way damaged. (No adhesive/sticky tape is to be used on walls or doors)

- 15.9 ***Camping is prohibited at all Community Facilities except for the Racecourse Reserve when grounds are hired for an event.***
- 15.10 Sporting ovals, parks and recreational areas adjacent to any facility are not for hire under these terms & conditions.

16. CLEANLINESS

The hirer is responsible for leaving the premises clean/tidy and must vacate the facility by **12:00 midnight**, as the facility may be hired the following morning:

- Cleaning the floor must be discussed with the Council administration staff. Brooms and mops are supplied. If the floor is to be washed use warm water, or where available specific detergent is supplied to wash the wooden floor.
- The hirer is required to wash and dry crockery and cutlery after use.
- All rubbish is to be removed from the facility (including waste bins in toilets and ensure all cisterns flushed).
- The hirer is responsible for leaving the external areas clean and gardens, lawn, car park etc must be left in the same condition as prior to the hire.

Any cost incurred by Council in cleaning the internal or external premises resulting from the condition in which the hirer left the premises, shall be recoverable from the hirer and deducted from their refundable bond held in trust.

17. FOOD PREPARATION/CATERING/ALCOHOL

Hirers utilising a Catering Service for an event at a Council Facility must ensure that the caterers have their own insurance cover, as this activity is not covered by Council's Public Liability Insurance.

Any additional cooking equipment that the hirer is intending to bring to the event for the preparation of food must be discussed and approved by the Council administration staff. Hirers are advised that the following are not permitted at any Council Facility:

- Open fires or wood BBQ's; and
- Traditional Hangi's and Kup murri's;

Hirers wishing to utilise the premises for the preparation of food for sale, must first obtain all the appropriate approvals as required by the *Food Act 2006*.

The sale of liquor on the premises is forbidden unless the hirer obtains a permit from the appropriate authority. http://www.olgr.qld.gov.au/industry/liquor_licensing/liquor_permits/index.shtml

- **NO GLASS AT RACECOURSE RESERVE FACILITY.**

18. STORAGE

Storage availability is not included in the Hire Agreement and must be discussed with the Facility Manager. Storage of any goods/equipment at the facility is undertaken at the owners own risk. Council does not accept responsibility or liability for theft or damage to items stored in or left at the facility. It is recommended that users seek their own insurance cover for such items.

In the event that a hirer ceases hire of the facility - the hirer is required to remove all goods/equipment stored. The hirer's bond will not be refunded until all items have been removed.

In the event that the hirer fails to meet these conditions, Council will:

- Provide a written notice to the Hirer requesting the removal of the items within 30 days from the date of the written notice;
- If the hirer again defaults on the collection of the items, Council will dispose of the items by either general waste disposal or giving the items to charity.
- The hirer will default on the return of the bond which will be used to recover the costs of removing and disposing of the hirer's goods and/or equipment.

19. ENTERTAINMENT/PERFORMING RIGHTS

The **Director of Corporate Services** or his/her representative may require the hirer to submit for approval the subject and programme for any entertainment or lecture prior to the use of the premises. Roller blades, skating or similar types of activities or entertainment are NOT PERMITTED at any of Councils facilities, including any type of animal show, exhibition or event, unless approved by Council.

20. THEFT

Neither the Council nor its servants shall be liable for any loss or damage sustained by the hirer or any person. The hirer hereby indemnifies the Council against any claim by any such person, firm or corporation in respect of any article or thing being lost, damaged or stolen.

21. DAMAGES

The hirer shall accept full financial responsibility for damage to Council property except for normal wear and tear.

Reporting of Maintenance/Breakdown Issues:

If a building fault occurs during the hire period e.g. water, sewerage or electricity; **contact Council immediately on 0427 163 773 24/7 service**

If you notice any repair or maintenance issues during the hire, please report these to the Council administration staff on return of the keys/swipe cards.

22. DISPUTES

In the event of any dispute or difference arising during the hire period, or the interpretation of these conditions, or of any matter or thing contained therein the decision of the **Director of Corporate Services** thereon shall be final and conclusive.

Disputes must be received in writing to:

Boulia Shire Council
Attention: Chief Executive Officer
18 Herbert St
BOULIA QLD 4829
Phone: 07 4746 3188
Email: ceo@boulia.qld.gov.au

ADDENDUM - DOCUMENTS APPLICABLE

1. Facility Booking Form (includes terms and conditions) **No. 14**
2. InKind Assistance request form **No. 25**
3. Council Administration and Hirers checklist
4. Party Safe – Council verification form
5. Casual Hirer of Council facilities – Insurance declaration form
6. Regular Hirer of Council facilities – Insurance declaration form

Fact sheets:

1. General Community Facilities Information - fact sheet
2. Insurance requirements for Hire of Council Facilities - fact sheet
3. Council facilities