



AGENDA

Ordinary Council Meeting

Tuesday, 18 April 2023

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 18 April 2023

Time: 9:00am

Location: Mapoon Aboriginal Shire Council Chambers

**Tom Smith
CEO**

MEETING NOTICE



COUNCIL MONTHLY
MEETING NOTICE

Reminder

You are respectfully advised that the above Meeting is Scheduled as follows:

Date: **Tuesday 18th of April 2023**
Time: **9.00am**
Location: **Mapoon Aboriginal Shire Council Meeting Chamber**

The Meeting will be chaired by Trustee Aileen Addo, Mayor.

Meeting refreshments will be provided.

Tom Smith
Chief Executive Officer

Order Of Business

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- 1 OPEN MEETING**
- 2 LEAVE OF ABSENCE**

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF THE COUNCIL HELD ON 21 MARCH 2023

Author: Trevina Bulter, Office Manager
Authoriser: Tom Smith, CEO
Attachments: 1. Minutes of March Meeting 2023

HEADING

RECOMMENDATION

1. That the Minutes of the Council held on 21 March 2023 be received and the recommendations therein be adopted.



MINUTES

Ordinary Council Meeting

Tuesday, 21 March 2023

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

**MINUTES OF MAPOON ABORIGINAL SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE MAPOON ABORIGINAL SHIRE COUNCIL CHAMBERS
ON TUESDAY, 21 MARCH 2023 AT 9:00AM**

PRESENT: Mayor Aileen Addo (Chair), Deputy Mayor Daphne de Jersey, Cr Dawn Braun,
Cr Cameron Hudson

IN ATTENDANCE:

1 OPEN MEETING

The Mayor declared the meeting open 9.00am

2 LEAVE OF ABSENCE

Nil

3 CONFLICTS OF INTEREST

3.1 DECLARATION OF PRESCRIBED CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Sections 150EG – 150EM of the Local Government Act 2009, no Prescribed Conflict of Interest were made relating to this meeting.

3.2 DECLARABLE CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Sections 150EN – 150ET of the Local Government Act 2009, no Declarable Conflict of Interests were made relating to this meeting.

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE COUNCIL HELD ON 21 FEBRUARY 2023

RESOLUTION C030/23

Moved: Cr Dawn Braun

Seconded: Deputy Mayor Daphne de Jersey

1. That the Minutes of the Council held on 21 February 2023 be received and the recommendations therein be adopted.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

5 MATTERS ARISING FROM THE MINUTES**5.1 DISCUSSED WEIPA COMMUNITY FUTURES SYMPOSIUM (WCFS) INCLUDING CR HUDSON TO CHAIR A SEGMENT AND DELIVER PROGRAM DISCUSSION PAPER AROUND FUTURE LAND USE.**

CEO and Cr Hudson to discuss post Council Meeting

4 CONFIDENTIAL REPORTS**6.1 SECTION 254 J(3) (E) OF THE LOCAL GOVERNMENT REGULATIONS IN RELATION TO:****RESOLUTION C031/23**

Moved: Cr Dawn Braun

Seconded: Deputy Mayor Daphne de Jersey

- a) OIA matter resolved.

CARRIED**6.2****RESOLUTION C032/23**

Moved: Cr Dawn Braun

Seconded: Deputy Mayor Daphne de Jersey

That Council move out of confidential session.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

7 MAYOR AND COUNCILLOR REPORTS**MAYOR AILEEN ADDO**

- Council Meeting 21/02/2023
- Trustee Meeting 21/02/2023
- Stakeholders Meeting 13/03/2023
- NAI 13/03/2023
- LTC 14/03/2023

Councillor Braun

- Council Meeting – CEO & Councillors 21/02/2023
- Trustee Meeting – CEO & Councillors 21/02/2023
- TICCA Meeting – PROXY for the Mayor 08/03/2023
- QPS FORUM – PROXY for the Mayor 09/03/2023
- Working Group – Stake Holders 13/03/2023

Deputy Mayor de Jersey

- Council Meeting 21/02/2023
- Trustee Meeting 21/02/2023
- Altius Auditors 28/02/2023
- Stakeholders Meeting 13/03/2023
- Working Group

Councillor Hudson

- Council Meeting 21/02/2023
- Trustee 21/02/2023
- Indigenous Directors Members 07/03/2023
- WCCCA Co Ordinating Committee 08/03/2023
- ELY Co Ordinating Committee 16/03/2023

7.1 MAYOR AND COUNCILLOR REPORTS**RESOLUTION C033/23**

Moved: Deputy Mayor Daphne de Jersey

Seconded: Cr Dawn Braun

That Council notes the Mayor and Councillor meetings attended

.CARRIED

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

8 OPERATIONAL REPORTS**8.1 CEO MEETINGS****PURPOSE OF REPORT**

To outline the CEO meetings on behalf of or as a representative of Council.

RESOLUTION C034/23

Moved: Cr Dawn Braun

Seconded: Deputy Mayor Daphne de Jersey

That That Council receives and notes CEO Meetings Report

CARRIED**8.2 EXECUTIVE MANAGER COMMUNITY DEVELOPMENT REPORT MARCH 2023****PURPOSE OF REPORT****RESOLUTION C035/23**

Moved: Cr Dawn Braun

Seconded: Deputy Mayor Daphne de Jersey

That the Report of the Executive Manager Community Development be received and noted.

CARRIED

The meeting broke for morning tea at 10:40am

The meeting commenced again at 11:03 am and the Executive Manager of Finance, Elzebie Groenewald was invited to join the meeting at this time.

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

8.3 EXECUTIVE FINANCE MANAGER FEBRUARY 2023 REPORT**PURPOSE OF REPORT**

Present to the Council a report outlining program performance and operational actions for the previous month. This report contains listed activities and points for decisions in Council meeting.

RESOLUTION C036/23

Moved: Cr Cameron Hudson

Seconded: Cr Dawn Braun

That Council:

- a) Endorses the Financial Reports for the financial period February 2023.
- b) Instructs the CEO to undertake a review of the rental and other charges applicable to Council's commercial leases.
- c) Instruct the CEO to undertake a review of the commercial facilities including potential facilities and leasing arrangements in Mapoon.

CARRIED

The meeting broke for a brief break at 12.03pm.

The meeting commenced again at 12.11pm and the Executive Manager of Environmental Services, Land & Sea, and Parks and Gardens – Kellie Leatham was invited to join the meeting at this time.

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

8.4 EXECUTIVE MANAGER OF ENVIRONMENTAL SERVICES, PARKS AND GARDENS**PURPOSE OF REPORT**

To present to Council a report of Program Performance and Operational action for the previous month

RESOLUTION C037/23

Moved: Cr Cameron Hudson

Seconded: Deputy Mayor Daphne de Jersey

That the report of Executive Manager of Environmental Services, Land and Sea and Parks and Gardens be received and noted.

CARRIED**8.5 EXECUTIVE MANAGER OF INFRASTRUCTURE AND WORKS REPORT****PURPOSE OF REPORT**

Present to Council a report of program performance and operational actions for the previous month.

RESOLUTION C038/23

Moved: Cr Dawn Braun

Seconded: Deputy Mayor Daphne de Jersey

That the Report of the Executive Manager of Infrastructure and Works be received and noted.

CARRIED**8.6 GRANTS MANAGER REPORT FOR MARCH****PURPOSE OF REPORT**

Present to Council a report of program performance and operational actions for the previous month

RESOLUTION C039/23

Moved: Cr Cameron Hudson

Seconded: Deputy Mayor Daphne de Jersey

That the Report of the Executive Manager of Infrastructure and Works be received and noted.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

Cr Hudson left the meeting at 12.42pm.

The meeting broke for lunch at 12.42pm.

The meeting reconvened at 1.09pm.

Cr Hudson returned to the meeting at 1.09pm.

8.7 GOVERNANCE UPDATE

PURPOSE OF REPORT

COUNCIL TO CEO DELEGATION

To exercise its statutory functions, local governments have a range of powers under a significant number of legislative frameworks.

Under section 257(1)(b) of the *Local Government Act 2009* ("LGA"), a local government may delegate its powers to the CEO. The local government cannot delegate its powers to Council officers other than the CEO.

Council has identified legislative instruments, including Local Laws and Acts and Regulations of the State and Commonwealth, that contain powers that are able to be exercised under the various statutory frameworks that Council is subject to. Those legislative instruments have been listed in a Register of Delegations.

In order to effectively delegate the powers contained in those legislative instruments to the CEO under section 257(1)(b) of the LGA, Council has prepared an Instrument of Delegation from Council to the CEO. A copy of the Instrument, including the Register and Guiding Principles for Delegations from Council to the CEO is enclosed with this Report.

RESOLUTION C040/23

Moved: Cr Cameron Hudson

Seconded: Deputy Mayor Daphne de Jersey

Council resolves that all powers referred to in the Instrument of Delegation attached to this Report are hereby delegated by Council to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009*.

CARRIED

Cr Hudson left the meeting at 1.13pm

Cr Hudson returned to the meeting at 1.15pm.

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

8.8 CHANGES TO THE MAPOON ABORIGINAL SHIRE COUNCIL BOUNDARIES**PURPOSE OF REPORT**

The purpose of this report is to start the process of initiating boundary changes to more closely reflect the economic, social, and cultural sphere of influence that MASC has around its immediate surrounds. The process of changing boundaries is typically a very long process involving several key stakeholders. The purpose of this report is to ensure that the council formally agree that the attached map is approximately where they would like the boundary to be and allow for an initial consultation to take place with Cook Shire Council. For the process to have some chance of success the councils that are affected by the changes need to agree in-principle that this is the best way to move forward.

The next action that would need to take place is that a letter will be sent through to Cook Shire Council to ask for their preliminary views on the proposed changes.

RESOLUTION C041/23

Moved: Cr Dawn Braun

Seconded: Deputy Mayor Daphne de Jersey

That the CEO be authorised to approach and correspond with Cook Shire Council to notify MASC agree in principle to the shire boundary alteration as attached to the CEO's report and request further information

CARRIED**8.9 WORK HEALTH AND SAFETY MONTHLY REPORT - FEBRUARY 2023****PURPOSE OF REPORT**

To provide information relating to the status of Work, Health and Safety at Mapoon Aboriginal Shire Council for the month of February 2023.

RESOLUTION C042/23

Moved: Deputy Mayor Daphne de Jersey

Seconded: Cr Cameron Hudson

That the WHS Report be received and noted including discussion regarding boundary fencing.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

8.10 MAPOON SPRING WATER PROJECT**PURPOSE OF REPORT**

The Purpose of this report is to authorise the appointment of Ms Kalair McArthur from Rural and Remote Development to complete the proposal for Feasibility of the Mapoon Spring Water proposal which has been proposed for over a year.

RESOLUTION C043/23

Moved: Deputy Mayor Daphne de Jersey

Seconded: Cr Cameron Hudson

That Council :

- a) Seek advice as to the compliance under the ILUA.
- b) If compliant under ILUA Council endorses the following:
 1. Appointing Ms Kalair McArthur of Rural and Remote Development to complete the Business Plan and Project Plan for the Mapoon Shire Council Spring Water proposal under section 235(a) and (b) of the Local Government regulation because of the specialised nature of the services required.
 2. Including the Mayor, CEO and SEC and departmental representatives and a member of OMAC to be part of the Specialist Working Group to assist the consultant complete the feasibility study
 3. Set aside \$5,000 dollars to complete the feasibility from the 2022/23 budget

.CARRIED**8.11 HR MONTHLY REPORT FOR MARCH****PURPOSE OF REPORT**

Give Council updates and statistics for the month of February

RESOLUTION C044/23

Moved: Cr Dawn Braun

Seconded: Cr Cameron Hudson

That the Report for HR and Work Health and Safety be received and noted.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

8.12 ORGANISATIONAL STRUCTURE**PURPOSE OF REPORT**

Agenda Item for Adoption by Council

RESOLUTION C045/23

Moved: Cr Cameron Hudson

Seconded: Deputy Mayor Daphne de Jersey

Resolution:

Council resolves to adopt the organisational structure pursuant to Section 196 of the Local Government Act 2009.

Included in the organisational structure the LTC work will be undertaken by the Community Development unit with Council to provide an assistant to assist for program reporting, meeting documentation, reporting and program delivery including budgets.

CARRIED**9 CORRESPONDENCE IN****PURPOSE OF REPORT**

Correspondence from CEQ regarding Mapoon Store.

RESOLUTION C046/23

Moved: Cr Cameron Hudson

Seconded: Deputy Mayor Daphne de Jersey

COUNCIL NOTED:

Mayor, Councillors and CEO to meet with CEQ in Cairns (April 2023) for further discussions.

CARRIED**10 CORRESPONDENCE OUT**

Nil

ORDINARY COUNCIL MEETING MINUTES

21 MARCH 2023

11 ANY OTHER BUSINESS**11.1 OTHER BUSINESS FROM LTC 14.03.2023 REPORT****PURPOSE OF REPORT**

Mapoon Interim Local Thriving Communities.

Council consider attached proposal and documentation from Out N About for engagement for Social Reinvestment Program April 2023 School Holidays.

RESOLUTION C047/23

Moved: Cr Cameron Hudson

Seconded: Deputy Mayor Daphne de Jersey

That Council endorses the engagement of Out N About for the Social Reinvestment Program April 2023 School Holiday.

CARRIED**11.2 DEPARTMENT OF COMMUNITIES, HOUSING & DIGAL ECONOMIES (DCHDE)**

Council request CEO to send an invitation to attend the Council Meeting 18th April 2023

CARRIED**12 NEXT MEETING DATE**

Proposed date for next meeting: 18 April 2023

13 CLOSE MEETING

There being no further business the meeting closed at 4.30pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 April 2023.

.....
CHAIRPERSON

4 MATTERS ARISING FROM THE MINUTES

5 CONFIDENTIAL REPORTS

Nil

6 MAYOR AND COUNCILLOR REPORTS

Nil

7 OPERATIONAL REPORTS

7.1 CEO'S MEETING FOR MARCH 2023

Author: Tom Smith, CEO

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

To outline the CEO meetings on behalf of or as a representative of Council

DISCUSSION

- The Mayor, Councillors and CEO attended a Council Meeting on Tuesday the 21st of March 2023
- The Mayor, Councillor and the CEO had a meeting with Tammi Matson, Melinda Eades to discuss future tourism for Mapoon on 22nd March 2023.
- The CEO attended the Western Cape Futures Symposium on both the 23rd and 24th of March 2023.
- The CEO had a meeting to discuss the school holiday program with PCYC and Executive Manager Kiri Tabuai on 29th March 2023.
- The CEO attended the LTC meeting on the 4th of April 2023.
- The CEO had a Teams meeting with Scott Quail to Discuss Findings from community visit by Customer and Digital Group on 6th April 2023
- The CEO and Kelli Leatham had a Teams meeting on with Julian Chan from DES to progress the Beach cleaner and recycling problems being experienced in Mapoon 6th April 2023.
- The CEO had a Teams meeting with Andrew Specht to discuss the outcomes of the IT audit that has been delivered by Specht net solutions on the 13th of April 2023.
- The CEO had a Teams meeting with Scott Quail to Discuss Findings from community visit by Customer and Digital Group.
- The CEO had a Teams meeting with Owen Hitching from DSDDILGP around managing Project cost escalation Risk on the 14th of April 2023.
- The CEO attended a Trustee meeting on the 17th of April 2023.

RECOMMENDATION

That Council receives and notes CEO Meetings Report

7.2 EXECUTIVE FINANCE MANAGER MARCH 2023 REPORT

Author: Elzebie Groenewald, Executive Manager Financial Services

Authoriser: Tom Smith, CEO

Attachments: 1. March 2023 Finance Report

PURPOSE OF REPORT

Present to the Council a report outlining program performance and operational actions for the previous month. This report contains listed activities and points for decisions in Council meeting.

DISCUSSION**Finance**

Finance department have no issues to report and staff are looking forward to the Easter break before we get busy with preparing for End of Financial Year.

Profit & Loss

As at 31st March 2023 the Council made a net profit of \$399,148. This includes depreciation of \$1,481,554 which makes the operating profit less depreciation \$1,880,701.

Revenue

As at 31st March 2023 the Council received revenue totalling \$10.629M, 19% below the budget of \$13.119M.

General Expenses & Cost of Goods Sold

As at 31st March 2023 Council total expenditure was \$10.230M, 26% below the budget of \$13.870M.

Accommodation:

The Accumulated Loss for accommodation and camping at 31st March 2023 is \$14,864, this includes profit of \$1,092 for Cullen Point Camping including online bookings received for April. The average occupancy rate for July to March was 44% in the cabins and dongas and 15% at Cullen Point Camp for online bookings.

Untied Funds

The Council currently holds \$3.436M in untied funds.

Internal Audit Reports

Internal Audit Report on Review of Accommodation Process and Organisational Review is presented to Council for review.

RECOMMENDATION

That Council endorses the Financial Reports for the financial period March 2023.

PO Box 213
Weipa Qld 4874

Profit & Loss [Budget Analysis]

July 2022 through June 2023

| | Selected Period | Budgeted | S Difference | % Difference |
|--------------------------------|-----------------|----------------|-----------------|--------------|
| Income | | | | |
| Agency Fees | | | | |
| Income - Centrelink Agency Fee | \$21,696.13 | \$22,008.75 | -\$312.62 | -1% |
| Income - Postal Agency Commis | \$4,353.39 | \$7,850.25 | -\$3,496.86 | -45% |
| Landing Fees | \$0.00 | \$720.00 | -\$720.00 | |
| Revenue - Hire - Plant & Equip | \$504.55 | \$262,500.00 | -\$261,995.45 | -100% |
| Revenue - Hire of Vehicle | \$39,475.00 | \$176,045.25 | -\$136,570.25 | -78% |
| Income - Fishing Licence | \$5,400.00 | \$6,616.50 | -\$1,216.50 | -18% |
| Membership Fee | \$8,013.60 | \$3,750.00 | \$4,263.60 | 114% |
| Ranger Contract Services | \$99,115.57 | \$9,019.50 | \$90,096.07 | 999% |
| L&S Miscellaneous Income | \$2,455.00 | \$11,457.00 | -\$9,002.00 | -79% |
| Rental Receipts Social Housing | \$11,535.60 | \$13,371.00 | -\$1,835.40 | -14% |
| Staff Housing | \$35,102.00 | \$15,000.00 | \$20,102.00 | 134% |
| Rates | \$22,424.25 | \$19,198.50 | \$3,225.75 | 17% |
| Lease payments Housing | \$270,840.97 | \$172,623.00 | \$98,217.97 | 57% |
| Accommodation | \$177,980.45 | \$399,018.00 | -\$221,037.55 | -55% |
| Rental - Misc properties | \$150,951.87 | \$115,944.75 | \$35,007.12 | 30% |
| Income - Administration Fees | \$122,393.56 | \$453,618.75 | -\$331,225.19 | -73% |
| Income - Bank Interest | \$40,008.37 | \$10,085.25 | \$29,923.12 | 297% |
| Works Sales - Houses | \$1,475,223.47 | \$3,847,120.50 | -\$2,371,897.03 | -62% |
| Works sales - not houses | \$102.09 | \$0.00 | \$102.09 | |
| Workshop Sales - Mech External | \$3,335.67 | \$3,750.00 | -\$414.33 | -11% |
| Workshop sales Internal | \$73,109.86 | \$105,000.00 | -\$31,890.14 | -30% |
| Workshop sales Fuel Internal | \$71,417.81 | \$63,000.00 | \$8,417.81 | 13% |
| Workshop sales fuel External | \$390.17 | \$0.00 | \$390.17 | |
| Camping Fees- Town , Cullen Pt | \$25,853.53 | \$13,384.50 | \$12,469.03 | 93% |
| Store sales - Fuel | \$342,361.68 | \$390,593.25 | -\$48,231.57 | -12% |
| ATM - Rebates | \$364.10 | \$5,250.00 | -\$4,885.90 | -93% |
| Aged Care Meals | \$3,112.38 | \$0.00 | \$3,112.38 | |
| Sales - Gas Bottles | \$12,272.84 | \$11,351.25 | \$921.59 | 8% |
| Washing Machine, Coin operated | \$199.09 | \$1,350.00 | -\$1,150.91 | -85% |
| Mapoon Shirts - CommunitySalea | \$8,922.70 | \$171.75 | \$8,750.95 | 5095% |
| Sales - Cultural Centre | \$0.00 | \$63,750.00 | -\$63,750.00 | |
| Reimbursements | \$81,630.94 | \$68,046.00 | \$13,584.94 | 20% |
| Refunds/Claims | \$22,330.46 | \$0.00 | \$22,330.46 | |
| Grants - General Purpose | \$18,181.82 | \$0.00 | \$18,181.82 | |
| Grants - Operating - State | \$3,617,090.92 | \$3,231,693.75 | \$385,397.17 | 12% |
| Grants - Operating - C'wlth | \$1,336,584.09 | \$1,168,596.00 | \$167,988.09 | 14% |
| Grants - Operating - Other | \$34,500.00 | \$93,843.00 | -\$59,343.00 | -63% |
| Grants - Capital - State | \$1,620,210.12 | \$489,000.00 | \$1,131,210.12 | 231% |
| Grants - Capital - C'Wlth | \$745,842.00 | \$1,804,364.25 | -\$1,058,522.25 | -59% |
| Grants - Capital - Other | \$82,039.60 | \$0.00 | \$82,039.60 | |

| | | | | |
|--------------------------------|------------------------|------------------------|------------------------|-------------|
| Donations | \$10,000.00 | \$18,750.00 | -\$8,750.00 | -47% |
| Disposal of assets | \$31,650.00 | \$41,250.00 | -\$9,600.00 | -23% |
| Total Income | \$10,628,975.65 | \$13,119,090.75 | -\$2,490,115.10 | -19% |
| Cost of Sales | | | | |
| Store CoS Fuel | \$326,098.20 | \$320,528.25 | \$5,569.95 | 2% |
| Store Camp Fee Royalties | \$43,158.23 | \$5,869.50 | \$37,288.73 | 635% |
| Purchases - Cafe | \$6,417.54 | \$0.00 | \$6,417.54 | |
| Purchases - Workshop Stock | \$14,106.61 | \$34,479.00 | -\$20,372.39 | -59% |
| Purchases - Workshop Fuel | \$61,658.95 | \$50,300.25 | \$11,358.70 | 23% |
| Freight- Workshop | \$6,014.28 | \$12,874.50 | -\$6,860.22 | -53% |
| Works Materials - Houses | \$225,463.14 | \$4,737.00 | \$220,726.14 | 4660% |
| Works Materials -not-Houses | \$213,790.71 | \$2,113,041.75 | -\$1,899,251.04 | -90% |
| Freight - Works - houses | \$23,302.66 | \$851.25 | \$22,451.41 | 2637% |
| Freight General | \$0.00 | \$15,306.75 | -\$15,306.75 | |
| Works - Contractors - Houses | \$194,360.51 | \$1,863,051.75 | -\$1,668,691.24 | -90% |
| Works Contractors - not houses | \$2,130,247.07 | \$158,539.50 | \$1,971,707.57 | 1244% |
| Works - Small tools | \$940.10 | \$256.50 | \$683.60 | 267% |
| Purchases - Gas Bottles | \$12,844.56 | \$13,014.75 | -\$170.19 | -1% |
| Freight - gas bottles | \$0.00 | \$241.50 | -\$241.50 | |
| Test Inspection Costs | \$852.00 | \$775.50 | \$76.50 | 10% |
| Water Supply expenses | \$32,470.14 | \$18,138.75 | \$14,331.39 | 79% |
| Waste disposal costs | \$3,550.00 | \$40,989.00 | -\$37,439.00 | -91% |
| RW - Materials & Supplies | \$0.00 | \$19,050.00 | -\$19,050.00 | |
| Total Cost of Sales | \$3,320,155.84 | \$4,689,658.50 | -\$1,369,502.66 | -29% |
| Gross Profit | \$7,308,819.81 | \$8,429,432.25 | -\$1,120,612.44 | -13% |
| Expenses | | | | |
| Employment Expenses | | | | |
| Wages and Salaries | | | | |
| Wages & Salaries | \$1,956,546.11 | \$3,044,337.75 | -\$1,087,791.64 | -36% |
| Annual Leave | \$236,647.52 | \$315,524.25 | -\$78,876.73 | -25% |
| Sick leave | \$82,501.04 | \$151,810.50 | -\$69,309.46 | -46% |
| Superannuation | \$300,757.56 | \$436,378.50 | -\$135,620.94 | -31% |
| Staff Amenities | \$40.50 | \$0.00 | \$40.50 | |
| Staff Recruitment & Relocation | \$20,941.24 | \$21,249.75 | -\$308.51 | -1% |
| Training Costs | \$18,765.21 | \$55,863.00 | -\$37,097.79 | -66% |
| Training Wages | \$205.41 | \$0.00 | \$205.41 | |
| Employee Allowances | \$37,239.53 | \$44,717.25 | -\$7,477.72 | -17% |
| Uniforms | \$12,290.76 | \$8,546.25 | \$3,744.51 | 44% |
| Workers' Compensation | \$34,734.63 | \$40,052.25 | -\$5,317.62 | -13% |
| Flight entitlements | \$9,103.86 | \$8,491.50 | \$612.36 | 7% |
| Other Employer Expenses | \$0.00 | \$44.25 | -\$44.25 | |
| Workplace Health & Safety | \$50,041.36 | \$82,875.00 | -\$32,833.64 | -40% |
| Administration / Overheads | \$121,129.23 | \$483,790.50 | -\$362,661.27 | -75% |
| Advertising (not employment) | \$1,687.98 | \$3,027.00 | -\$1,339.02 | -44% |

| | | | | |
|-------------------------------|--------------|--------------|--------------|------|
| Theft & Loss | \$0.00 | \$603.75 | -\$603.75 | |
| Freight | \$97,776.87 | \$14,157.00 | \$83,619.87 | 591% |
| Hire of Equipment - non works | \$57,831.89 | \$34,663.50 | \$23,168.39 | 67% |
| Insurance | \$197,463.15 | \$210,787.50 | -\$13,324.35 | -6% |
| Tools & Minor Equipment | \$21,743.03 | \$17,584.50 | \$4,158.53 | 24% |
| Tools & Equipment >\$500 | \$26,575.15 | \$23,747.25 | \$2,827.90 | 12% |
| Catering | \$9,313.66 | \$19,924.50 | -\$10,610.84 | -53% |
| Cleaning Expenses | \$4,950.05 | \$37,949.25 | -\$32,999.20 | -87% |
| Fees/Charges/Licences | \$60,905.15 | \$75,057.75 | -\$14,152.60 | -19% |
| Legal Fees | \$42,757.82 | \$38,932.50 | \$3,825.32 | 10% |
| First Aid Supplies | \$666.02 | \$471.00 | \$195.02 | 41% |
| Admin Freight Paid | \$90.91 | \$526.50 | -\$435.59 | -83% |
| Sundry Expenses | \$0.00 | \$11,425.50 | -\$11,425.50 | |
| Service Fees | \$0.00 | \$129.75 | -\$129.75 | |
| Computer Equipment | \$9,445.19 | \$10,090.50 | -\$645.31 | -6% |
| Office Supplies | \$7,004.59 | \$10,456.50 | -\$3,451.91 | -33% |
| Printing & Stationery | \$16,528.34 | \$15,017.25 | \$1,511.09 | 10% |
| Security Expenses | \$247.27 | \$143.25 | \$104.02 | 73% |
| Grounds Maintenance | \$17,435.65 | \$14,612.25 | \$2,823.40 | 19% |
| Audit Fees | \$32,438.37 | \$94,681.50 | -\$62,243.13 | -66% |
| IT - Data Control | \$19,544.79 | \$18,927.75 | \$617.04 | 3% |
| IT - Internet & Email Fee | \$62,385.09 | \$53,748.75 | \$8,636.34 | 16% |
| IT - Support (Helpdesk) | \$0.00 | \$10,234.50 | -\$10,234.50 | |
| IT - Server & Data Storage | \$24,505.17 | \$19,920.75 | \$4,584.42 | 23% |
| IT - Website | \$0.00 | \$24,862.50 | -\$24,862.50 | |
| Telephone & Fax | \$88,239.62 | \$101,221.50 | -\$12,981.88 | -13% |
| Postage | \$278.89 | \$230.25 | \$48.64 | 21% |
| Consultancy Fees | \$326,585.21 | \$310,011.75 | \$16,573.46 | 5% |
| Contractors | \$66,108.74 | \$59,376.00 | \$6,732.74 | 11% |
| Council Donation | \$0.00 | \$4,500.00 | -\$4,500.00 | |
| Electricity | \$52,871.59 | \$63,229.50 | -\$10,357.91 | -16% |
| Gas Bottles - Council Use | \$0.00 | \$258.00 | -\$258.00 | |
| R&M: Council Buildings | \$72,109.46 | \$32,898.00 | \$39,211.46 | 119% |
| R&M: Equipment | \$9,816.27 | \$10,120.50 | -\$304.23 | -3% |
| R&M: Infrastructure | \$33,244.47 | \$0.00 | \$33,244.47 | |
| R&M: Plant & Equipment | \$46,166.97 | \$62,217.00 | -\$16,050.03 | -26% |
| R&M Water Supply | \$3,170.68 | \$16,838.25 | -\$13,667.57 | -81% |
| Office Rental | \$6,250.00 | \$23,437.50 | -\$17,187.50 | -73% |
| Subscriptions & Fees | \$53,817.28 | \$55,683.75 | -\$1,866.47 | -3% |
| MV Fuel | \$98,877.19 | \$113,200.50 | -\$14,323.31 | -13% |
| MV Hire | \$39,946.00 | \$74,723.25 | -\$34,777.25 | -47% |
| MV Registration | \$35,793.53 | \$22,818.00 | \$12,975.53 | 57% |
| MV Repairs & Maintenance | \$112,237.92 | \$114,222.75 | -\$1,984.83 | -2% |
| Accommodation | \$69,706.32 | \$42,951.75 | \$26,754.57 | 62% |
| Airfares | \$46,008.58 | \$25,533.75 | \$20,474.83 | 80% |
| Taxi Fares (inc Cab Charge) | \$1,573.29 | \$1,695.00 | -\$121.71 | -7% |
| Travel Allowance | \$19,030.99 | \$24,123.00 | -\$5,092.01 | -21% |
| Travel Other | \$733.67 | \$6,900.00 | -\$6,166.33 | -89% |
| Artist Costs | \$5,865.45 | \$19,176.00 | -\$13,310.55 | -69% |

| | | | | |
|---|-----------------------|-----------------------|------------------------|-------------|
| Rangers - Camping Equipment | \$2,784.05 | \$4,589.25 | -\$1,805.20 | -39% |
| Rangers - Field Consumables | \$7,305.65 | \$4,712.25 | \$2,593.40 | 55% |
| Food | \$23,446.78 | \$20,872.50 | \$2,574.28 | 12% |
| Materials & Supplies | \$117,825.04 | \$38,980.50 | \$78,844.54 | 202% |
| Meeting & Seminar Costs | \$11,215.91 | \$9,096.00 | \$2,119.91 | 23% |
| Pest Control | \$20,620.75 | \$10,458.75 | \$10,162.00 | 97% |
| Sports & Recreation Expenses | \$0.00 | \$15,000.00 | -\$15,000.00 | |
| Turtle Camp Costs | \$127.74 | \$0.00 | \$127.74 | |
| Bank Fees & Charges | \$3,823.46 | \$4,932.75 | -\$1,109.29 | -22% |
| Impairment of Debts | \$3,334.69 | \$0.00 | \$3,334.69 | |
| Depreciation | \$0.00 | \$0.00 | \$0.00 | |
| Depn - Houses | \$115,535.40 | \$101,480.25 | \$14,055.15 | 14% |
| Depreciation, Buildings | \$451,715.64 | \$542,898.75 | -\$91,183.11 | -17% |
| Depn - Major Plant | \$18,690.63 | \$13,635.00 | \$5,055.63 | 37% |
| Depreciation, Office Equipment | \$14,815.05 | \$12,420.00 | \$2,395.05 | 19% |
| Depreciation, Plant & Equipm't | \$172,122.09 | \$162,306.00 | \$9,816.09 | 6% |
| Depreciation, Store Equip't | \$16,967.70 | \$8,268.75 | \$8,698.95 | 105% |
| Depn - Roads | \$499,756.17 | \$746,541.00 | -\$246,784.83 | -33% |
| Depn - Water | \$97,873.89 | \$136,512.00 | -\$38,638.11 | -28% |
| Depreciation Landfill | \$7,198.62 | \$15,043.50 | -\$7,844.88 | -52% |
| Depreciation, Airstrip | \$73,504.14 | \$189,354.75 | -\$115,850.61 | -61% |
| Depn - Boat ramp | \$11,810.79 | \$4,586.25 | \$7,224.54 | 158% |
| Depn- Fibre Optic Cable | \$1,563.60 | \$4,638.75 | -\$3,075.15 | -66% |
| Capital Expenditure | \$53,590.97 | \$493,047.00 | -\$439,456.03 | -89% |
| Total Expenses | \$6,909,672.22 | \$9,180,103.50 | -\$2,270,431.28 | -25% |
| Operating Profit/(Loss) | \$399,147.59 | -\$750,671.25 | \$1,149,818.84 | |
| Operating profit less depreciation | \$1,880,701.31 | \$1,187,013.75 | | |

Mapoon Aboriginal Shire Council
Balance Sheet
As of March 31, 2023

Assets

Current Assets

| | |
|---|--------------|
| 11110-QCB - General Account | 1,673,045.79 |
| 11112-QCB Shares | 10.00 |
| 11117-QCB - Remote Housing 2 | 705,909.19 |
| 11118-QCB - Online Save A/C No9 | 2,745,667.97 |
| 11119-QCB - Online Banking - Remote Capital Program | 170,573.45 |
| 11120-CBA Main account | 158,781.96 |
| Account Receivable | 987,848.16 |
| Inventories | 62,317.82 |
| Other Current Assets | 343,712.39 |

Total Current Assets

6,847,866.73

| | |
|-------------------------------|-----------------|
| Property, Plant and Equipment | 34,350,403.61 |
| Accumulated Depreciation | (11,651,426.23) |
| Intangible Assets | 65,000.00 |

Total Assets

29,611,844.11

Liabilities

Current Liabilities

| | |
|---------------------------|-------------|
| Accounts Payable | 641,817.74 |
| Taxes Payable | (53,911.02) |
| Other Current liabilities | 132,412.20 |

Total Current Liabilities

720,318.92

Total Liabilities

720,318.92

Shareholders' Equity

| | |
|---------------------|----------------|
| Net Income / (Loss) | 106,900,568.61 |
|---------------------|----------------|

Total Shareholders' Equity

106,900,568.61

Total Liabilities & Shareholders' Equity

107,620,887.53

| Mapoon Aboriginal Shire Council | | | | | |
|--------------------------------------|------------|------------|--------------------|------------|--------------------------------------|
| Budget Analysis by Department | | | Mar-23 | | |
| Accommodation | Actual | BudgetYTD | Variance to budget | Variance % | Comments |
| Income | 204,033 | 413,753 | -209,719 | -51% | |
| Expense | 218,897 | 387,885 | -168,988 | -44% | |
| Profit / (Loss) | -14,864 | 25,868 | -40,732 | -157% | |
| | | | | | |
| Administration & Corporate Services | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 2,634,641 | 3,601,459 | -966,818 | -27% | |
| Expense | 3,829,582 | 4,694,720 | -865,138 | -18% | Includes Depreciation of \$1,481,554 |
| Profit / (Loss) | -1,194,941 | -1,093,262 | -101,680 | 9% | |
| | | | | | |
| Store | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 376,783 | 437,444 | -60,660 | -14% | |
| Expense | 361,020 | 358,708 | 2,312 | 1% | |
| Profit / (Loss) | 15,763 | 78,736 | -62,973 | -80% | |
| | | | | | |
| Parks & Gardens | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 2,564 | 10,992 | -8,428 | 0% | |
| Expense | 68,859 | 106,328 | -37,469 | 100% | |
| Profit / (Loss) | -66,295 | -95,336 | 29,041 | 100% | |
| | | | | | |
| Land & Sea | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 1,458,637 | 1,150,750 | 307,887 | 27% | |
| Expense | 1,188,925 | 1,141,973 | 46,953 | 4% | |
| Profit / (Loss) | 269,712 | 8,777 | 260,934 | 2973% | |
| | | | | | |
| Aged Care Services | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 335,898 | 441,911 | -106,014 | -24% | |
| Expense | 322,529 | 572,142 | -249,613 | -44% | |
| Profit / (Loss) | 13,369 | -130,231 | 143,600 | | |
| | | | | | |
| Water & Sanitation | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 96 | 0 | 96 | | |
| Expense | 214,145 | 350,693 | -136,547 | -39% | |
| Profit / (Loss) | -214,049 | -350,693 | 136,644 | -39% | |
| | | | | | |
| Works Contract & Housing Maintenance | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 1,477,585 | 2,024,060 | -546,475 | -27% | |
| Expense | 1,362,433 | 1,329,833 | 32,600 | 2% | |
| Profit / (Loss) | 115,152 | 694,226 | -579,074 | -83% | |
| | | | | | |
| Works Other | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 3,990,517 | 4,866,974 | -876,456 | -18% | |
| Expense | 2,467,686 | 4,655,282 | -2,187,596 | -47% | |
| Profit / (Loss) | 1,522,832 | 211,692 | 1,311,140 | 619% | |
| | | | | | |
| Workshop | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 148,222 | 171,750 | -23,528 | -14% | |
| Expense | 195,752 | 254,587 | -58,834 | -23% | |
| Profit / (Loss) | -47,531 | -82,837 | 35,306 | -43% | |
| | | | | | |
| Total Works | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 5,616,420 | 7,062,782 | -1,446,362 | -20% | |
| Expense | 4,240,016 | 6,590,393 | 10,830,409 | 164% | |
| Profit / (Loss) | 1,376,404 | 472,389 | 904,015 | 191% | |
| | | | | | |
| Total Divisions | Actual | BudgetYTD | Variance to budget | Variance % | |
| Income | 10,628,976 | 13,119,091 | -2,490,115 | -19% | |
| Expense | 10,229,828 | 13,852,149 | -3,622,321 | -26% | |
| Profit / (Loss) | 399,148 | -733,058 | 1,132,206 | -154% | Includes Depreciation of \$1,481,554 |

Mapoon Aboriginal Shire Council
Statement of untied funds as at March-2023

| | | |
|--|-----------|------------------|
| Cash & Money in bank | 5,453,988 | |
| Debtors | 987,848 | |
| Total Cash & Debtors | | 6,441,837 |
| Less | | |
| Tied Grants | 3,725,755 | |
| Liabilities | -720,319 | |
| Total Tied Grants & Liabilities | | 3,005,436 |
| Untied Funds | | 3,436,401 |
| Total cash less liabilities | | 2,448,553 |
| Debtors | | 987,848 |
| Total untied cash & Debtors | | 3,436,401 |

Mapoon Aboriginal Shire Council

Financial Sustainability Ratios

March-2023

The Financial Sustainability of Councils continue to be the cornerstone of Local Government Act and a core responsibility of Mapoon Aboriginal Shire Council

Asset sustainability ratio (aim for > 90%)

21%

Capital expenditure on replacement of assets (renewals)

307,580

(a)

Depreciation expense

1,481,554

Operating surplus ratio (aim for 0 - 10%)

-22%

Operating result or Net result (excluding capital items)

(1,773,014)

(b)

Total Operating revenue (excluding capital items)

8,149,234

(c)

Net Financial liabilities ratio (aim for < 60%)

-75%

Total liabilities less current assets

(6,127,548)

Total Operating revenue (excluding capital items)

8,149,234

(a)

Capital expenditure currently not captured until year end

(b)

Net result includes capital additions until year end therefore ratio will look worse than actually is throughout the year

(c)

Capital grants and any other capital income to be removed

7.3 COMMUNITY DEVELOPMENT

Author: Kiri Tabuai, Executive Manager - Community Development

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

Present Council with a report of program performance and operational actions for the previous month of March.

BACKGROUND

Council provides a range of community-based services for the benefit of Mapoon residents and visitors.

DISCUSSION**BACKGROUND**

Council provides a range of community-based services for the benefit of Mapoon residents and visitors.

DISCUSSION**Programs****Status Report**

| | |
|---|--|
| <p><u>Community Development</u></p> <p><i>Action: Membership prior to COVID get credited?</i></p> | <p>Gym and Youth Activities</p> <ul style="list-style-type: none"> Gym <p>Slade has been opening the Gym from 4:30 – 7:30pm Mon – Friday</p> <p>Slade has been assessing the equipment and some is due to be replaced. EMCD & Slade will be looking at some quotes. Flyer to be put out for community and review of the membership form.</p> <p>Youth Activities</p> <p>School Holidays have been finalised with Out n About running the first week and PCYC youth week for the second week.</p> |
| <p><u>Community Services</u></p> <p><i>Action: Do staff need to hold a yellow card?</i></p> <ul style="list-style-type: none"> Playgroup | <p>Mapoon Aged Care client services.</p> <ul style="list-style-type: none"> Aged Care Services <p>We service 7 HCP Clients & 15 CHSP Clients. We are providing majority of services although a lack in Domestic Assistance due to a staffing issue. We are in recruitment phase with a support worker. Community Services Manager attended training – Rural remote age car management training.</p> <p>Barbara Schmidt will be attending in early April.</p> <p>Nil Complaints</p> <p>Nil incidents</p> |

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| | <ul style="list-style-type: none"> • The Playgroup program. <p>Program: From the 20th of March, the program was divided to two sessions; one for the 0 to 3 years old baby and toddlers (Monday and Wednesday) and the other for 4 to 5 years old (Tuesday and Thursdays). The high turnout previously had the 0 to 3 years old not participating as expected. With lessons differentiated in the new program the younger ones are now given the required attention. Part of the day program was supporting school lunches/breakfast and shop runs and a drive to Cullen Point as requested by the mothers.</p> <p>Attendance: Attendance was very high before the group was divided into age groups. Being a trial program, we are monitoring how the mums are adapting to the trial program.</p> <p>Statistics each week for March. The total overall Week 1 – 24 children Week 2 – 34 children Week 3 – 32 children Week 4 – 10 children Week 5 – 16 children</p> <p>Playgroup deliver 25 different activities which include sensory and gross motor skills, eye, hand coordination etc.</p> <p>Goals Once the weather clears – outdoor activities More interaction with IKC and cultural centre Gardening Playground at the centre upgraded.</p> |
| <u>Community Engagement</u> | <p>Regular communication through social media and face to face with community.</p> <p>Events Committee are scheduled to have their next meeting in April 2023.</p> |
| <u>Business Units</u> | <p>Accommodation services; Paanja Lodge, Cabins, and Cullen Point campground.</p> <p>Easter early in the month of April, and with the PDR still closed the visitor numbers at the Paanja Lodge are low for Easter.</p> <p>However, Cullen Point Campground is currently 2 sites short of being fully booked out, all bookings are by Weipa locals who have booked for the Easter long weekend, Thursday to Monday.</p> <p>We are currently in the process of having WIFI installed at the Paanja Lodge. Corporate Travellers will be pleased as a large percentage of our visitors to the lodge are Corporate</p> |

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| | <p>Travellers who continually ask me if the Paanja lodge has WIFI. Very pleased for them.</p> <p>Centrelink Centrelink office has been busy with more clients than usual seeking assistance according to our monthly statistics. Andrea Andrew is the Centrelink officer and is in the office permanently from 9-11am Monday to Friday.</p> <p>Cultural Centre</p> <ul style="list-style-type: none"> • Jason took 8 days leave in the month of March. • Updated IKC asset register. • IKC program planning with Richard. • Meeting with Nathan William (SLQ) regarding IKC and SLQ programs. • Events committee meeting. • Liaising with Future Computers for IKC computer networks. • Meeting with Mapoon Playgroup and Richard Sagigi, regarding the First Five Forever program. • Selling of artworks from the Mapoon Art Gallery. <p>Mapoon Indigenous Knowledge Centre.</p> <ul style="list-style-type: none"> • The Mapoon IKC had 35 people come through for the month of March mixed kids and adults most off the visitors came in to browse the books and to see what's on offer in the IKC the kids come in to use the NBN and have a go on the tablets. • The computers in the library are still not up and running, Richard has had a lot of people asking questions about when they will be running to use for resumes, banking, job seeking and other things. I think once they are up, we will get a lot more visitors to the library also I am supposed to tally up the number of usages for the Ash Barty Foundation as they have donated a computer and QSL is asking questions. • We have had only a handful of books being loaned out which is good to see but would like the numbers to be higher, so Jason has put out notices for the community to come in and sign up to be a member of the library. • Jason and I had a meeting with the playgroup to start making plans and availability on which days to hold first 5 for ever days along with other ideas. <p>Café Recruited a Food & Beverage Attendant Ronaldo Guivarra. Staff have been focusing on Aged Care Meals and catering.</p> <p>Challenges</p> |
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| | <ul style="list-style-type: none">- Staffing- Aged Care meals Goals: <ul style="list-style-type: none">- Finalising the requirements and training- Café opening after easter Art Studio <p>Local artists have been utilising the studio which has been great.</p> |
| <u>Disaster Recovery Operation</u> The Disaster Recovery Plans review is ongoing. | No major recovery actions were required during March. |
| <u>Economic Development</u> | Business Training on 30 th & 31 st March. 1 participant |

RECOMMENDATION

That the Report of the Executive Manager Community Development be received and noted.

7.4 EXECUTIVE MANAGER OF INFRASTRUCTURE AND WORKS REPORT

Author: Victor Mills, Executive Manager of Infrastructure and Services

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

Present to Council a report of program performance and operational actions for the previous month.

BACKGROUND

Council has several larger projects currently under construction which are at various stages of completion.

DISCUSSION**WORKS ACTIVITIES TO DATE:**

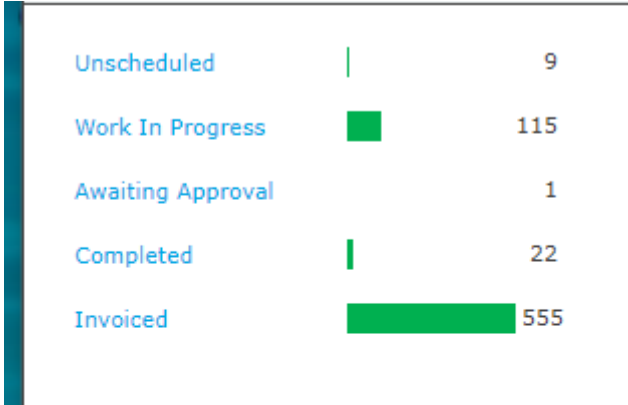















| | |
|-------------------------------|---|
| Social Housing blocks: | <ul style="list-style-type: none">• Fencing now 100% completed to all blocks, minor defects to complete, adjusting gates, repair damage caused by fallen tree.• Inground plumbing installed all 5 blocks 100% complete.• Back flow prevention been ordered and risers for the septic tanks.• Bathroom Tiles 100% complete.• External Yard works to 5 Lots in progress.• Windows installed to 5 houses.• Floor tiling completed to 5 houses.• 2nd fix plumbing underway to all house 100% complete.• Painting 100% complete to each house• Electrical Fit off completed 100%.• Kitchen installation 100% requires final clean up.• Ergon house connection completed \$50 worth of power have been charged to each house.• Rain delays and hand over inspection is taking place on the first week of April 2023. |
|-------------------------------|---|

| | |
|--|---|
| <p>The Works for Queensland (W4QLD 20-21) Store Project:</p> | <ul style="list-style-type: none"> • Building main frames under construction. • Store erection underway • Main building erected. • Outer building under construction • External portals stood. • Mezzanine floor constructed. • Bracing and purlins underway. • External purlins and final lock off expected to finish late September. • Purlin works nearly completed due to staffing problems. • Meeting CEQ took place, and we are waiting for a response from them regarding the new store. • CEQ has shown an interest in the new store the Board has authorized a feasibility study and the outcome is expected early 2023 where if the numbers stack up it will be taken to the Minister. • Mayor informed the Minister that CEQ will be bring feasibility study for approval in the new year. • Rain has stopped work expect to recommence in mid-March. • Once defects on the social housing is complete, will allocate resources to this project. |
| <p>The Works for Queensland (W4QLD 21-23) Council Extension</p> | <ul style="list-style-type: none"> • Horton Construction awarded the works. • Works commenced. • New slab works 100% • Blockwork 100% • Water supplies 100% • Drainage repaired 100% • Roof 100% • Electrical 1st fix 100% • New offices framing and ceiling 100% |

| | |
|-------------------------|--|
| | <ul style="list-style-type: none"> • Wall panelling to main room 60% • Windows have been installed 100% complete. • External render 100%. • Plaster boarding 100%. • Delays with deliveries has held up some of the internal works. • Extension to lockup • Electrical 2nd fix 80% • Floor covering at 90% installation. • Timber capping ordered. • Builder waiting on pin boards to complete walls then his contract is completed. • Exterior paint works in progress. • Internal IT now installed. |
| SES shed upgrade | <ul style="list-style-type: none"> • Bathroom walls install. • Electrical installed. • Floor wastes installed. • Septic system installed. • Kitchen area under construction. • Ongoing, will update in next report. |
| Splash Park | <ul style="list-style-type: none"> • No Current problems. • Bi-annual service completed. • New Service Agreement issued for 12 Mths, 1/4/23 – 1/4/24 to De Bosch Plumbing, (\$82,000.00 + GST). |
| New Ranger Base | <ul style="list-style-type: none"> • Boundary fence installed. • Block cleared and rolled. • Plan for main building completed ready for tender. |

| | |
|---------------------------------------|--|
| | <ul style="list-style-type: none"> Plans for sheds completed ready for tender. Sheds have been tendered and the quotes are good. Earthworks have re-commenced, MARCH 23 awaiting survey for the final trim. Compaction material has been supplied to the site pad. Main building tender due for release Shed costs put to Council for CEO permission to Purchase. Sheds are ordered, awaiting delivery and construction will commence. DeNada Surveyors Weipa has been provided with a RFQ to do set outs for all the slabs and grates. Awaiting quotes. |
| Social Housing blocks Stage 2: | <ul style="list-style-type: none"> Funding agreement signed. planning to clear next 6 blocks at the end of June early July and commence Designs for the current allocation 3x3bed and 2x4bed. still haven't received signed agreement works will not start until it arrives. Fund have been received currently working on getting the clearing underway late September. Delays with clearing works now scheduled for 24/10/2022. Blocks are now cleared and removed trees are burnt. 4-bedroom design underway expected completion ready for State approval end of March and on course. Ongoing, will update in next report. |
| New Transfer Station | <ul style="list-style-type: none"> DA currently underway Survey works delivered. Site pick up will be used to complete DA and design. Design commenced. |

| | |
|----------------------------|--|
| | <ul style="list-style-type: none">• Still awaiting DA for Council Approval.• Finalising construction drawings.• Preston Law Finalising Planning• No objection to the planning application.• Expecting plans for Trades Tender late September.• Plans have taken a few weeks longer but guaranteed for late October.• Fill for project has been won at the pit filling expected to commence April 2023.• Steel onsite ready for commencement• Blocks now on site ready to commence.• Earth works hope to commence at the end of April pending on weather.• Rain has now begun to ease and earth works will commence when resources are available.• Nil Change in report for the month. |
| QBuild Maintenance: | <ul style="list-style-type: none">• Currently in progress and invoicing continuing.• Some delays with jobs due to delivery problems |

| |  <table border="1"> <thead> <tr> <th>Status</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>Unscheduled</td> <td>9</td> </tr> <tr> <td>Work In Progress</td> <td>115</td> </tr> <tr> <td>Awaiting Approval</td> <td>1</td> </tr> <tr> <td>Completed</td> <td>22</td> </tr> <tr> <td>Invoiced</td> <td>555</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2">Field Workers</th> </tr> </thead> <tbody> <tr> <td> Brett Bolton - Electrician</td> <td>9</td> </tr> <tr> <td> Carpenter</td> <td>-</td> </tr> <tr> <td> Craig Campbell - Plumber</td> <td>10</td> </tr> <tr> <td> Jason De Bosch - Plumbing</td> <td>8</td> </tr> <tr> <td> Miscellaneous</td> <td>1</td> </tr> </tbody> </table> | Status | Count | Unscheduled | 9 | Work In Progress | 115 | Awaiting Approval | 1 | Completed | 22 | Invoiced | 555 | Field Workers | |  Brett Bolton - Electrician | 9 |  Carpenter | - |  Craig Campbell - Plumber | 10 |  Jason De Bosch - Plumbing | 8 |  Miscellaneous | 1 |
|--|---|--------|-------|-------------|---|------------------|-----|-------------------|---|-----------|----|----------|-----|---------------|--|--|---|---|---|--|----|---|---|---|---|
| Status | Count | | | | | | | | | | | | | | | | | | | | | | | | |
| Unscheduled | 9 | | | | | | | | | | | | | | | | | | | | | | | | |
| Work In Progress | 115 | | | | | | | | | | | | | | | | | | | | | | | | |
| Awaiting Approval | 1 | | | | | | | | | | | | | | | | | | | | | | | | |
| Completed | 22 | | | | | | | | | | | | | | | | | | | | | | | | |
| Invoiced | 555 | | | | | | | | | | | | | | | | | | | | | | | | |
| Field Workers | | | | | | | | | | | | | | | | | | | | | | | | | |
|  Brett Bolton - Electrician | 9 | | | | | | | | | | | | | | | | | | | | | | | | |
|  Carpenter | - | | | | | | | | | | | | | | | | | | | | | | | | |
|  Craig Campbell - Plumber | 10 | | | | | | | | | | | | | | | | | | | | | | | | |
|  Jason De Bosch - Plumbing | 8 | | | | | | | | | | | | | | | | | | | | | | | | |
|  Miscellaneous | 1 | | | | | | | | | | | | | | | | | | | | | | | | |
| QBuild Upgrades: | <ul style="list-style-type: none"> • Renovations to lot 10 nearing completion only external paint left currently underway. • Works at lot 39 underway kitchen and Bathroom only left to do, awaiting delivery of shower recess. • Vacant at lot 65 awaiting kitchen installation to commence. • Lot 202 complete. • Lot 213 underway, 90% complete • Housing Dept, will be in Community to discuss progress on all outstanding works and how MASC can deliver to meet deadline and budget. | | | | | | | | | | | | | | | | | | | | | | | | |
| AMO EHW: | <ul style="list-style-type: none"> • Water supply excellent and usage averaging 250,000 – 450,000 litre per day, usage has dropped due to the rain storms we have been experiencing. • Weekly checks and monthly checks have been all clear. • Stock for water treatment plentiful. • TPHU will be in community in April to assist with Dingo complaints and to educate community on animal keeping minimising EH risks. | | | | | | | | | | | | | | | | | | | | | | | | |

| | |
|------------------------|---|
| | <ul style="list-style-type: none">• New position for waste management operative to be advertised early 2023.• Funding agreement is now signed. |
| Workshop | <ul style="list-style-type: none">• All vehicles service program in place.• Plant replacement program is in discussion to implement a 5yr turn around so MASC can reduce cost on purchase due to high trade in offer.• All Generators are serviced and tested each week.• Chainsaws and portable generators all serviced and on standby.• Awaiting PDR opening to transport old Plant to Cairns. |
| Human Resources | <ul style="list-style-type: none">• Recruitment process is ongoing due to lack of interest in particular roles.• Reviewing Works structure to ensure workloads are spread out evenly and encouraging the team to communicate and work collaboratively.• Apprentice carpenter commenced, Plant operator commenced, Trade Assistants x 2 to commence in April, Carpenters have been readvertised, interview process in place. |

RECOMMENDATION

That the Report of the Executive Manager of Infrastructure and Works be received and noted.

7.5 EXECUTIVE MANAGER OF ENVIRONMENTAL SERVICES, LAND AND SEA, PARKS AND GARDENS

Author: Kelli Leatham, Executive of Environmental Services, Parks & Gardens

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

To present to Council a report of Program Performance and Operational action for the previous month

BACKGROUND

This report details the Program and Operational action from Mapoon Land and Sea Rangers and Parks and Gardens

DISCUSSION

- Visitor Management
 - Day Use area cleaned of leaves and coconuts, mowed and whipper snipped.
 - Cutting of dead trees, removal of any rubbish, cleaning fire pits out, mowing and whipper snipping and fogging for mosquitoes within the Cullen Point Campground in preparation for the start of tourist season. Hoping the fogging will help make visitors stay become more pleasant.
 - General duties of cleaning the amenities and emptying rubbish drums provided around Cullen Point, Back Beach and Dharng waterhole.
- Weed Management
 - Removing and spraying of Caltrope in Cullen Point Campground.
 - Whipper Snipping then spraying around all Hydrants from Town to Cullen Point
 - The battle against Grader Grass. This is proving to be very resilient and has spread dramatically since last year. Spraying is the only way to try and eliminate.
- Biosecurity
 - Once per year Rangers conduct Marine Debris Transect Monitoring in section near Dog Reef. 5 sectors are marked out, 25m wide from the dunes to the waterline. A 25m gap is left between the sectors. Rangers pick up all the debris within the 5 sectors, bring back to base and sort. All findings are entered into the Top Watch App, then compared to the previous year's data.
 - Biosecurity representatives attend Mapoon for the Plant Host Surveys. 3 – 4 Weeks prior to their arrival Rangers go and do the Plant Host Mapping with information and photos recorded to where scientists can look over prior to their arrival. Once in Mapoon scientist revisit the sites with Rangers re assess finding while training the Rangers to better identify any problems.

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- IRCCP

- Through the grant process Rangers applied to acquire 2 ATVs to help with the clean-ups. After a 7 month wait, we finally took possession just in time for the next project.
- Rangers had a barge arrive on Sunday the 19th of March and went straight to work putting the ATVs on Flinders Beach ready for the gruelling week ahead. With the support of Sea Shepard, My Pathways, Border Force and Qld Police we all hit the beach running at 7.30 Monday morning. At that stage we certainly didn't know what we were in for. Extremely hot conditions meant looking after and checking on everyone throughout the week ensuring they were feed and well hydrated, erecting shades for breaks as we only made to the first tree on the beach on by day 4. An incredible effort by all involved with only 5km covered but picking up an incredible 6.34 ton of debris, all being transported by barge back to Cullen Point and disposed of into the skip bins. This is half the amount we pick up in the whole of last year. Nothing ever goes perfect to plan, after day 2 the tides were rising, and we were unable to travel to Janie Creek due to the depth of Cattle Creek and had to improvise using Ranger vessels to ferry volunteers to Flinders Beach. All in all, very proud of the Rangers professionalism on the vessels and ensuring the visitors were well informed and safe. Finishing the week on Saturday the 25th of March with the removal of the ATVs from Flinders.

- Fee for Service

- Rangers utilised their Coxswain tickets and worked in partnership with Rio Tinto and S.A.R.A to conduct Sawfish monitoring. The first week was spent in Weipa, unfortunately no captures recorded. Arriving in Mapoon on the 24th preparing for the week ahead. Early starts were on the agenda as the prime time to capture the Sawfish is 1.5hrs either side of the high tide. Very happy to say we successfully caught and tagged 3 Sawfish, 2 Dwarf and 1 green. It is like looking for a needle in a haystack but now we have acoustic tags in some they can monitor their movements through the hydrophone system currently in place. This should provide vital information on where to target them on the next project. Everyone involved was very happy with the outcome and looking forward to next year.
- Ranger had a few Job requests from QLD Housing for weed spraying of fence lines and tree trimming and removal.

- Cultural Heritage Maintenance

- First Contact Site, Old Cemetery and New Cemetery mowed, and whipper snipped.

- Training

- Attended 2 sessions of the Mentor App training.
- Jocelyn De Jersey attended her first round of Leadership Training with very positive feedback on attendees from QILSR.

- Conferences

- Cape York NRM invited 2 participants from Mapoon to attend the Threatened Species Symposium in Cairns. I forwarded one invitation to OMAC as this has been an important subject in the development of the New Healthy Country Plan. Cameron Hudson joined me for the 2-day conference. Mapoon Land and Sea Rangers were recognised for their

efforts in the conservation of the turtles from Department of Environment and Science and also from S.A.R.A for their involvement with Sawfish monitoring.

- Attended and presented at the Western Cape Futures Symposium on Conservation and Land Management. I targeted the Rangers efforts on Marine Debris and Threatened and Endangered Species research.
- Parks and Gardens
 - With limited staff, the remainder were busy keeping up. Mowing and whipper snipping of the Community Centre, Aged Care, All Aged Care Client, Anzac Park, Paanja Lodge and Council Yard.
 - Roadside Rubbish runs prior to weekend.
 - Interviews conducted to fill vacant positions.

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Cultural Heritage Report: March 2023

Cultural Heritage

- Jason took 8 days leave in the month of March.
- Monitoring and maintenance of unmarked graves and old cemeteries (as conducted by the Land and Sea Rangers).
- Weekly data input on to Mapoon Database.
- Planning for Reconciliation Day activities and resources.
- Flinders Beach clean-up with L&S Rangers.
- Correspondence with QLD Museum Brisbane for repatriation of artefacts.
- Liaising with community members/Elders and Traditional Owners, regarding the repatriation.
- Updating of Cemetery Index Board.

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RECOMMENDATION

That the report of Executive Manager of Environmental Services, Land and Sea and Parks and Gardens be received and noted.

7.6 MONTHLY REPORT HR

Author: Danielle Turner, HR Consultant, Preston Law

Authoriser: Tom Smith, CEO

Attachments: Nil

PURPOSE OF REPORT

Give Council updates and statistics for the month of March 2023

DISCUSSION**Human Resources****1. Employment Outlook**Current number of employees

| Department | Number of Employees |
|---------------------------|---------------------|
| Infrastructure and Works | 17 |
| Environmental Services | 14 |
| Community and Development | 15 |
| Finance | 3 |
| Executive | 8 |
| Total | 57 |

Resignations/Terminations

| Department | Number of Employees |
|---------------------------|---------------------|
| Infrastructure and Works | 0 |
| Environmental | 0 |
| Community and Development | 0 |
| Finance | 0 |
| Executive | 0 |
| Total | |

1. RecruitmentPositions Advertised:

| Position | Status |
|--------------------------|--|
| Carpenter (2 positions) | Re-advertised. |
| Trade Assistants | Offers of employment made, employees expected to commence 12 April 2023. |
| Apprentice Carpenter | Appointment made; employee commenced 29 March 2023. |
| Machine Operator | Appointment made; employee commenced 5 April 2023. |
| Parks & Gardens Labourer | Appointments made, employees commenced 5 th and 6 th April 2023. |
| Aged Care Support Worker | Suitable candidate has been interviewed, formal offer of employment to be made subject to pre-employment checks being completed. |

New Appointments

| Name of Employee | Position | Department |
|----------------------|---------------------------|---------------------------|
| Ernest Pitt-Nicholls | Apprentice Carpenter | Infrastructure |
| Ronaldo Guivarra | Food & Beverage Assistant | Community and Development |

2. Absenteeism

Number of hours absenteeism (unauthorised leave):

| Department | October 2022 | November 2022 | December 2022 | January 2023 | February 2023 | March 2023 |
|---------------------------|------------------------------|---------------|---------------|--------------|-----------------------------|------------------------------|
| Infrastructure and Works | 128 hours (6 employees) | 89.5 hours | 13.5 hours | 82 hours | 60 hours (8 employees) | 77 hours (6 employees) |
| Environmental Services | 60.75 hours (6 employees) | 77.5 hours | 41.5 hours | 52.5 hours | 46.5 hours (4 employees) | 59.25 hours (5 employees) |
| Community and Development | 0 | 0 | 0 hours | 36 hours | 0 hours | 0 hours |
| Finance | 4 hours (1 employee) | 16 hours | 0 hours | 0 hours | 4.5 hours (1 employee) | 8.25 hours (1 employee) |
| Executive | 0 | 0 | 60 hours | 0 hours | 0 hours | 0 hours |
| Total | 192.75 hours | 183 hours | 115 hours | 170 hours | 111 hours | 144.5 hours |

RECOMMENDATION

That the Report for HR be received and noted.

7.7 GOVERNANCE

Author: Jo Linnane, Consultant
Authoriser: Tom Smith, CEO
Attachments: 1. Acceptable request guidelines
2. Advertising spending policy
3. Investigation policy

PURPOSE OF REPORT

Present to Council reviewed Statutory Policies & Guidelines.

BACKGROUND

Preston Law and Council have reviewed the following Statutory Policies & Guidelines for Mapoon Aboriginal Shire Council for consideration and adoption:

1. Acceptable Requests Guidelines
2. Advertising Spending Policy
3. Investigation Policy

These Policies & Guidelines now have a 2 yearly scheduled review date. Next review date June 2025.

1. ACCEPTABLE REQUEST GUIDELINES**Background**

Under section 170A(7) of the *Local Government Act 2009* (“**LG Act**”), Council must prepare and adopt acceptable request guidelines for a financial year that imposes guidelines about the way in which a Councillor may:

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

A draft Acceptable Request Guidelines is attached to this Report. It is substantially similar to the 2022 Acceptable Request Guidelines, with updates to confirm compliance with section 170A of the LG Act.

RECOMMENDATION

COUNCIL RESOLVES pursuant to section 170A(7) of the *Local Government Act 2009*, to adopt the Acceptable Request Guidelines attached to this report for the 2021-22 financial year.

2. ADVERTISING SPENDING POLICYBackground

Under section 197(1) of the *Local Government Regulation 2012* (“**LG Reg**”), Council must prepare and adopt an advertising spending policy for a financial year about Council’s spending on advertising ensuring that is only done to:

- (a) provide information or education to the public; and
- (b) that the information or education is provided in the public interest.

A draft Advertising Spending Policy is attached to this Report. It is substantially similar to the 2022 Advertising Spending Policy, with updates to confirm compliance with section 197 of the LG Reg.

RECOMMENDATION

COUNCIL RESOLVES pursuant to section 197(1) of the *Local Government Regulation 2012*, to adopt the Advertising Spending Policy attached to this report for the 2021-22 financial year.

3. INVESTIGATION POLICYBackground

Under section 150AE of the *Local Government Act 2009* (“**LG Act**”), Council must adopt, by resolution, a policy about how it deals with the suspected inappropriate conduct of councillors referred, by the Independent Assessor, to Council to deal with.

The Department of State Development, Infrastructure, Local Government and Planning (“**the Department**”) has developed an example policy that satisfies the requirements for a policy under section 150AE of the LG Act.

RECOMMENDATION

1. **COUNCIL RESOLVES** pursuant to section 150AE(1) of the Local Government Act 2009, to adopt the Investigation Policy attached to this report.



MAPOON ABORIGINAL SHIRE COUNCIL

Acceptable Requests Guidelines

This is an official copy of the **Acceptable Requests Guidelines** of **Mapoon Aboriginal Shire Council**, made in accordance with the provisions of the Local Government Act and Regulations, Public Records Act, Mapoon Aboriginal Shire Council's Local Laws, Subordinate Local Laws, and current Council Policies.

The Acceptable Requests Guidelines is a Statutory Policy.

Statutory policies are prepared in response to legislative requirements and mandate employee behaviour. This Policy is approved by the Mapoon Aboriginal Shire Council for the guidance of Council and Council staff.

| DOCUMENT VERSION CONTROL | | | |
|--------------------------|------------|----------------|---|
| VERSION | DATE | RESOLUTION N°. | DETAILS |
| 1.0 | 16/1/18 | 8 | Responsible Officer: CEO Policy Type: Statutory Policy |
| 2.0 | 19/8/19 | C157/2019 | Responsible Officer: CEO Policy Type: Statutory Policy |
| 3.0 | 14/6/21 | C097/2021 | Responsible Officer: CEO Policy Type: Statutory Policy |
| 4.0 | 14/02/2022 | C025/2022 | Responsible Officer: CEO Policy Type: Statutory Policy |
| 5.0 | 16/05/2022 | C087/2022 | Responsible Officer: CEO Policy Type: Statutory Policy |
| 6.0 | 21/04/2022 | | Responsible Officer: CEO Policy Type: Statutory Policy |
| | | | Recommended Review Date June 2025 |



MAPOON ABORIGINAL SHIRE COUNCIL Acceptable Requests Guidelines

Acceptable Requests Guidelines

1. Introduction/Policy Statement:

This policy is Council's acceptable requests guidelines for the purposes of section 170A of the *Local Government Act 2009*.

The purpose of this policy is to:

- Provide guidance to Councillors and Employees about the acceptable manner in which a Councillor may ask staff members for advice or information to assist the Councillors in carrying out their responsibilities under the *Local Government Act 2009* and the *Local Government Regulations 2012*;
- Establish reasonable limits on requests that a Councillor may make; and
- Define the Employees to whom Councillors may make requests for information.

2. Policy scope:

This policy applies to all Councillors, including the Mayor, and all Employees.

The Mayor and Councillors of Mapoon Aboriginal Shire Council will all from time to time require assistance or information from the employees of the Council to enable them to effectively carry out their duties and represent the interests of the community.

These guidelines outline the standards for the provision of assistance or information to Councillors and are to be followed by the Mayor, all Councillors and employees.

3. Definitions:

Act

Act means the *Local Government Act 2009* (Qld).

CEO

The Chief Executive Officer of Mapoon Aboriginal Shire Council and includes any officer acting in that position from time to time.

Councillor

Person or persons elected or appointed to the Local Government under the *Local Government Act 2009* or the *Local Government Electoral Act 2011*. A reference to Councillor includes the Mayor, unless expressly excluded.



MAPOON ABORIGINAL SHIRE COUNCIL

Acceptable Requests Guidelines

Employee

Any permanent, part time and casual employee or contractor of Mapoon Aboriginal Shire Council. Employee includes a person prescribed as a *local government employee* under a State Government Regulation.

Information and advice

Information and advice include details of what Council, Councillors and Employees are doing; any administrative, legal, financial, technical or statistical information held by Council and options available to achieve a particular thing.

Senior Executive

A Senior Executive Employee of the Council means an Employee of Council who reports directly to the CEO and whose position is ordinarily considered to be a senior position in Council's corporate structure. It includes any officer acting in those positions from time to time.

4. Policy statement:

Requests for advice or information under these guidelines must comply with the principles that guide decision making by Councillors and Council employees stated in Chapter 1, section 4 of the Act as:

- Transparent and effective processes, and decision-making in the public interest; and
- Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- Democratic representation, social inclusion and meaningful community engagement; and
- Good governance of, and by, local government; and
- Ethical and legal behaviour of Councillors, local government employees and Councillor Advisors.

Directions to Employees by Councillor, including the Mayor

Councillors are reminded of their obligations under section 170 of the Act which states:

1. The Mayor may give a direction to the CEO, except where:
 - it is inconsistent with a resolution, or document adopted by resolution, of Council;
 - it relates to the appointment of a local government employee;
 - it relates to disciplinary action by the CEO in relation to an Employee; or
 - it would result in the CEO contravening a provision of an Act.
2. No Councillor, including the Mayor, may give a direction to any other local government employee, except in accordance with section 170AA of the Act.



MAPOON ABORIGINAL SHIRE COUNCIL

Acceptable Requests Guidelines

3. Councillors, including the Mayor, must not discuss with Employees any matters relating to the terms and conditions of their employment with Council except as necessary when conducting the performance appraisal of the Chief Executive Officer.
4. Interaction between Councillors and Employees must, at all times, be carried out in a professional and courteous manner.
5. Councillors must ensure that when making a request for advice that the manner and timing of their request is not capable of being construed as an unlawful direction to the Employee.
6. If an attempt is made by a Councillor to direct an Employee, the Employee must report this matter to the CEO directly or through the Employee's Senior Executive Officer so that the matter can be addressed with the Councillor.

Mayor and Chairpersons

Section 170A (6) of the Act provides that these reasonable request guidelines do not bind the Mayor, or the Chairperson of a committee if the request for advice relates to the role of the Chairperson.

Routine Operational Requests

Councillors are encouraged to raise all routine operational matters through the Mayor, who will then raise it with CEO or a Senior Executive Officer. An example of a routine operational matter is wanting to know the location of a meeting or lodgement of a customer service request.

Councillors and Mayor are to address all travel requests for meetings, forums and/or training through the Council Office Manager, with final approval from the Mayor and/or CEO.

Interaction between Employees and Councillors

Employees must not approach Councillors in the exercise or performance of their role.

Requests for Advice or Information

A request for information or advice must identify the proposed decision that the Councillor needs information or advice on.

If the Councillor expects to receive a written response to the request for advice or information, the Councillor must make the request in writing (including by email).

Councillors must ensure that any requests for advice:

- (a) Are not made in conflict with Council's adopted policies, local laws, resolutions, corporate plan and budget;
- (b) Do not substantially and unreasonably divert the resources of the Council from the performance of its functions;
- (c) Have been considered against the likely cost implications when making requests for advice and if the cost of providing the information is likely to be high, the Councillor may make the request only to the Chief Executive Officer, who is expressly authorised by the Council under these guidelines to seek to minimise the costs to provide the advice.

A request for information relating to Council by a Councillor must be made directly to the CEO. The only exception to this is pursuant to section 170A (6) as stated above.



MAPOON ABORIGINAL SHIRE COUNCIL

Acceptable Requests Guidelines

When Information or Document Excluded

A request for Information or a document under section 170A(2) or 170A(3) do not apply to information or a document:

- (a) that is a record of the conduct tribunal; or
- (b) that was a record of a former conduct review body (i.e. a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal); or
- (c) if disclosure of the information or document to the councillor would be contrary to an order of a court or tribunal; or
- (d) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

Timeframe for Response

The CEO is responsible for complying with a request made for either advice or information within:

- (a) 10 business days after receiving the request; or
- (b) if the CEO reasonably believes it is not practicable to comply with the request within 10 business days, then within 20 business days after receiving the request.

7. Inclusions and exclusions

For the purposes of this policy, the following exclusions apply:

Exclusions:

Employees Attendance at Meetings

Any Councillor may request the CEO or relevant Senior Executive Officer to arrange for a council Employee to attend a meeting with a member of the public. Such a request is not a request for advice under section 170A of the Act.

Routine Operational Requests

A request for assistance from Employees about routine operational matters, for example the location of a meeting or lodgement of a customer service request, is not a request for advice under section 170A of the Act and these guidelines do not apply to that request.



MAPOON ABORIGINAL SHIRE COUNCIL

Acceptable Requests Guidelines

8. Relevant Legislation

Local Government Act 2009

170 Giving directions to local government staff:

- (1) The Mayor may give a direction to the Chief Executive Officer.
- (2) However, a direction under subsection (1) must not be given if—
 - (a) it is inconsistent with a resolution, or a document adopted by resolution, of the local government; or
 - (b) it relates to the appointment of a local government employee under section 196(3); or
 - (c) it relates to disciplinary action by the Chief Executive Officer in relation to a local government employee under section 197 or a Councillor Advisor; or
 - (d) it would result in the chief executive officer contravening a provision of an Act.
- (3) No Councillor, including the Mayor, may give a direction to any other local government employee, except in accordance with the guidelines made under section 170AA about the provision of administrative support to Councillors.

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).



MAPOON ABORIGINAL SHIRE COUNCIL

Acceptable Requests Guidelines

170A Requests for assistance or information

- (1) A Councillor may ask a local government employee provide advice to assist the Councillor carry out his or her responsibilities under this Act.
- (2) A Councillor may, subject to any limits prescribed under a regulation, ask the Chief Executive Officer to provide information, that the local government has access to, relating to the local government.

Example of a limit prescribed under a regulation—

A regulation may prescribe the maximum cost to a local government of providing information to a councillor.

- (3) If the advice or information requested under subsection (1) or (2) relates to a document, the requirement under subsection (9) to comply with the request includes a requirement to provide a copy of the document
- (4) Subsection (2) and (3) does not apply to information or a document—
 - (a) that is a record of the conduct tribunal; or
 - (b) that was a record of a former conduct review body; or
 - (c) if disclosure of the information to the councillor would be contrary to an order of a court or tribunal; or
 - (d) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- (5) A request of a Councillor under subsection (1) or (2) is of no effect if the request does not comply with the acceptable requests guidelines.
- (6) Subsection (5) does not apply to—
 - (a) the Mayor; or
 - (b) the Chairperson of a committee of a local government if the request relates to the role of the chairperson.
- (7) The **acceptable requests guidelines** are guidelines, adopted by resolution of the local government, about—
 - (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under this Act; and
 - (b) reasonable limits on requests that a councillor may make.
- (8) In this section a local government employee includes a person prescribed under a regulation.
- (9) The Chief Executive Officer must comply with a request made to the Chief Executive Officer under subsection (1) or (2)—
 - (a) within 10 business days after receiving the request; or
 - (b) if the Chief Executive Officer reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request.

Maximum penalty—20 penalty units.

- (10) If the Chief Executive Officer forms the belief mentioned in subsection (9)(b), the Chief Executive Officer must give the Councillor notice about the belief and the reasons for the belief within 10 business days after receiving the request.
- (11) In this section—

former conduct review body means a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal under this Act as in force before the commencement of the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018, section 18.



MAPOON ABORIGINAL SHIRE COUNCIL

Acceptable Requests Guidelines

9. Variations

Council reserves the right to vary, replace or terminate this policy from time to time in accordance with the Act.

10. Related Policies and Procedures

- Complaints about Public Officials Policy
- Code of Conduct
- Councillor Code of Conduct

11. Workplace Participant Acknowledgement

I acknowledge:

- (a) Receiving this MASC Policy;
- (b) That I must comply with this policy; and
- (c) That there may be disciplinary consequences if I fail to comply, including termination of employment.

Your name: _____

Signed: _____

Date: _____



MAPOON ABORIGINAL SHIRE COUNCIL

Advertising Spending Policy

This is an official copy of the **Advertising Spending Policy** of **Mapoon Aboriginal Shire Council**, made in accordance with the provisions of the Local government Act and Regulations, Public Records Act, Mapoon Aboriginal Shire Council's Local Laws, Subordinate Local Laws and current Council Policies.

The Advertising Spending Policy is a Statutory Policy.

Statutory policies are prepared in response to legislative requirements and mandate employee behaviour. This Policy is approved by the Mapoon Aboriginal Shire Council for the guidance of Council and Council staff.

| DOCUMENT VERSION CONTROL | | | |
|--------------------------|------------|----------------|---|
| VERSION | DATE | RESOLUTION N°. | DETAILS |
| 1.0 | 14/05/2018 | C04/2018 | Responsible Officer: Corporate Services Manager Policy Type: Statutory Policy |
| 2.0 | 18/06/2019 | CO83/2019 | Responsible Officer: Corporate Services Manager Policy Type: Statutory Policy |
| 3.0 | 21/06/2020 | C116/2020 | Responsible Officer: Governance Manager Policy Type: Statutory Policy |
| 4.0 | 14/6/2021 | C097/2021 | Responsible Officer: Governance Manager Policy Type: Statutory Policy |
| 5.0 | 15/02/2022 | C027/2022 | Responsible Officer: Governance Manager Policy Type: Statutory Policy |
| 6.0 | 18/4/2022 | | Responsible Officer: Governance Manager Policy Type: Statutory Policy |
| | | | Recommended Review Date: June 2025 |



MAPOON ABORIGINAL SHIRE COUNCIL

Advertising Spending Policy

Advertising Spending Policy

1. Introduction/Policy Statement:

This policy is Council's Advertising Spending Policy for the purposes of section 197 of the *Local Government Regulation 2012*.

This policy is to ensure that advertising placed by Mapoon Aboriginal Shire Council is in accordance with required legislation and the public interest as well as to ensure Council obtains value for money in placing advertising.

2. Policy scope:

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

3. Definitions:

Advertising

Promoting, for the payment of a fee, an idea, goods or services to the public.

4. Policy statement:

Council advertises in various media to inform, involve and educate the community about matters affecting them. The following regulates the way in which Council uses advertising for this purpose.

Mapoon Aboriginal Shire Council may incur expenditure for the purposes of advertising provided that the:

- (a) Basis of the advertising is to educate and/or inform the public of Council matters;
- (b) Information and/or educational material is seen to be in the public interest of the local community; and
- (c) Advertising is provided in a manner consistent and compliant with this policy.

Mapoon Aboriginal Shire Council may engage in advertising to:

- (a) Maximise compliance and/or awareness of new or amended laws, promote and/or encourage feedback on Council's plans, goals and/or objectives;
- (b) Raise awareness of a Council led initiative or activity;
- (c) Assist Council to preserve and maintain law and order during an emergency or crisis;
- (d) Advise the community of a time and/or location of a scheduled meeting;
- (e) Advise of a new service to be provided by Council;
- (f) Increase the patronage of a service, facility and/or event provided by Council on a commercial basis with the express intent of making a profit;



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Advertising Spending Policy

- (g) Advise of decisions made within Council meetings;
- (h) Report on Council's performance;
- (i) Advise about a change to an existing Council service, facility and/or event;
- (j) Ensure public safety, personal security and/or encouraging responsible behaviour and a sense of civic pride to obtain social cohesion; and/or
- (k) Promote key initiatives, events and/or activities deemed to be in the public interest;

GENERAL RESTRICTIONS ON ADVERTISING

Mapoon Aboriginal Shire Council may not engage in advertising where:

- (a) It would be commonly determined that the message may be misinterpreted as being on behalf of a political party or local group;
- (b) A political party or local group or individual is being disparaged or held to ridicule;
- (c) Members and/or staff of Mapoon Aboriginal Shire Council are named, depicted or otherwise promoted in a way that would be commonly deemed as being excessive or gratuitous;
- (d) The method or medium of advertising could be perceived as being manifestly excessive or extravagant in relation to the objectives being pursued.

RESTRICTIONS DURING ELECTION PERIOD

In accordance with the requirements contained within the *Local Government Regulation 2012*, Mapoon Aboriginal Shire Council must not, during the three-month period preceding an election of the local government, other than a by-election or during the period after the date of a by-election is advertised until the day of the election:

- (a) Place advertisements relating to future plans unless, and only to the extent that, those plans have been formally adopted by Council;
- (b) Advertise the activities of Council other than in the manner and form it is customary for the Council to advertise its activities;
- (c) Place advertisements which seek to influence support for candidates, groups of candidates or potential candidates in the election; and/or
- (d) Incur the costs of advertising featuring one or more councillors or containing quotations attributed to individual councillors.

ADVERTISING APPROVALS

When approving advertising expenditure, Mapoon Aboriginal Shire Council must ensure there is a clear line of accountability for content and expenditure and that Council's advertising policy is strictly adhered to.

All advertising undertaken by and/or on behalf of Mapoon Aboriginal Shire Council must be approved by the Chief Executive Officer or delegate.

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

The approving officer must ensure that the:

- (a) Expenditure is in accordance with this policy;



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Advertising Spending Policy

- (b) Cost of the advertisement is appropriate for the number of people it is intended to inform and provides a commensurate benefit to the Council and to the public; and
- (c) Cost is available in the relevant budget item and meets the usual requirements for expenditure approvals.

5. Inclusions and exclusions

For the purposes of this policy, the following inclusions and exclusions apply:

This policy does not apply to: -

- (a) Advertising for employees;
- (b) Advertising for the acquisition or disposal of property plant and equipment used, or to be used by the Council in its business;
- (c) Advertisements for tenders or expressions of interest under Council's Procurement Policy or under the *Local Government Act 2009*; and
- (d) Reports published in media where no payment is made for the report.

6. Relevant Legislation

- *Local Government Regulation 2012*

197 Advertising spending

- (1) A local government must prepare and adopt a policy about the local government's spending on advertising (an **advertising spending policy**).
- (2) A local government may spend money on advertising only—
 - (a) if—
 - (i) the advertising is to provide information or education to the public; and
 - (ii) the information or education is provided in the public interest; and
 - (b) in a way that is consistent with the local government's advertising spending policy.
- (3) **Advertising** is promoting, for the payment of a fee, an idea, goods or services to the public.

7. Variations

MASC reserves the right to vary, replace or terminate this policy from time to time.

8. Related Policies and Procedures

- MASC Procurement Policy

9. Workplace Participant Acknowledgement

I acknowledge:

- (a) Receiving this MASC Policy;
- (b) That I must comply with this policy; and



MAPOON ABORIGINAL SHIRE COUNCIL
Advertising Spending Policy

- (c) That there may be disciplinary consequences if I fail to comply, including termination of employment.

Your name:

Signed:

Date:



MAPOON ABORIGINAL SHIRE COUNCIL Investigation Policy

This is an official copy of the **Investigation Policy** of **Mapoon Aboriginal Shire Council**, made in accordance with the provisions of the Local government Act and Regulations, Public Records Act, Mapoon Aboriginal Shire Council's Local Laws, Subordinate Local Laws and current Council Policies.

The Advertising Spending Policy is a Statutory Policy.

Statutory policies are prepared in response to legislative requirements and mandate employee behaviour. This Policy is approved by the Mapoon Aboriginal Shire Council for the guidance of Council and Council staff.

| DOCUMENT VERSION CONTROL | | | |
|--------------------------|------------|--------------------------|---|
| VERSION | DATE | RESOLUTION N°. | DETAILS |
| 1.0 | 14/02/2022 | C023/2022 | Responsible Officer: Governance Policy Type: Statutory Policy |
| 2.0 | 18/04/2022 | | Responsible Officer: Governance Policy Type: Statutory Policy Review & Document Control Revision |
| | | | |
| | | Recommended Date: | Review June 2025 |

1. Authority

This is Mapoon Aboriginal Shire Council's Investigation Policy for how complaints about the inappropriate conduct of Councillors will be dealt with as required by the Section 150AE of the LGA. However, this policy does not relate to more serious Councillor conduct. Commencement

2. Scope

This Investigation Policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor

3. Definitions

Assessor - means the Independent Assessor appointed under Section 150CV of the LGA.

Behavioural Standard - means a standard of behaviour for Councillors set out in the Code of Conduct for Councillors in Queensland approved under Section 150E of the LGA.

Conduct includes:

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct.

Councillor Conduct Register - means the register required to be kept by Council as set out in Section 150DX of the LGA.

Inappropriate Conduct - see Section 150K of the LGA.

Investigation Policy - refers to this Policy, as required by Section 150AE of the LGA.

Investigator - means the person responsible under this Investigation Policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor.

LGA - means the *Local Government Act 2009*

LGR - means the *Local Government Regulation 2012*

Local Government meeting means a meeting of:

- (a) a local government; or
- (b) a committee of a local government.

Misconduct - see Section 150L of the LGA.

Model Meeting Procedures - see Section 150F of the LGA.

Referral Notice - see Section 150AC of the LGA.

Tribunal - means the Councillor Conduct Tribunal as established under Section 150DK of the LGA.

Unsuitable Meeting Conduct - see Section 150H of the LGA.

4. Confidentiality

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this Investigation Policy.

Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the local government. Any release of information that a Councillor knows, or should reasonably know, to be confidential to the local government, may be contrary to Section 171(3) of the LGA and dealt with as misconduct.

5. Natural Justice

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

Natural justice or procedural fairness refers to three key principles:

- that the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing)
- that the Investigator(s) should be objective and impartial (absence of bias)
- that any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Ensuring decisions are based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material. A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

6. Assessor's Referral

The Council will receive from the Assessor a Referral Notice about the suspected inappropriate conduct of a Councillor/s. The Referral Notice will include details of the conduct and any complaint received about the conduct, state why the Assessor reasonably suspects that the Councillor has engaged in inappropriate conduct and include information about the facts and circumstances that form the basis of the Assessor's reasonable suspicion.

The Referral Notice may be accompanied by a recommendation from the Assessor about how the local government may investigate or deal with the conduct. The recommendation of the Assessor may be inconsistent with this policy.

The investigation must be conducted in a way consistent with:

- (i) any recommendation of the Assessor
- (ii) to the extent that this policy is not inconsistent with the recommendation of the Assessor – this Investigation Policy, or
- (iii) in another way the local government decides by resolution.

A resolution under Sub Section (iii) must state the decision and the reasons for the decision.

7. Receipt Of Assessor's Referral

On receipt of a Referral Notice about the suspected inappropriate conduct of a Councillor/s from the Assessor,

the Council's Chief Executive Officer will forward a copy of that Referral Notice to the Mayor and all Councillors, other than the Councillor who is the subject of the complaint, or the complainant if the complainant is a Councillor, as a confidential document.

Should the Mayor or a Councillor/s disagree with any recommendation accompanying the Assessor's Referral Notice or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting for the Council to decide, by resolution, the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council's meeting procedure requirements.

8. Investigator

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct where, in the circumstances, the Mayor believes it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer may refer the suspected inappropriate conduct to the President of the Councillor Conduct Tribunal (the Tribunal) or other entity to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves an allegation about the conduct of the Mayor or the Mayor as the complainant, then the Chief Executive Officer may refer the suspected inappropriate conduct to the President of the Tribunal, or another entity, to investigate and make recommendations to the Council about dealing with the conduct.

9. Early Resolution

Before beginning an investigation, the Investigator should consider whether the matter is appropriate for resolution prior to the investigation. This consideration can include any recommendations made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter both voluntarily agree to explore early resolution. The Investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this Investigation Policy.

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

10. Timeliness

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

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

11. Assistance For Investigator

If the Mayor, or another Councillor appointed by Council resolution, is the Investigator of a matter of suspected inappropriate conduct, the Mayor or Councillor may use Section 170A of the LGA to seek assistance during the investigation.

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

12. Possible Misconduct Or Corrupt Conduct

If during the course of an investigation the Investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the Investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the Investigator obtains information that indicates a Councillor/s may have engaged in corrupt conduct, the Investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

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

13. Completion Of Investigation

On the completion of an investigation, the Investigator will provide a report to a Council meeting outlining as appropriate:

- the investigation process
- any witnesses interviewed
- documents or other evidence obtained
- a statement of the relevant facts ascertained
- confirmation that the subject Councillor has been provided with an opportunity to respond to the complaint and the evidence gathered
- the investigation findings
- a statement of any relevant previous disciplinary history
- any recommendations about dealing with the conduct
- a record of the investigation costs.

The Council (with the exception of the Councillor the subject of the investigation and the complainant, if another Councillor) will consider the findings and recommendations of the Investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under Section 150AH of the LGA.

The Chief Executive Officer is also required to ensure the details are entered into the Councillor conduct register.

If there is a risk to the health and safety of the complainant, under Section 254 J of the LGR the Council may resolve that the meeting be closed to the public for the Councillors to consider the investigation report and any recommendations. In accordance with Section 254 J (6) of the LGR, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has been re-opened to the public and the decision recorded in the meeting minutes.

14. Disciplinary Action against Councillors

If the Council decides at the completion of the investigation that the Councillor has engaged in inappropriate conduct, the Council may:

- (i) order that no action be taken against the Councillor, or
- (ii) make an order outlining action the Councillor must undertake in accordance with Section 150AH(1)(b) of the LGA.

15. Notice About The Outcome Of Investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation and the subject Councillor.

16. Councillor Conduct Register

The Chief Executive Officer must ensure decisions about suspected inappropriate conduct of a Councillor/s are entered into the Councillor Conduct Register.

Where a complaint has been resolved under Section 10 of this policy, or otherwise withdrawn by the complainant, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

17. Expenses

Council must pay any reasonable expenses of Council associated with the investigation of suspected inappropriate conduct of a Councillor including any costs of:

- the President of the Tribunal in undertaking an investigation for Council
- an Independent Investigator engaged on behalf of, or by the Tribunal
- an Independent Investigator engaged on behalf of the local government
- travel where the Investigator needed to travel to undertake the investigation, or to interview witnesses
- seeking legal advice
- engaging an expert.

Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct. Any costs incurred by complainants, or the subject Councillors will not be met by Council.

7.8 GOVERNANCE ADMINISTRATIVE

Author: Jo Linnane, Consultant

Authoriser: Tom Smith, CEO

Attachments:

1. Administrative Actions Policy
2. Administrative Complaints Policy
3. Human Rights Policy

PURPOSE OF REPORT

Present to Council reviewed Statutory Administrative Action Complaints Management Policy and Mapoon Aboriginal Shire Council's Administrative Complaints Management Process & Human Rights Policy & Procedure.

BACKGROUND

Preston Law and Council have reviewed the following Statutory Administrative Action Complaints Management Policy and Administrative Action Complaints Management Process. The policy now has a 2 yearly scheduled review date. Next review Date 2025.

Furthermore, Council has developed the following for consideration and review:

- a) Human Rights Policy & Procedure

1. ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT POLICY**Background**

Under section 268(1) of the *Local Government Act 2009* ("LG Act"), Council must adopt a process for resolving

administrative action complaints.

An "administrative action complaint" is defined in section 268(2) and (3) of the LG Act as a complaint that:

- is about an administrative action of a local government, including the following, for example—
 - a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;
 - an act, or a failure to do an act;
 - the formulation of a proposal or intention;

- the making of a recommendation; and
- is made by a person who is apparently directly affected by an administrative action of a local government.

Section 306(2)(a) of the *Local Government Regulation 2012* (“**LG Reg**”) also requires Council to adopt a Complaints Management Process. Section 306(3) of the LG Reg provides that a Complaints Management Process is a process for resolving complaints about administrative actions of a local government that:

- (a) covers all administrative action complaints made to the local government; and
- (b) requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and
- (c) includes the criteria considered when assessing whether to investigate a complaint; and
- (d) requires the local government to inform an affected person of the local government’s decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.

The attached Administrative Action Complaints Management Policy and Administrative Action Complaints Management Process are attached for Councils consideration and review.

RECOMMENDATION

COUNCIL RESOLVES to adopt the Administrative Action Complaints Management Policy and Administrative Action Complaints Management Process attached to this report.

2. HUMAN RIGHTS POLICY & PROCEDURE

Background

The Human Rights Act 2019 (“**the HR Act**”) s 58 places obligations on Council, as a ‘public entity’ subject to the exceptions and limitations that are reasonable and justifiable outlined in the HR Act, to:

- (a) Act and made decisions in a way that is compatible with human rights; and
- (b) To properly consider relevant human rights when making decisions.

The attached Human Rights Policy & procedure is attached for Councils consideration and review.

RECOMMENDATION

COUNCIL RESOLVES to adopt the Human Rights Policy & Procedure attached to this report.



MAPOON ABORIGINAL SHIRE COUNCIL
Administrative Action Complaints Management Policy

This is an official copy of the **Administrative Action Complaints Management Policy** of **Mapoon Aboriginal Shire Council**, made in accordance with the provisions of the Local Government Act and Regulations, Public Records Act, Mapoon Aboriginal Shire Council's Local Laws, Subordinate Local Laws, and current Council Policies.

The Administrative Action Complaints Management Policy is a Statutory Policy.

Statutory policies are prepared in response to legislative requirements and mandate employee behaviour. This Policy is approved by the Mapoon Aboriginal Shire Council for the guidance of Council and Council staff.

| DOCUMENT VERSION CONTROL | | | |
|--------------------------|-----------|----------------|---|
| VERSION | DATE | RESOLUTION N°. | DETAILS |
| 1.0 | 14/2/22 | C06/2022 | Responsible Officer: CEO Policy Type: Statutory Policy |
| 2.0 | 16/5/22 | C088/2022 | Responsible Officer: CEO Policy Type: Statutory Policy |
| 3.0 | 18/4/2022 | | |
| | | | Recommended Review Date June 2025 |

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ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT POLICY**Purpose**

This policy is established with the following objectives:

- (i) to prescribe a process for resolving administrative actions complaints in accordance with section 268 of the *Local Government Act 2009* ("**the LG Act**") and section 306 of the *Local Government Regulation 2012* ("**the Regulation**").
- (ii) to contain Mapoon Aboriginal Shire Council's ("**Council**") complaints management process that effectively manages complaints from their receipt to their resolution, in accordance with section 306(2)(a) and 306(3) of the Regulation.

Scope

Under the LG Act, local governments must operate in an open, transparent and accountable manner. This Policy sets out the process Mapoon Aboriginal Shire Council ("**Council**") has implemented to deal effectively and efficiently with complaints about Councils' administrative actions and address systemic and service-related problems.

Applicable Legislation

Section 268 of the LG Act requires Council to establish a process for receiving and resolving administrative action complaints.

Section 306 of the Regulation requires Council to establish a complaints management process.

Other legislation

The *Human Rights Act 2019* ("**the HR Act**"), section 58, places obligations on Council, as a 'public entity', subject to the exceptions and limitations that are reasonable and justifiable outlined in the HR Act, to:

- (a) act and make decisions in a way that is compatible with human rights; and
- (b) to properly consider relevant human rights when making decisions.

Information Privacy Act 2009

Integrity Regulation 2011

Ombudsman Act 2001

Public Interest Disclosure Act 2010

Right to Information Act 2009

Policy Statement

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

2. Council must deal with any administrative action complaint quickly and efficiently, and in a fair and objective way.
3. Council in its development of this Policy has considered the application of the HR Act with respect to AAC Reviews and considers that, to the extent applicable, any limitations imposed are reasonable demonstrably justifiable.
4. Anyone who is dissatisfied about an administrative decision or other action of Council or a Council employee, can lodge a complaint easily and simply by:
 - emailing their complaint, to ceo@mapoon.qld.gov.au
 - hand-delivering their complaint to Council's Chambers, Red Beach Road, Mapoon Qld 4874;
 - posting their complaint to Council at PO Box 213, Weipa Qld 4874;
 - telephoning Council's Customer Service Desk on 07 4082 5200.

Procedure

1. Where a complainant's behaviour or conduct is identified as unreasonable, Council employees and/or Councillors will implement suitable strategies based on the Queensland Ombudsman's guidance about managing unreasonable complainant conduct.
2. Council will provide complainants with information on this policy and, if necessary, assistance to make their complaint.
3. Upon receipt of a complaint, Council will perform an initial assessment of each complaint in terms of its seriousness, safety implications, complexity and degree of urgency to determine the timing of its response.
4. Pursuant to section 306(3)(c) of the Regulation, the criteria considered when assessing whether to investigate a complaint are:
 - a. generally, every complaint will be assessed and investigated;
 - b. the person investigating the complaint ("**the assessor**") may in their discretion determine not to investigate the complaint if:
 - i. the assessor considers the complaint to be trivial, frivolous or vexatious, lacking in substance or credibility, an abuse of process, or not made in good faith;
 - ii. the subject matter of the complaint has already been considered and the complainant is attempting to reopen the same or similar issues such that an investigation would be unnecessary, unjustifiable or an inappropriate use of resources;
 - iii. the complaint is made using rude or intemperate language or the complainant is, in the reasonable opinion of the assessor, harassing or stalking a Council officer. These complaints may not be responded to, or may be returned;
 - iv. the complaint is made 12 months after the matter arose unless there was a relevant fact which was not within the means of knowledge of the complainant within 12 months of the matter arising;

- v. the complaint is made anonymously, and the assessor considers there is insufficient information to investigate;
 - vi. the assessor determines the complaint is complex and the complainant refuses to put it in writing;
 - vii. the complainant is pursuing the complaint through an alternative review process, or it has already been reviewed through an alternative review process (for example, through the Queensland Civil and Administrative Tribunal (QCAT), or the Ombudsman's Office);
 - viii. the complaint is a request for a review of an administrative action which is subject to legislative or adopted policy timeframes or is subject to an agreed service level framework and the legislative or adopted policy timeframes have not expired or all actions within the agreed service level framework have not been exhausted.
 - ix. the assessor determines that an investigation be discontinued because the complainant fails to provide sufficient information or in some way inhibits the investigation (for example, fails to provide information within a reasonable time period).
5. Any administrative action complaints received that raise a suspicion of corrupt conduct, as defined under the *Crime and Corruption Act 2001* ("CCA"), will be immediately referred to the CEO for consideration and handling in line with Council's obligations under the CCA and the LG Act.
6. A Council employee who investigates a complaint must be senior to the Council employee who performed the administrative action that is the subject of the complaint. For a complaint made about the Chief Executive Officer, or if the Chief Executive Officer has a conflict of interest, the Mayor shall have the responsibility of investigating or resolving the complaint with the assistance of the Deputy Mayor and/or a Senior Executive Employee.
7. Council employees will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of Council's administrative practices.
8. Council assessor will inform the subject of the complaint that there has been a complaint made against them and that it is Council's policy to disclose information about the progress of the investigation and its outcome to the complainant.
9. A Council employee reviewing a complaint in accordance with this Policy will consider:
- (a) any relevant Human Rights that might apply;
 - (b) whether those rights are limited or have been limited by the decision (the subject of the complaint);
 - (c) if so, whether this is reasonable and justifiable;
 - (d) whether any exceptions under section 58 of the HR Act or limitations under section 13 may apply; and
 - (e) justify the decision by weighing up any competing interests or obligations.
10. The CEO will ensure that complaints are responded to as quickly as possible.
11. Complainants will not suffer any reprisal from Council or its employees for making a complaint.
12. The CEO or delegated Council employee will monitor complaints with a view to continuous improvement of Council's business policies.

13. Council will issue a written notification to the complainant of Council's decision regarding the complaint and reasons for the decision, unless the complaint is made anonymously. Council will also provide options for the complainant if they are not satisfied with Council's response.
14. If a complainant is not satisfied that a complaint has been satisfactorily resolved, a Council employee will provide the complainant details of any further review mechanism that may be available.
15. Council will co-operate fully with any investigating authority charged with dealing with a complaint (for example, the Queensland Ombudsman).
16. This policy is not a tool to bring Council business to a halt nor to delay or prevent Council making decisions.
17. If there is any conflict between this policy or the associated process and the requirements of the LG Act, Regulation or any other relevant legislation, the legislative requirements prevail.
18. Councillors lodging a complaint as an independent member of the community will be treated in accordance with this policy. Where a Councillor is requesting information from a Council employee rather than lodging a complaint themselves, Council's Acceptable Request Guidelines will be followed.

Definitions

"administrative action complaint" is a complaint that 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
- (v) is made by the affected person.

"Affected person" refers to a person who is apparently directly affected by an administrative action of Council.

"CEO" refers to the Chief Executive Officer of the Mapoon Aboriginal Shire Council appointed in accordance with the *Local Government Act 2009*.

"Councillor" refers to a councillor or mayor for Mapoon Aboriginal Shire Council.

"Complainant" refers to the affected person or organisation making a complaint.

"Complaint" refers to an expression of dissatisfaction by a person regarding a decision or other action of Mapoon Aboriginal Shire Council

"Council" refers to the Mapoon Aboriginal Shire Council

"Employee" refers to any employee, contractor, volunteer etc. of Mapoon Aboriginal Shire Council

"Human Rights" are those human rights listed in sections 15 to 37 of the *Human Rights Act 2019*.

Effective Date

On and from the date this Policy is adopted.

Tom Smith
CHIEF EXECITIVE OFFICER

DRAFT

**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process**

This is an official copy of the Mapoon Aboriginal Shire Council Administrative Action Complaints Management Process.

| DOCUMENT VERSION CONTROL | | | |
|--------------------------|-----------|----------------|-----------------------------|
| VERSION | DATE | RESOLUTION N°. | DETAILS |
| 1.0 | 18/4/2022 | | Responsible Officer: CEO |
| | | | |
| Recommended Review Date: | | | June 2025 |

**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process****ORIGIN/AUTHORITY**

Local Government Act 2009
Local Government Regulation 2012
Human Rights Act 2019
Crime and Corruption Act 2001

OTHER LEGISLATION

Information Privacy Act 2009
Integrity Regulation 2011
Ombudsman Act 2001
Public Interest Disclosure Act 2010
Right to Information Act 2009

PURPOSE

Mapoon Aboriginal Shire Council must operate in an open, transparent and accountable manner. This is a policy documents Councils complaints management process to deal effectively and efficiently with complaints regarding its administrative actions.

This policy excludes actions and decisions made under other legislation which provide for avenues of appeals, such as the *Sustainable Planning Act 2009*.

Under *Local Government Act 2009 Section 268*, Council must adopt a process for resolving complaints about administrative actions of the local government made by an affected person. An affected person is someone who is directly affected by administrative action.

The *Local Government Regulation 2012 Section 306* (Process for resolving administrative action complaints) requires Council to adopt by resolution:

- (a) A complaints management process that effectively manages complaints from their receipt to their resolution; and
- (b) Written policies and procedures supporting the complaints management process.

The *Human Rights Act 2019 Section 58*, places procedural obligations on Council to:

- (a) act and make decisions in a way that is compatible with human rights; and
- (b) to consider relevant human rights when making decisions.



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The *Human Rights Act 2019* Section 65 sets out the requirements for making complaints to the Human Rights Commissioner and implies an obligation for Mapoon Aboriginal Shire Council to receive and manage human rights complaints.

Under *Crime and Corruption Act 2001* Section 40A, requires the Council to prepare and keep complete and accurate records of any decision by a decision-maker not to notify the CCC of a complaint about alleged corrupt conduct. This record must include:

- (a) the details of the alleged corrupt conduct
- (b) the evidence on which the decision-maker relied in making the decision
- (c) any other reasons for making the decision.

Under the *Crime and Corruption Act 2001*, the Crime and Corruption Commission (CCC) may ask to see any records Council have made about decisions not to notify it of a complaint.

PRINCIPLE

Mapoon Aboriginal Shire Council acknowledges the right of customers to provide feedback, both positive and negative, on services it provides and the decisions it makes. It also understands that there are occasions when people may wish to lodge a complaint. Our council will deal with complaints fairly, promptly and professionally and is committed to building the capacity of staff to effectively manage complaints in an environment of continuous improvement.

For Mapoon Aboriginal Council to meet the obligations of the Human Rights Act 2019, the Council must understand and consider human rights when managing these complaints in accordance with the Council's Human Rights Policy.

APPLICATION

This policy applies to all administrative action complaints made to the local government. Matters that do not fall within the scope and process include:

- Initial request for services or information; or
- Decisions made under a local law which are reviewable under a local law; or
- Any matter covered by a separate statutory prescribed review process, for example:
 - The following matters, which have separate processes under the *Local Government Act 2009*:
 - ❖ Rates and charges disputes, or
 - ❖ Competitive neutrality complaints, or
 - ❖ Councillor conduct complaints
- A process under the *Planning Act 2016*



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- A decision of the Court

DEFINITIONS

In this policy the words below are defined as follows:

“administrative action complaint” as defined in the *Local Government Act 2009 S268* is 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.

A customer request is not an administrative complaint. However, a customer’s concern about inaction in respect to a customer request shall constitute an administrative complaint.

Under the *Crime and Corruption Act 2001*, **corrupt conduct (“Type A”)** means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - (i) a unit of public administration; or
 - (ii) a person holding an appointment; and
- (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - (i) is not honest or is not impartial; or
 - (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and

Corrupt conduct (“Type B”) also means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) impairs, or could impair, public confidence in public administration; and
- (b) involves, or could involve, any of the following—
 - (i) collusive tendering;

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- (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;
- (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
- (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
- (v) fraudulently obtaining or retaining an appointment; and

Both Type A and Type B corrupt conduct must be either a criminal offence or serious enough to warrant dismissal.

1. Handling of Administrative Complaints**How are administrative complaints made?**

Administrative complaints are usually directed to Council in writing or verbally (in person at Council offices or by phone).

Process for Dealing with Administrative Complaints***Written Administrative Complaints*** (includes web, facsimile or letter)

1. Upon receipt, the records officer shall refer the complaint to the appropriate manager for investigation.
2. The manager to whom the complaint is referred for investigation shall forward a letter acknowledging the complaint (within 14 days) which:
 - Demonstrates that the subject of the complaint is understood
 - Indicates what will happen next
3. The manager who is investigating the complaint shall do so as expeditiously as possible.
4. The manager shall advise the complainant, in writing, (within 14 days) when action has been completed advising what remedial action (if any) has been taken in respect of the complaint.
5. Record complaint and action in the General Complaints Register.

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**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process***Verbal Administrative Complaints*

1. The officer who first receives the complaint (either by phone or over the counter) shall refer the matter to the appropriate manager for attention.
2. The manager shall:
 - Record the details of the complaint on the Complaint Form;
 - Confirm with the complainant the accuracy of what has been recorded;
 - Explain what will happen next;
 - Investigate the complaint as expeditiously as possible and recommend/take remedial action;
 - The manager shall advise the complainant, in writing, (within 14 days) when action has been completed advising what remedial action (if any) has been taken in respect of the complaint.
 - Record complaint and action in the General Complaints Register.

Anonymous Complaints

Council acknowledges the inherent difficulty in investigating and resolving complaints made by unknown persons. Nevertheless, anonymous complaints, or complaints from people who wish their names to be held in confidence, will be accepted for investigation, provided that there is sufficient information to enable an investigation to be conducted.

People wishing to remain anonymous are to be advised that Council's ability to investigate the complaint may be limited by their anonymity.

Any anonymous complaints that allege fraud, corruption or misconduct by an officer will be referred directly to the CEO.

Complaints about the Chief Executive Officer

Only complaints involving a direct decision or action of the Chief Executive Officer (CEO) will be considered through this process. The complaint, which must be made in writing, is to be referred to the Mayor.

The Mayor will consider the information provided by the complainant and seek a response from the CEO. In the event that the Mayor considers that some form corrective action is required, and the Mayor and CEO fail to agree on this action, the Mayor may refer the matter to the full Council.

In considering the matter, the full Council is to provide a reasonable opportunity to both the Mayor and the CEO to present supporting information in regard to the complaint, including providing reasonable notice to prepare to present such information.

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**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process****Appeal Process**

If a complainant is not satisfied with the manner in which a complaint was handled or the remedial action taken, an appeal may be lodged.

There is a two (2) stage process; internal and/or external.

Internal Appeals

Who will conduct internal appeals?

The following positions are responsible for reviewing complaints as a result of an appeal:

- a. For complaints relating to an initial investigation by a manager, a review is to be carried out by the CEO.
- b. For complaints relating to an initial investigation by the CEO, a review is to be carried out by the Mayor.

How will an internal review be conducted?

1. The reviewing officer will investigate the manner in which the complaint was originally handled, and the remedial action taken.
2. If, after investigation, the reviewing officer is satisfied with the process and the remedial action taken, he/she will inform the complainant accordingly.
3. If the reviewing officer is not satisfied with the manner in which the complaint was handled or the remedial action taken, he/she will:
 - Counsel the officer who initially handled the complaint;
 - Institute action to achieve the desired result;
 - Inform the complainant of the outcome of his/her review.
4. In circumstances where the Review Officer is the CEO, the CEO will inform the Mayor.

External Appeals

The Office of the Ombudsman GPO Box 3314
Brisbane Qld 4001
Telephone: (07) 3005 7000
Facsimile: (07) 3005 7067

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Email: ombudsman@ombudsmad.qld.gov.au

Crime and Corruption Commission GPO Box 3123

Brisbane Qld 4001

Telephone: (07) 3360 6060

Facsimile: (07) 3360 6333

Email: mailbox@ccc.qld.gov.au

Queensland Human Rights Commission City East Post Shop

PO Box 15565

City East QLD 4002 Telephone: 1300 130 670

Fax (07)3193 9979

Email: enquiries@qhrc.qld.gov.au

2. Monitoring and Review

How are administrative complaints made?

A register of all administrative complaints will be maintained by the Office Manager and occasionally a report will be provided to the Chief Executive Officer.

In accordance with the requirements of the Local Government Regulations 2012 a report will be included in Council's annual report relating to administrative complaints.

3. Corrupt Conduct Assessment and Recordkeeping

Council shall adapt and implement the *Corrupt Conduct Assessment Form* as shown in **Appendix E** in compliance with the *Crime and Corruption Act 2001* requirement. Council officers and others (such as external investigators) involved in dealing with a complaint which may involve corrupt conduct must record the details identified in the **Appendix E** about each complaint.

Complaints assessed with reasonable suspicion of corrupt conduct shall be referred by the assessing

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officer and/ or decision maker to CCC.

Recordkeeping in accordance with this Section 40A supports effective notification of complaints to the CCC and allows matters to be easily monitored and audited by the CCC.

Adopted by Council on the 18th April 2023

Tom Smith

CEO

18th April 2023

DRAFT

**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process****APPENDIX A****GENERAL COMPLAINTS FORM**

We want to make it easy for you to complain. Simply fill out this form and send it to Mapoon Aboriginal Shire Council, by mail, email, or fax. If you prefer, you can ring our office or visit our website for advice on how to complain.

| |
|---|
| Personal Details: |
| FullName: _____ |
| Address: _____ |
| Telephone: (Home) _____ (Mobile) _____ |
| Email: _____ |
| Preferred way for Council to contact you: _____ |
| Are you the person affected by this complaint? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Please state your relationship to the person affected by the complaint: |
| <input type="checkbox"/> Parent <input type="checkbox"/> Friend <input type="checkbox"/> Other (please specify) _____ |
| If you are acting on someone's behalf please provide their details: |
| Full Name _____ |
| Address: _____ |
| Telephone: (Home) _____ (Mobile) _____ |
| Does the person affected by the complaint have a disability or other special need? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, please specify: |
| _____ |

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**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process****Complaints Details**

Have you raised your complaint to Council before?

☐

Yes

☐

No

If yes, who did you speak to and what were you told and why are you still dissatisfied? Attach any documentation from your previous complaint.

For **NEW** complaints, tell us what happened? Who was involved? When and where did it happen? For example, does your complaint involve a decision that impact on you or the quality of services? Please make sure that you tell us the specific details of the problem. Attach separate sheet/s if needed.

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Have you done anything about your complaint already? Perhaps you have spoken to your Councillor, professional advisor, government department? If Yes, please provide the details (e.g. the person you spoke to, when and the advice received).

We take complaints seriously. We will contact you within 14 days of receiving this complaint and advise you what we will do and the expected time frame it will take. Your information will be treated confidentially.

Signature: _____ Date: _____



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Mapoon Aboriginal Shire Council is collecting your personal information in order to process your application. This information will only be disclosed to any other third party with your written consent or as we are required by law.

Office Use Only

Complaint received by:

☐ Telephone ☐ Email ☐ Fax ☐ Letter ☐ In Person ☐ Web

☐ Other (Specify) _____

Date Received

Staff member who received the complaint:

Position:

Summary of advice provided to complainant :

Complaint referred to

Name: _____

Date Referred: _____

Summary of any further advice provided to complainant:

Nature of Complaint

☐ Customer Service ☐ Administrative Action ☐ Policy ☐ Procedures

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**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process**☐ Other (Specify)**Location of problem**☐ Administration & Finance☐ Community Services/Development☐ Infrastructure☐ Environmental Services, Land & Sea, Parks & Gardens☐ CEO & Managers☐ Other (specify) _____

**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process****APPENDIX B****GUIDE TO FACE-TO-FACE COMPLAINT HANDLING**

The first stage is the acceptance of the complaint by Council. It is important that the initial contact is handled well. The environment in which the complaint is taken – if it is made face-to-face – should be private (if possible) and the complainant encouraged to fully express their concerns.

- The Officer is to greet the person courteously, give his/her first name and inquire in a positive manner as to how he/she can help.
- Treat complainants respectfully, courteously and professionally. Maintain confidentiality where appropriate.
- Listen empathetically to what the complainant has to say – everyone appreciates being listened to, so give the complainant time to tell his/her story.
- If necessary, for people with speech or hearing impairment, arrange to use the National Relay Service (13 36 77).
- Use active and reflective listening skills, use positive body language (adopt an open body posture), maintain eye contact and show interest.
- Take notes of the conversation for later reference.
- Seek clarification of any points that are not clear in a non-judgmental way, using open-ended questions that start with how? when? where? who? why?
- Ask the complainant about possible remedies to resolve the matter by asking, “How do you believe your complaint can be resolved?”
- Make it clear to the complainant that the complaint has been understood by summarising the main points and seeking confirmation.
- Provide any relevant information that will assist complainants to better understand the decision or action that they are aggrieved about.
- show empathy. Remember, whether the complaint is justified or not, the complainant’s sense of grievance is real, and it is Council’s job to deal with that grievance effectively.
- Review and investigate the complaint in accordance with Council’s General Complaint Policy, first ensuring that the matter meets Council’s definition of a complaint
- Inform the complainant of the outcome of the investigation
- Handle complaints quickly, within established timeframes and in accordance with Council’s policies, keeping complainants informed of progress.
- Log the complaint and any action taken in the General Complaints Register.

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All written responses to complaints are to be personal and specific. When resolving a complaint – whether verbally or in writing – the Officer is to:

Give reasons: explain any relevant policy of Council or the legislative provision that is the basis for the decision made. If possible, provide the complainant with a copy of the relevant provision of the policy or legislation.

Where appropriate, apologise: if an apology is warranted, the receiving officer is to offer an apology there and then. It may sometimes be necessary to express regret without accepting blame on behalf of Council.

Be polite: be positive and focus on solving the problem rather than apportioning blame or finding fault.

Take action: take action to rectify the problem presented if it is within the Officer's authority to do so. If the Officer does not have the authority to rectify the problem, advise the complainant to whom the matter will be referred.

Let the complainant know: about any improvements that have been made as a result of their complaint.

Thank the complainant: for their feedback.

**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process****APPENDIX C****INTERNAL REVIEW PRINCIPLES – COMPLAINT OFFICER**

Council's Internal Review process ensures:

- The independence of the Complaints Officer from primary decision-makers;
- That the impartiality and independence of Complaints Officer is not compromised by other officers in Council;
- That the outcomes of the Internal Review are communicated to the primary decision-maker;
- That Council learns from the process of Internal Review by providing feedback;
- That primary decision-makers are not assigned the responsibility for reviewing their own decisions;
- That the review process is a free service.

The Complaint Officer has:

- Direct lines of communication to the appropriate part of Council for the purpose of resolving issues arising from the review;
- Access to relevant Council documents;
- Authority to recommend decisions in favour of the affected person or complainant; and
- Access to previous complaints to ensure consistent outcomes.

Internal Review Process

The Complaints Officer will:

- Provide an opportunity for the complainant to provide the Complaint Officer with additional information about the complaint;
- Provide a rational/logical process of review;
- Be fair and accessible;
- Assist complainants to understand the findings of the internal review by providing clear, written reasons addressing their concerns. Complainants will be informed of their external rights of review at this stage;



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Administrative Action Complaints Management Process

Internal Review Procedure

In deciding how a matter should be dealt with, consideration is to be given by the Complaints Officer to whether the Complaint Officer was involved with the administrative action. If the Officer was involved in such a way, the complaint is to be referred to the CEO for direction.

In order to reach an outcome, the Complaints Officer must:

- Establish a list of people to be interviewed and files or locations to be inspected;
- Conduct interviews and inspect sites and documents;
- Gather and record information;
- Provide relevant information to people involved in the investigation;
- Give people an opportunity to comment on information adverse to them before deciding to act on it (natural justice);
- Observe any legal requirements involved in making decisions;
- Research and apply any relevant law;
- Evaluate the evidence and make findings;
- Identify factors that contributed to the complaint arising;
- Formulate recommendations;
- Prepare a report for the Chief Executive Officer, or an appointed delegate, summarising the matter and results of the investigation and setting out findings and recommendations, including any remedies.

**MAPOON ABORIGINAL SHIRE COUNCIL****Administrative Action Complaints Management Process****APPENDIX D****REMEDIES**

In the event that an Internal Review of a complaint finds that Council's initial action was incorrect – either in part or in full – it will attempt to remedy the situation. The remedy is to apply to the error only. The following will be given consideration in attempting to remedy the situation.

Any remedy offered by Council will be appropriate to the complaint and should, as far as possible, put the affected person or complainant in the position he or she would have been in had the decision been made correctly in the first place. This may not be possible in all cases because of the passage of time or events that have occurred. In such cases, Council will need to consider other ways to resolve the complaint.

General Principles

- Fair and Reasonable — any remedy provided should be fair and reasonable to the complainant and Council. Fairness means that whilst there may be no legal obligation for Council to provide a complainant with a remedy, there may be a moral obligation to take steps to redress any disadvantage caused.
- Equal Treatment for Equal Circumstances — in seeking to provide fair outcomes, Council will endeavour to be consistent. Previous remedies or actions in similar past circumstances will be a guide to suitable outcomes for current situations. However, changes in policy position or specific fact of individual situations will also be taken into consideration.
- No Abuse of Power — Council must not take advantage of its position of authority (in particular its knowledge and resources) to avoid or reduce its obligation to provide a fair remedy to the complainant.
- Comprehensive Resolution of the Complaint — the remedy should cover all issues raised in the complaint. This avoids any subsequent complaints about the same issues.
- Explanation — an explanation of Council's decision regarding a remedy is to be provided to the complainant.
- Timeliness — Council is to provide the remedy in a timely fashion, in accordance with the Performance Standards established in this procedure.

Mitigation

In some cases, it may not be possible to completely satisfy the complainant. In such cases, Council

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will attempt to take some action that may improve the situation for the complainant, i.e., mitigate the detriment suffered by the complainant.

Consideration will be given to any practical action which the complainant might suggest.

Practices of Council

In some cases, a complaint may identify some failure within Council's own practices, procedures or policies. An appropriate remedy would be to undertake a review of the practices to bring about change so that other people will not experience the problem. The complainant needs to be informed that Council is taking action to rectify a systemic issue.

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MAPOON ABORIGINAL SHIRE COUNCIL

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APPENDIX E

Corrupt Conduct Assessment Form

| | |
|---|--|
| Council file reference number | |
| Date of assessment | |
| Date of receipt of the complaint or matter | |
| Name of complainant(s) / discloser(s) | |
| Name and position of subject officer(s) | |
| Business area of subject officer(s) | |
| The details of the complaint or matter (this is also part of s40A(3)(a) of the CC Act) | |
| The details of the allegation types | |

Assessment details (step-by-step process)

Step 1. "Type A" corrupt conduct assessment (s15(1) of the CC Act)

Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) **adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—**

- (i) a unit of public administration (UPA); or
- (ii) a person holding an appointment; AND

☐ Yes ☐ No

- (b) **results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—**

- (i) is not honest or is not impartial; or
- (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
- (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; AND

☐ Yes ☐ No



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- (c) **would, if proved, be—**
- (i) a criminal offence; or
 - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
- ☐ Yes ☐ No

Does the "Type A" conduct satisfy all three elements above? ☐ If yes, go to Step 3 ☐ If no, go to Step 2

Step 2. "Type B" corrupt conduct assessment (s15(2) of the CC Act)

Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) **impairs, or could impair, public confidence in public administration; AND**

☐ Yes ☐ No

- (b) **involves, or could involve, any of the following—**

- (i) collusive tendering;
- (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—
 - (A) protecting health or safety of persons;
 - (B) protecting the environment;
 - (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;
- (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
- (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
- (v) fraudulently obtaining or retaining an appointment; AND

☐ Yes ☐ No

- (c) **would, if proved, be—**

- (i) a criminal offence; or
- (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

☐ Yes ☐ No



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Does the "Type B" conduct satisfy all three elements above? ☐ If yes, go to Step 3 ☐ If no, go to Step 5

Step 3. Reasonable suspicion

Having regard to all the initial information available to you, decide whether you do or do not hold a reasonable suspicion of corrupt conduct.

For a suspicion to be "reasonable", there needs to be more than bare or idle speculation. In essence, there must be sufficient evidence for a reasonable person to suspect corrupt conduct.

You must objectively base your assessment on the information at hand. It is not sufficient for you to subjectively decide that someone is or is not capable of the alleged conduct.

You do not have to have sufficient evidence to prove the corrupt conduct allegation.

Do you hold a reasonable suspicion of corrupt conduct? ☐ If yes, continue ☐ If no, go to Step 5

List the information relied on to form the reasonable suspicion.

- a. statutory declaration
- b. statement from the complainant (e.g. telephone, email, and letter)
- c. audit report / grievance process
- d. accounting records / payroll records / other evidence
- e. other (please specify)

Insert details below:

Step 4. Categorisation of corrupt conduct

a. Agencies with section 40 agreements

Level 1 ☐ Immediate referral to CCC

Level 2 ☐ Monthly schedule referral to CCC

Level 3 ☐ No referral to CCC – subject to audit.

(Also, complete s40A mandatory recording at Step 5.)

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Reasons: Document the reasons for your categorisation (refer to the table in your s40 agreement)
Insert details below:

b. **Other agencies (without section 40 agreements)**

s38 ☐ Immediate referral to the CCC.

Step 5. 40A record of alleged corrupt conduct not notified to the CCC

This section applies if a public official (or decision-maker) decides that a complaint of alleged corrupt conduct is not required to be notified to the CCC under s38/40 of the CC Act. A record of this decision must be captured. For further explanation refer to the explanatory notes.

List the information relied on in reaching the conclusion (i.e. no reasonable suspicion)

- a. statutory declaration
- b. statement from the complainant (e.g. telephone, email and letter)
- c. audit report / grievance process
- d. accounting records / payroll records / other evidence
- e. other (please specify, including if the matter is a Level 3 category).

Insert details below:

Document the reasons for the conclusion

(why the complaint did not meet the definition or threshold of a reasonable suspicion of corrupt conduct OR why the complaint is a Level 3, s40 matter that does not need to be referred to CCC i.e. agreement)

Insert details below:

Step 6. Conflict of interest

Are there any conflict of interest issues?

☐ Yes ☐ No

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If yes, do you (assessing officers and decision-makers) have conflicts of interest in assessing this matter?

Insert details below:

If yes, detail the steps taken to deal with any perceived or actual conflicts.

Insert details below:

Step 7. Assessment endorsement details

Public official (or decision-maker's name, position and endorsement of the assessment and categorisation of the complaint. Are there any conflict of interest issues?

If Yes record details under **Step 6**.

Step 8. Other information to consider

Council may use this step to include any additional requirements they have internally (e.g. notify the executive manager of allegation) or any additional external requirements to notify other agencies (e.g. notify a regulatory body)

- Public interest disclosure (PID) assessment.
- Notification to the Queensland Police Service (an offence under the Criminal Code or another Act).
- Notification to other bodies (Queensland Audit Office).
- Recommendation for how to deal with the complaint.

Preliminary steps assessment that need to happen immediately (preserve evidence, alternative duties/ suspension, restrict access and monitoring activities).

**MAPOON ABORIGINAL SHIRE COUNCIL****Human Rights Policy & Procedure**

This is an official copy of the Mapoon Aboriginal Shire Council Human Rights Policy & Procedure.

| DOCUMENT VERSION CONTROL | | | |
|--------------------------|------|----------------|-----------------------------|
| VERSION | DATE | RESOLUTION N°. | DETAILS |
| 1.0 | | | Responsible Officer: CEO |
| | | | |
| | | | |
| Recommended Review Date: | | | June 2025 |

**MAPOON ABORIGINAL SHIRE COUNCIL****Human Rights Policy & Procedure****ORIGIN/AUTHORITY**

Human Rights Act 2019
Local Government Act 2009
Local Government Regulations 2012

PURPOSE

Council's commitment in protecting and promoting human rights by ensuring that human rights are considered when making, interpreting and applying laws, developing policies, and providing services to our community.

Council also recognises that it has an important role in complying with Queensland's Human Rights Act 2019 ("the Act") through its actions, decisions, proposals and recommendations. The purpose of this Policy is to uphold Council's human rights obligations and comply with legislative obligations.

The intended outcomes of this Policy include:

- Assisting all areas of Council to meet our human rights obligations;
- Promoting a dialogue about the nature, meaning and scope of human rights with the community;
- Improving our services, actions, decision-making processes and governance frameworks;
- Building the capacity of council officers to comply with the Act;
- Maintaining customer service levels in accordance with the adopted customer service charter, whilst managing human rights complaints in accordance with legislative requirements; and,
- Enhancing community confidence in our legislative compliance and the reputation of Council as being accountable and transparent.

LEGISLATIVE REQUIREMENTS

As a public entity, Council's must:

- a) give proper consideration to human rights; and
- b) act and make decisions in a way that is compatible with human rights.

Therefore, an act, decision or statutory provision is compatible with human rights if the act, decision or provision:

- a) does not limit a human right; or
- b) limits a human right only to the extent that is reasonable and demonstrably justifiable and in accordance with section 13 of the Act.



MAPOON ABORIGINAL SHIRE COUNCIL

Human Rights Policy & Procedure

What are "human rights"?

Human rights apply to all individuals and are based on principles of freedom, respect, equality and dignity. Human rights recognise the inherent value of each person, regardless of background, where we live, what we look like, what we think or what we believe. In other words, human rights belong to all people by virtue of being human. Everyone is entitled to these rights, without discrimination.⁵

Commencement of the Act

The Act commenced on 1 July 2019. The Act requires public entities, including local government, to make decisions and act compatibly with human rights. Obligations for public entities under the Act commenced in full on 1 January 2020.

Objectives of the Act

The main objects of this Act are:

- a) to protect and promote human rights;
- b) to help build a culture in Queensland's public sector that respects and promotes human rights; and
- c) to help promote a dialogue about the nature, meaning and scope of human rights.

The Act is an important development in recognising the essential role human rights play in our society because it will:

- protect the rights of vulnerable Queenslanders by addressing disadvantage;
- result in development of a human rights culture across communities in Queensland;
- lead to improved law making and government policy;
- result in improved public service delivery; and,
- assist Australia to fulfil its international human rights obligations.

Protected human rights

Under section 11 of the Act, all individuals in Queensland have human rights. This means a corporation does not have human rights.⁸ As such, the Act protects 23 fundamental human rights outlined below.

1. *Your right to recognition and equality before the law*

Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination. Every person is equal before the law and is entitled to equal protection of the law without discrimination. Every person is entitled to equal and effective protection against discrimination.

**MAPOON ABORIGINAL SHIRE COUNCIL****Human Rights Policy & Procedure****2. *Your right to life***

Every person has the right to life and the right not to be deprived of life. The right not to be deprived of life is limited to arbitrary deprivation of life.

3. *Your right to protection from torture and cruel, inhuman or degrading treatment*

A person must not be tortured or treated in a way that is cruel, inhuman or degrading. This includes that a person must not be subjected to medical or scientific experimentation or treatment unless they have given their full, free and informed consent.

4. *Your right to freedom from forced work*

A person must not be made a slave or forced to work. Forced work does not include certain forms of work or service required of a person who is detained because of a lawful court order.

5. *Your right to freedom of movement*

Every person lawfully within Queensland has the right to move freely within Queensland, enter or leave Queensland, and choose where they live.

6. *Your right to freedom of thought, conscience, religion and belief*

Every person has the right to think and believe what they want and to have or adopt a religion, free from external influence. This includes the freedom to demonstrate a religion individually or as part of a group, in public or in private.

7. *Your right to freedom of expression*

Every person has the right to hold and express an opinion, through speech, art, and writing (or other forms of expression) and to seek out and receive the expression of others' opinions.

8. *Your right to peaceful assembly and freedom of association*

Every person has the right to join or form a group and to assemble. The right to assembly is limited to peaceful assemblies.

9. *Your right to taking part in public life*

Every person in Queensland has the right and opportunity without discrimination to take part in public life. Every eligible person has the right to vote, be elected, and have access on general terms of equality to the public service and public office.

**MAPOON ABORIGINAL SHIRE COUNCIL****Human Rights Policy & Procedure****10. *Property rights***

All person have the right to own property alone or in association with others. A person must not be arbitrarily deprived of their property.

11. *Your right to privacy and reputation*

A person's privacy family, home and correspondence must not be unlawfully or arbitrarily interfered with. A person has the right not to have their reputation unlawfully attacked.

12. *Your right to protection of families and children*

Families are recognised as the fundamental unit of society and are entitled to protection. Every child has the right, without discrimination, to the protection that is in their best interest as a child. Every person born in Queensland has the right to a name and to registration of birth.

13. *Cultural Rights – Generally*

All persons with particular cultural, religious, racial and linguistic have a right to enjoy their culture, declare and practice their religion, and use their language in community with other persons of that background.

14. *Cultural Rights – Aboriginal Peoples and Torres Strait Islander Peoples*

Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights as Australia's first people. They must not be denied the right, with other members of their community, to live life as an Aboriginal or Torres Strait Islander person who is free to practice their culture.

15. *Your right to liberty and security of person*

Every person has the right to liberty and security. This right protects against the unlawful or arbitrary deprivation of liberty. If a person is arrested or detained, they are entitled to certain minimum rights, including the right to be brought to trial without reasonable delay.

16. *Your right to humane treatment when deprived of liberty*

A person must be treated with humanity and respect when deprived of liberty. An accused person who is detained must not be detained with convicted persons unless reasonably necessary, and must be treated in a way that is appropriate for a person who has been convicted.

17. *Your right to a fair hearing*

A person has the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing. There is an exception to the right to a public hearing, whereby a court or tribunal may exclude certain people from a hearing if it is in the public interest or the interests of justice.

**MAPOON ABORIGINAL SHIRE COUNCIL****Human Rights Policy & Procedure****18. Rights in criminal proceedings**

A person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law, and is entitled without discrimination to receive certain minimum guarantees. A person has the right to appeal a conviction in accordance with law. A child charged with a criminal offence has the right to a procedure that takes into account their age and the desirability of promoting rehabilitation.

19 Rights of children in the criminal process

Children in the criminal process are entitled to special protections on the basis of their age. An accused child must not be detained with adults and must be brought to trial as quickly as possible. A convicted child must be treated in a way that is appropriate for their age.

20. Right not to be tried or punished more than once

A person must not be tried or punished more than once for an offence in relation to which they have already been finally acquitted or convicted according to law.

21. Protection from retrospective criminal laws

A person must not be prosecuted or punished for conduct that was not a criminal offence at the time the conduct was engaged in. A person must not receive a penalty that is greater than the penalty that applied at the time they committed the offence.

22. Right to education

Every child has the right to have access to primary and secondary education appropriate to their needs. Every person has the right to have access, based on their abilities, to further vocational education and training that is equally accessible to all.

23. Right to health services

Every person has the right to access health services without discrimination. A person must not be refused necessary emergency medical treatment

Application of the Act

The Act creates a 'dialogue model' of specific rights that are designed to ensure that human rights are considered in the development of laws and policies; in the delivery of public services; and, in government decision-making. Essentially, the Act aims to ensure that public powers and functions are exercised in a principled way and that public power is not misused. The Act further complements a number of other pieces of legislation that are aimed at regulating the relationship between individuals and the state.

Importantly, the Act cannot apply and protect an individual's human rights on a general level. In other words, the Act protects 23 specific human rights as outlined above rather than offering broad protection.



MAPOON ABORIGINAL SHIRE COUNCIL

Human Rights Policy & Procedure

One of the key requirements of the Act is to ensure actions and decisions are compatible with human rights. Therefore, Council need to:

- act and make decisions compatibly with human rights;
- develop policy and legislation, including local laws, compatibly with human rights; and,
- interpret legislation compatibly with human rights.

Section 8 of the Act defines the term 'compatible with human rights' and states that an act or decision will be compatible with human rights if:

- it does not limit a human right, or
- it limits a human right only to the extent that is reasonable and demonstrably justifiable, in accordance with section 13 of the Act.

This means that every act, policy or decision by the Council must be assessed for compatibility with these rights.

Human Rights Complaints

Under the Act, a person who believes a public entity has breached their human rights obligations has the right to complain and seek remedies. There are three ways a person can make a complaint which includes:

- Internal complaints;
- Independent complaints; and,
- Raising the Act in courts and tribunals.

1 Internal Complaints

An individual must first raise a complaint directly with Council. Council has 45 days to respond, after which the individual can make a formal complaint to the Queensland Human Rights Commission (QHRC) if the complaint has not been responded to or the person is not satisfied with Council's response.

In order to ensure that a complaint is handled in the most efficient manner, Council requests that complainants:

- Clearly identify the issues of complaint, or ask for help from Council staff to do this;
- Give Council all the available information in support of the complaint in an organised format and not provide any information that is intentionally misleading or knowingly wrong or vexatious;
- Cooperate with the Council's inquiries or investigations; and
- Treat staff with courtesy and respect.

A person can make a human rights complaint to Council as follows:

- via email sent to ceo@mapoon.qld.gov.au; or



MAPOON ABORIGINAL SHIRE COUNCIL

Human Rights Policy & Procedure

- telephone or in person at our Reception, located at Red Beach Road, Mapoon 4874; or
- by post and addressed to:

Chief Executive Officer

Mapoon Aboriginal Shire Council
P O Box 213
WEIPA QLD 4874

Council's human rights complaint management process is outlined in **Appendix 1**.

2 Independent Complaints

A person can also raise a complaint about human rights with the QHRC or another independent body. In order to accept complaints under the Act, the QHRC must be satisfied that:

- A complaint has first been made to the public entity alleged to have breached the Act.
- At least 45 business days have elapsed since the complaint was made to the public entity.
- The complainant has not received a response to their complaint or has received an inadequate response.

For further details on QHRC's complaint process, please refer to: <https://www.qhrc.qld.gov.au/>

3 Raising the Act in courts and tribunals

In some cases, the complaint can be taken to a court or tribunal. While people cannot make complaints directly to courts and tribunals for breaches of the Act, it is possible to raise breaches of the Human Rights Act in the process of a hearing based on another law.

Remedies

Where there is a breach of the Act, a person cannot claim financial compensation. However, where the complaint is not resolved, the QHRC can make recommendations regarding actions required of the respondent to uphold human rights.

ROLES AND RESPONSIBILITIES

Councillors

A councillor who receives a human rights complaint is obliged to report the complaint to Council's CEO in accordance with this Policy.



MAPOON ABORIGINAL SHIRE COUNCIL

Human Rights Policy & Procedure

Council Officers

All Council officers have a duty and responsibility to perform their functions on behalf of Council, including the making of decisions or undertaking actions in a professional manner and in compliance with the Act. Council officers must also assist individuals wishing to make a human rights complaint and assist with any related investigation and response.

Chief Executive Officer

The CEO is responsible for:

- Maintaining a Human Rights Complaints register and complaints reporting;
- Coordinating the complaints process;
- Supporting Council Officers and Reviewing Officers with assessing, investigating and responding to complainants, if required; and,
- Providing appropriate training for the organisation.

Executive Managers

Executive Managers are responsible for oversight, investigation (if required) and responding to complaints with their teams, having regard to the relevant area of operation and expertise. Executive Managers are also responsible for the oversight of implementing improvement opportunities identified from the complaints process.

Reviewing Officer

The reviewing officer who is investigating the complaint shall do so in accordance with identified timeframes and within legislative requirements. Where a complex investigation is required, the Reviewing Officer will update the complainant on the progress of the response.

Complainant

Complainants are entitled to:

- A prompt acknowledgement of Council's receipt of the complaint;
- A prompt response to the complaint;
- Be kept informed of the progress and outcome of the complaints process;
- Confidentiality of personal details (where possible within the law); and,
- A thorough and objective investigation or review of a complaint.

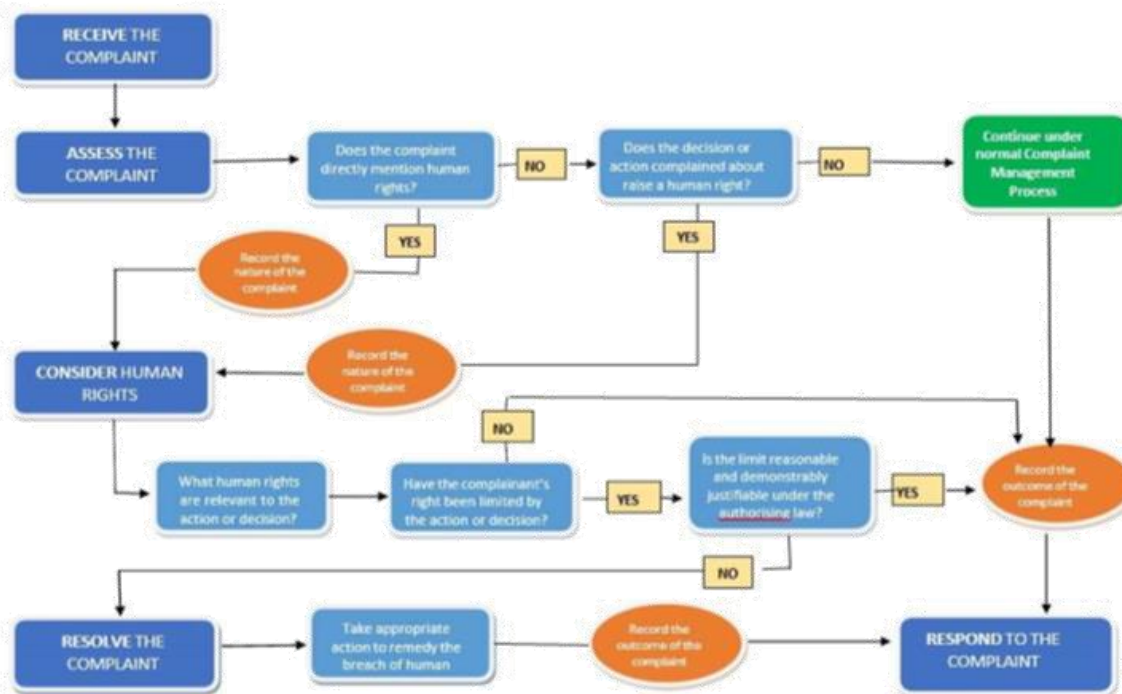
Tom Smith
CEO



MAPOON ABORIGINAL SHIRE COUNCIL

Human Rights Policy & Procedure

APPENDIX 1 – HUMAN RIGHTS COMPLAINTS MANAGEMENT PROCESS



7.9 GOVERNANCE MODEL MEETING PROCEDURES

Author: Jo Linnane, Consultant
Authoriser: Tom Smith, CEO
Attachments: 1. Model Meeting Procedures

PURPOSE OF REPORT

Advise and provide to the following updates from the Department of State Government, Infrastructure, Local Government and Planning

- 1) Model Meeting Procedures revised November 2022
- 2) Council Standing Orders revised update September 2022

BACKGROUND

Under section 150G of the *Local Government Act 2009* ("**LG Act**"), Council must either adopt:

- the Model Meeting Procedures developed by the Department of State Development, Infrastructure, Local Government and Planning ("**Department**"); or
- adopt other procedures for the conduct of its meetings.

Council may also adopt standing orders to govern the conduct of meetings. The Department has adopted Best Practice Standing Orders that are consistent with the Model Meeting Procedures.

It is proposed that to ensure consistency with section 150G of the LG Act, and to generally ensure proper processes and frameworks are in place for the conduct of Council and Trustee meetings, Council adopts the Model Meeting Procedures and Best Practice Standing Orders published by the Department.

RECOMMENDATION

COUNCIL RESOLVES to adopt the following documents, for the conduct of Council and Trustee meetings:

- (a) pursuant to section 150G(1)(a) of the *Local Government Act 2009*, the Model Meeting Procedures published by the Department of State Development, Infrastructure, Local Government and Planning ("**Department**"), as revised November 2022;
- (b) the Council Standing Orders published by the Department, as revised September 2022.



MAPOON ABORIGINAL SHIRE COUNCIL

Model Meeting Procedures & Best Practice Standing Orders

Resolution Number

This is an official copy of the **Model Meeting Procedures and Best Practice Standing Orders** of Mapoon Aboriginal Shire Council, made in accordance with the provisions of the Local Government Act and Regulations, Public Records Act, Mapoon Aboriginal Shire Council's Local Laws, Subordinate Local Laws and current Council Policies.

| DOCUMENT VERSION CONTROL | | | |
|--------------------------|-----------|----------------|---------------------------------|
| VERSION | DATE | RESOLUTION N°. | DETAILS |
| 1.0 | 14/2/2022 | C035/2022 | Responsible Officer: Governance |
| 2.0 | 21/3/2023 | | |
| | | | Recommended Review Date |
| | | | 31 st March 2024 |

Model Meeting Procedures

Revised November 2022

Last updated:

| Date | Version Number | Name | Approved |
|------------------|----------------|-----------|----------|
| 10 November 2022 | 003 | P Cameron | DG |



**Queensland
Government**

The Department of State Development, Infrastructure, Local Government and Planning connects industries, businesses, communities and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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Copies of this publication are available on our website at www.statedevelopment.qld.gov.au and further copies are available upon request.

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An electronic copy of this report is available on the Department of State Development, Infrastructure, Local Government and Planning' website at www.statedevelopment.qld.gov.au/local-government

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Purpose of the Model Meeting Procedures

The purpose of the model meeting procedures is to set out certain procedures to ensure the local government principles are reflected in the conduct of council meetings, standing and advisory committee meetings as defined in the *Local Government Act 2009* (LGA), Local Government Regulation 2012 (LGR), the *City of Brisbane Act 2010* (COBA) and the City of Brisbane Regulation 2012 (COBR). However, model meeting procedures do not apply to meetings of the council's audit committee.

It is not intended that the model meeting procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in council to deal with the conduct of councillors in meetings.

Background

As required under section 150F of the LGA this document sets out:

- the process for how a chairperson of a council meeting may deal with instances of unsuitable meeting conduct by councillors,
- the process for how suspected inappropriate conduct of a councillor referred to the local government by the Independent Assessor (IA) is to be dealt with at a council meeting,
- the processes for dealing with conflicts of interests and recording them,
- the process for dealing with a loss of quorum, and
- procedures for closed meetings.

Application

A council must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its council meeting, standing and advisory committee meetings, that are consistent with the model meeting procedures.

If there is any inconsistency, then the council is taken to have adopted the model meeting procedures to the extent of the inconsistency. If a council chooses to continue using existing standing orders, the council must review them to ensure that they are consistent with the requirements of these model meeting procedures.

To assist council, the Department has published best practice example standing orders that councils can choose to adopt. These are published on the [departmental website](#).

A council must conduct its meetings in a manner that is consistent with either the model meeting procedures or its own standing orders meeting procedures.

Processes

1. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting.

The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a council meeting and contravenes a behavioural standard of the **Code of Conduct for Councillors**. When dealing with an instance of unsuitable conduct by a councillor in a meeting, the following procedures must be followed:

- 1.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.
- 1.2 If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 1.7.
- 1.3 If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial action such as:
 - 1.3.1 ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct,
 - 1.3.2 apologising for their conduct,
 - 1.3.3 withdrawing their comments.
- 1.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 1.5 If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order being issued.
- 1.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 1.7 If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 1.3, the chairperson may make one or more of the orders below:

- 1.7.1 an order reprimanding the councillor for the conduct,
 - 1.7.2 an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 1.8 If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 1.9 Following the completion of the meeting, the chairperson must ensure:
- 1.9.1 details of any order issued is recorded in the minutes of the meeting
 - 1.9.2 if it is the third or more order made within a 12 month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council and treated as inappropriate conduct
 - 1.9.3 the council's chief executive officer (CEO) is advised to ensure details of any order made is updated in the council's councillor conduct register.
- 1.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.

Note: Chairpersons of a meeting are carrying out a statutory responsibility under the LGA and City of Brisbane Act 2010 (COBA) to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting, this involves a breach of the trust placed in them as the chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the chairperson's decision or ruling during the meeting.

2. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to a Local Government by the Independent Assessor

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government) a referral from the Independent Assessor (IA) of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 1.9.2 of this document.

In either case, the council must complete an investigation into the alleged conduct:

- consistent with any recommendations from the IA; and

- consistent with the council's investigation policy; or
- in another way decided by resolution of the council.

After the completion of the investigation, the council must decide in a council meeting, whether the councillor has engaged in inappropriate conduct, unless it has delegated responsibility for this decision under 257 of the LGA or 238 of the COBA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a council by the IA.

- 2.1 The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under 254(3)(f) of the LGR or 242(3)(f) of the COBR to discuss the allegation.
- 2.2 The subject councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions put to the subject councillor through the chairperson to assist the other councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.
- 2.3 Should the complainant be a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 4. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 4. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
- 2.4 The council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with 257 of the LGA or 238 of the COBA or deferred to another date when a quorum will be present.
- 2.5 If a decision is reached that the subject councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed in

2.6, if any, to impose on the councillor. In deciding what penalty to impose the council may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true.

2.6 The council may order that no action be taken against the councillor or make one or more of the following:

- 2.6.1 an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct,
- 2.6.2 an order reprimanding the councillor for the conduct,
- 2.6.3 an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense,
- 2.6.4 an order that the councillor be excluded from a stated council meeting,
- 2.6.5 an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee),
- 2.6.6 an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct,
- 2.6.7 an order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.

2.7 A local government may not make an order under 2.6.3; 2.6.4; 2.6.5; 2.6.6 in relation to a person who is no longer a councillor.

2.8 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the details of the decision.

2.9 The chairperson must ensure the meeting minutes reflect the resolution made.

3. Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business matters prescribed in 150EF of the LGA). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

- 3.1 A councillor who has notified the chief executive officer in writing of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.
- 3.2 A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.
- 3.3 When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum, be provided:
 - 3.3.1 if it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - 3.3.2 if it arises because of an application for which a submission has been made, the matters the subject of the application and submission
 - 3.3.3 the name of any entity, other than the councillor, that has an interest in the matter
 - 3.3.4 the nature of the councillor's relationship with the entity mentioned in 3.3.3 that has an interest in a matter
 - 3.3.5 details of the councillor's and any other entity's interest in the matter.
- 3.4 The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice of approval from the Minister to participate in the matter.
- 3.5 Once the councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

4. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council meetings and standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than the interests prescribed under 150EO of the LGA and 177C of the COB, and ordinary business matters prescribed in 150EF of the LGA).

A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the other councillors may disclose their suspicion and the processes under 150EW of the LGA or 177T of COBA applies.

When dealing with a declarable conflict of interest, a councillor must abide by the following procedures:

- 4.1 A councillor who has notified the chief executive officer in writing of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- 4.2 A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
- 4.3 When notifying the meeting of a declarable conflict of interest, a councillor should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:
 - 4.3.1 the nature of the declarable conflict of interest
 - 4.3.2 if it arises because of the councillor's relationship with a related party:
 - i. the name of the related party
 - ii. the nature of the relationship of the related party to the councillor
 - iii. the nature of the related party's interest in the matter
 - 4.3.3 if it arises because of a gift or loan from another person to the councillor or a related party:
 - i. the name of the other person
 - ii. the nature of the relationship of the other person to the councillor or related party
 - iii. the nature of the other person's interest in the matter, and
 - iv. the value of the gift or loan and the date the gift or loan was made.

- 4.4 After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 4.5 If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.
- 4.6 The other eligible councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether the councillor should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors.

The eligible councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the eligible councillors.

- 4.7 In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or do not form a quorum for the meeting consistent with 150ET of the LGA and 177Q of COBA.
- 4.8 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.
- 4.9 When deciding whether a councillor may participate in the decision making on a matter in which the councillor has a declarable conflict of interest, the eligible councillors should consider the circumstances of the matter including, but not limited to:
 - 4.9.1 how does the inclusion of the councillor in the deliberation affect the public trust
 - 4.9.2 how close or remote is the councillor's relationship to the related party

- 4.9.3 if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - 4.9.4 will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
 - 4.9.5 how does the benefit or detriment the subject councillor stands to receive compare to others in the community
 - 4.9.6 how does this compare with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting
 - 4.9.7 whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?
- 4.10 If the eligible councillors cannot decide whether the subject councillor has a declarable conflict of interest, then they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter.
- 4.11 A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. workshops.
- 4.12 In making the decision under 4.6 and 4.9, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 4.13 A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in 150EV of the LGA or 177S of the COBA.

5. Reporting a Suspected Conflict of Interest

- 5.1 If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor who

believes or suspects this, must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.

- 5.2 The chairperson should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures above.
- 5.3 If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 5.4 The eligible councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.
- 5.5 If the councillors cannot reach a decision about the conflict of interest, or the subject councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the councillor must leave and stay away from the place where the meeting is being held while the eligible councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.

6. Loss of Quorum

- 6.1 In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the council must resolve to:
 - 6.1.1 delegate the consideration and decision on the matter, pursuant to 257 of the LGA or 238 of the COBA unless the matter cannot be delegated; or
 - 6.1.2 defer the matter to a later meeting
 - 6.1.3 not to decide the matter and take no further action in relation to the matter.

All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.

6.2 The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

6.3 If the matter cannot be delegated under an Act, the councillors with a conflict of interest may seek ministerial approval to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

7. Recording Prescribed and Declarable Conflicts of Interest

When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:

- a. the name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest,
- b. the particulars of the prescribed or declarable conflict of interest provided by the councillor,
- c. the actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest,
- d. any decision then made by the eligible councillors,
- e. whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval,
- f. the council's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision,
- g. the name of each eligible councillor who voted on the matter and how each voted.

If the councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the councillor:

- a. the name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.

Where a decision has been made under section 4.6 above – the minutes must include:

- a. the decision and reasons for the decision, and

- b. the name of each eligible councillor who voted, and how each eligible councillor voted.

8. Closed Meetings

Council meetings, standing and advisory committee meetings may resolve that a meeting be closed to the public if its councillors consider it necessary to discuss any of the following matters:

- a. appointment, dismissal or discipline of the CEO or, in the case of Brisbane City Council only, for senior executive employees,
- b. industrial matters affecting employees,
- c. the local government's budget, which does not include the monthly financial statements,
- d. rating concessions,
- e. legal advice obtained by the local government or legal proceedings involving the local government, including for example, legal proceedings that may be taken by or against the local government,
- f. matters that may directly affect the health and safety of an individual or a group of individuals,
- g. negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government,
- h. negotiations relating to the taking of land by the council under the *Acquisition of Land Act 1967*,
- i. a matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.

A council meeting, standing and advisory committee meetings cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide by resolution whether the councillor has a prescribed or declarable conflict of interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting and the council must;

- a. delegate the matter unless the matter cannot be delegated,
- b. decide by resolution to defer the matter to a later meeting,
- c. decide by resolution to take no further action on the matter,

None of the above will be considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

To take a matter into a closed session the council must abide by the following:

- a. Pass a resolution to close the meeting.
- b. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
- c. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated.
- d. Not make a resolution while in a closed meeting (other than a procedural resolution).

Best Practice Standing Orders For Local Government and Standing Committee Meetings September 2022

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Intent

To assist local governments, the Department provides best practice standing orders that local governments can choose to adopt to provide written rules for the orderly conduct of local government meetings. These best practice standing orders incorporate the departmental model meeting procedures that deal with matters during council meetings that must be adhered to under the Local Government Act 2009 (LGA). Local governments can revise their standing orders to incorporate the model meeting procedures or adopt the model meeting procedures.

1. Standing Orders

- 1.1. These standing orders apply to local government meetings including standing committee meetings. These standing orders do not apply to meetings of the audit committee.
- 1.2. A provision of these standing orders may be suspended by resolution of any meeting of the local government except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- 1.3. Where a matter arises at the local government meeting that is not provided for in these standing orders, the matters shall be determined by resolution of the local government upon a motion which may be put without notice but otherwise conforming with these standing orders.

Procedures for Meetings of Local Government

2. Presiding Officer

- 2.1 The mayor will preside at a meeting of local government.
- 2.2 If the mayor is absent or unavailable to preside, the deputy mayor will preside.
- 2.3 If both the mayor and the deputy mayor, or the mayor's delegate, are absent or unavailable to preside, a councillor chosen by the councillors present at the meeting will preside at the meeting.
- 2.4 The local government will choose the chairperson for a committee meeting. This chairperson will normally preside over meetings of the committee.
- 2.5 If the chairperson of a committee is absent or unavailable to preside, a councillor chosen by the councillors present will preside over the committee meeting.
- 2.6 Before proceeding with the business of the local government meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

3. Order of Business

- 3.1 The order of business will be determined by resolution of the local government from time to time. The order of business may be altered for a particular meeting where the councillors at that meeting pass a procedural motion to that effect. A motion to alter the order of business may be moved without notice.
- 3.2 Unless otherwise altered, the order of business will be as follows:

- Attendances
- apologies and granting of leaves of absence
- confirmation of minutes
- officers' reports.

Note: *The minutes of a preceding meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of the local government, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting.*

4 Agendas

4.1 The agenda may contain:

- notice of meeting
- minutes of the previous meetings
- business arising out of previous meetings
- business which the mayor wishes to have considered at that meeting without notice
- matters of which notice has been given
- committees' reports referred to the meeting by the chief executive officer (CEO)
- officers' reports referred to the meeting by the CEO
- deputations and delegations from the community that are approved to attend
- any other business the council determines by resolution be included in the agenda.

4.2 Business not on the agenda, or not fairly arising from the agenda, will not be considered at any council meeting unless permission for that purpose is given by the local government at the meeting. Business must be in accordance with the adopted terms of reference for each committee.

4.3 The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the councillors. The related reports for the local government meeting must also be included and available to the public excluding confidential reports.

4.4 Matters on the agenda that will require the meeting to be in a closed session will be clearly identified including the reasons why the session will be closed.

5 Petitions

5.1 Any petition presented to a meeting of the local government will:

- be in legible writing or typewritten and contain a minimum of ten (10) signatures
- include the name and contact details of the principal petitioner (i.e. the key contact)
- include the postcode of all petitioners, and
- have the details of the specific request/matter appear on each page of the petition.

5.2 Where a councillor presents a petition to a meeting of the local government, no debate in relation to it will be allowed, and the only motion which may be moved is:

- that the petition be received
- received and referred to a committee or officer for consideration and a report to the council, or
- not be received because it is deemed invalid.

5.3 The local government will respond to the principal petitioner in relation to all petitions deemed valid.

6 Deputations

6.1 A deputation wishing to attend and address a meeting of the council shall apply in writing to the CEO not less than seven (7) business days before the meeting.

6.2 The CEO, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).

6.3 For deputations comprising three or more persons, only three persons shall be at liberty to address the council meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

6.4 If a member of the deputation other than the appointed speakers interjects or attempts to address the council meeting, the chairperson may terminate the deputation.

6.5 The chairperson may terminate an address by a person in a deputation at any time where:

- the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting
- the time period allowed for a deputation has expired, or
- the person uses insulting or offensive language or is derogatory towards councillors or other

6.6 The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

7. Public Participation at Meetings

7.1 A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.

7.2 In each local government meeting, time may be required to permit members of the public to address the local government on matters of public interest related to local government. The time allotted shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at one meeting. The right of any individual to address the local government during this period shall be at the absolute discretion of the local government.

7.3 If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.

7.4 For any matter arising from such an address, the local government may take the following actions:

- refer the matter to a committee
- deal with the matter immediately
- place the matter on notice for discussion at a future meeting
- note the matter and take no further action.

7.5 Any person addressing the local government shall stand, and act and speak with decorum and frame any remarks in respectful and courteous language.

7.6 Any person who is considered by the local government or the mayor to be unsuitably dressed may be directed by the mayor or chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

8. Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council or committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

8.1 A councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.

8.2 A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of the interest.

8.3 When notifying the meeting of a prescribed conflict of interest, the following details must be provided:

- if it arises because of a gift, loan or contract, the value of the gift, loan or contract
- if it arises because of an application or submission, the subject of the application or submission
- the name of any entity other than the councillor that has an interest in the matter
- the nature of the councillor's relationship with the entity that has an interest in a matter
- details of the councillor's and any other entity's interest in the matter.

8.4 The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice from the Minister to participate in the matter.

8.5 Once the councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

9. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor may disclose their suspicion and the processes under section 150EW of the LGA.

When dealing with a declarable conflict of interest, councillors must abide by the following procedures:

9.1 A councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.

9.2 A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest

9.3 When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:

- the nature of the declarable conflict of interest
- if it arises because of the councillor's relationship with a related party:
 - i. the name of the related party to the councillor
 - ii. the nature of the relationship of the related party to the councillor
 - iii. the nature of the related party's interest in the matter
- if it arises because of a gift or loan from another person to the councillor or a related party:
 - i. the name of the other person
 - ii. the nature of the relationship of the other person to the councillor or related party
 - iii. the nature of the other person's interest in the matter
 - iv. the value of the gift or loan and the date the gift or loan was made.

9.4 After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.

9.5 If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.

9.6 The other non-conflicted councillors at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted councillors. The non-conflicted councillors may impose conditions on the councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The councillor must comply with any decision or condition imposed by the non-conflicted councillors.

9.7 In deciding on a councillor's declarable conflict of interest in a matter, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.

9.8 The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes

place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.

9.9 When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other councillors should consider the particular circumstances of the matter including, but not limited to:

- how does the inclusion of the councillor in the deliberation affect the public trust
- how close or remote is the councillor's relationship to the related part
- if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
- will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
- how does the benefit or detriment the subject councillor stands to receive compare to others in the community
- how does this compare with similar matters that council has decided and have other councillors with the same or similar interests decided to leave the meeting
- whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

9.10 If the non-conflicted councillors cannot decide about the declarable conflict of interest of a councillor, they are taken to have decided that the councillor must leave and stay away from the meeting while the non-conflicted councillors discuss and vote on the matter.

9.11 A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, and all subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted councillors decide that the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. briefing sessions or workshops.

9.12 In making the decision under 9.6 and 9.9, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).

9.13 A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister.

10. Reporting a Suspected Conflict of Interest

10.1 If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor must immediately inform the chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.

10.2 The chairperson then should ask the relevant councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant procedures above.

10.3 If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.

10.4 The non-conflicted councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant procedures above.

10.5 If the councillors cannot reach a majority decision, then they are taken to have determined that the councillor has a declarable conflict of interest.

11. Loss of Quorum

11.1 In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the council must resolve to:

- delegate the consideration and decision on the matter, pursuant to section 257 of the LGA
- defer the matter to a later meeting
- not decide the matter and take no further action in relation to the matter.

11.2 All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.

11.3 The council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

11.4 If the matter cannot be delegated under an Act, the council should seek ministerial approval for the councillors to be able to consider and vote on the matter, subject to any conditions the Minister may impose.

Motions

12. Motion to be Moved

12.1 A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion.

12.2 When a motion has been moved and seconded, it will become subject to the control of the council and cannot be withdrawn without the consent of the council meeting.

12.3 Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion.

- A motion brought before a meeting of the local government in accordance with the LGA or these standing orders will be received and put to the meeting by the chairperson.
- The chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
- The chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out of order.

12.4 The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is taken to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote occur.

12.5 Not more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

13. Absence of Mover of Motion

13.1 Where a councillor who has given notice of a motion is absent from the meeting of the local government at which the motion is to be considered, the motion may be:

- moved by another councillor at the meeting, or
deferred to the next meeting.

14. Motion to be Seconded

14.1 A motion or an amendment to a motion shall not be debated at a meeting of the local government unless or until the motion or the amendment is seconded, with the exception of procedural motions.

15. Amendment of Motion

15.1 An amendment to a motion will be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.

15.2 Where an amendment to a motion is before a meeting of the local government, no other amendment to the motion will be considered until after the first amendment has been voted on.

15.3 Where a motion is amended by another motion, the original motion will not be proposed as a subsequent motion to amend that other motion.

16. Speaking to Motions and Amendments

16.1 The mover of a motion or amendment will read it and state that it is so moved but will not speak to it until it is seconded.

16.2 The chairperson will manage the debate by allowing the councillor who proposed the motion the option of speaking first on the motion. The chairperson will then call on any other councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all councillors who wish to speak have had the opportunity.

16.3 A councillor may make a request to the chairperson for further information before or after the motion or amendment is seconded.

16.4 The mover of a motion or amendment has the right to reply. Each councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.

16.5 Each speaker will be restricted to not more than five (5) minutes unless the chairperson rules otherwise.

16.6 Where two or more councillors indicate they may wish to speak at the same time, the chairperson will determine who is entitled to priority.

16.7 In accordance with section 254H of the Local Government Regulation 2012 (LGR), if a decision made at the council meeting is inconsistent with a recommendation or advice given to the council by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

17. Method of Taking Vote

17.1 The chairperson will call for all councillors in favour of the motion to indicate their support. The chairperson will then call for all councillors against the motion to indicate their objection. A councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minute secretary will record the names of councillors voting in the affirmative and of those voting in the negative. The chairperson will declare the result of a vote or a division as soon as it has been determined.

17.2 Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.

17.3 Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

Note: If a report contains distinct recommendations, the decision of the council may be taken separately on each recommendation. If a decision by the meeting is contra to a recommendation in a report the minutes must give the reasons for the decision.

18. Withdrawing a Motion

18.1 A motion or amendment may be withdrawn by the mover with the consent of the council, which will be without debate, and a councillor will not speak to the motion or amendment after the mover has been granted permission by the council meeting for its withdrawal.

19. Repealing or Amending Resolutions

19.1 A resolution of the local government may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation.

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

20. Procedural Motions

20.1 A councillor at a meeting of the local government may, during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:

- that the question/motion be now put before the meeting

- that the motion or amendment now before the meeting be adjourned
- that the meeting proceeds to the next item of business
- that the question lie on the table
- a point of order
- a motion of dissent against the chairperson's decision
- that this report/document be tabled
- to suspend the rule requiring that (insert requirement)
- that the meeting stands adjourned.

20.2 A procedural motion, that 'the question be put', may be moved and where the procedural motion is carried, the chairperson will immediately 'put the question to the motion' or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.

20.3 The procedural motion, that the motion or amendment now before the meeting be adjourned, may specify a time or date, to which the debate will be adjourned. Where no date or time is specified:

- a further motion may be moved to specify a time or date; or
- the matter about which the debate is to be adjourned, will be included in the business paper for the next meeting.

20.4 Where a procedural motion that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion will cease and may be considered again by the local government on the giving of notice in accordance with the standing orders.

20.5 A procedural motion that the question lie on the table, will only be moved where the chairperson or a councillor requires additional information on the matter before the meeting (or the result of some other action of the council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the council will proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.

20.6 Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:

- has failed to comply with proper procedures;
- is in contravention of the legislation; or
- is beyond the jurisdiction power of the council meeting.

Note: *Points of order cannot be used as a means of contradicting a statement made by the councillor speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The chairperson will determine whether the point of order is upheld.*

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

20.7 A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of

the chairperson was made will proceed as though that ruling had not been made. Whereas a result of that ruling the matter was discharged as out of order, it will be restored to the business paper and be dealt with in the normal course of business.

20.8 The motion that this report/document be tabled may be used by a councillor to introduce a report or other document to the meeting, only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

20.9 A procedural motion, 'to suspend the rule requiring that.....', may be made by any councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.

20.10 A procedural motion, that the meeting stands adjourned, may be moved by a councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the council meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

21. Questions

21.1 A councillor may at the local government meeting ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting. A question will be asked categorically and without argument and no discussion will be permitted at the council meeting in relation to a reply or a refusal to reply to the question. A councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.

21.2 A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.

21.3 The chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a councillor may move a motion that the chairperson's ruling be disagreed with, and if carried the chairperson will allow the question.

Meeting Conduct

22. Process for Dealing with Unsuitable Meeting Conduct

The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a council meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable conduct by a councillor in a meeting, the following procedures must be followed:

22.1 The chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a councillor at a meeting.

22.2 If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings

for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 22.7.

22.3 If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial actions such as:

- ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
- apologising for their conduct;
- withdrawing their comments.

22.4 If the councillor complies with the chairperson's request for remedial action, no further action is required.

22.5 If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order being issued.

22.6 If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.

22.7 If the councillor still continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 22.3, the chairperson may make one or more of the orders below:

- an order reprimanding the councillor for the conduct
- an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.

22.8 If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.

22.9 Following the completion of the meeting, the chairperson must ensure:

- details of any order issued is recorded in the minutes of the meeting
- if it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are dealt with at the next meeting of the council and treated as inappropriate conduct
- the council's chief executive officer (CEO) is advised to ensure details of any order made is updated in the council's councillor conduct register.

22.10 Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 22.1, 22.7 and 22.8 above.

Note: Chairpersons of a meeting are carrying out a statutory responsibility under the 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. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the chairperson's decision or ruling during the meeting.

23. General Conduct during Meetings

23.1 After a meeting of the council has been formally constituted and the business commenced, a councillor will not enter or leave from the meeting without first notifying the chairperson.

23.2 Councillors will speak to each other or about each other during the local government meeting by their respective titles ('mayor' or 'councillor'), and when speaking of or addressing officers will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.

23.3 No councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another councillor.

23.4 When the chairperson speaks during the process of a debate, the councillor speaking or offering to speak will immediately cease speaking, and each councillor present will observe strict silence so that the chairperson may be heard without interruption.

24. Meeting Process for Dealing with Suspected Inappropriate Conduct which has been Referred to a Local Government by the Independent Assessor (IA)

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to a local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under paragraph 22.9 dot point two of this document.

When dealing with an instance of suspected inappropriate conduct which has been referred to a local government by the IA:

24.1 The council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the council may resolve to go into closed session under section 254J of the LGR to discuss the allegation.

24.2 The subject councillor has a declarable conflict of interest in the matter and is permitted by the council to remain in the meeting during the debate about whether the councillor engaged in the inappropriate conduct and answer questions put to the subject councillor by the chairperson to assist the other councillors in making a decision. This permission to remain in the meeting for the debate is on the condition that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the councillor is found to have committed inappropriate conduct.

24.3 Should the complainant be a councillor, that councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 9. If the complainant councillor who has a declarable conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 9. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.

24.4 The council must debate the issue and decide whether the accused councillor engaged in inappropriate conduct. If the council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.

24.5 If a decision is reached that the accused councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed in 24.6, if any, to impose on the councillor. In deciding what penalty to impose, the council may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true.

24.6 The council may order that no action be taken against the councillor or make one or more of the following:

- an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct
- an order reprimanding the councillor for the conduct
- an order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense
- an order that the councillor be excluded from a stated council meeting
- an order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee
- an order that if the councillor engages in the same type of conduct again, it will be treated as misconduct
- an order that the councillor reimburse the council for all or some of the costs arising from the councillor's inappropriate conduct.

24.7 A local government may not make an order that the councillor attend training/counselling, be suspended from a meeting, be removed or resign from a position or that the same conduct will be treated as misconduct in future, in relation to a person who is no longer a councillor.

24.8 The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the details of the decision.

24.9 The chairperson must ensure the meeting minutes reflect the resolution made.

25. Disorder

25.1 The chairperson may adjourn the meeting of the local government, where disorder arises at a meeting other than by a councillor. On resumption of the meeting, the chairperson will move a motion to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

Attendance and Non-Attendance

26. Attendance of Public and the Media at Meeting

26.1 An area shall be made available at the place where any meeting of the local government is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.

26.2 When the local government is sitting in closed session, the public and representatives of the media will be excluded.

27. Closed Session

27.1 Council and standing committee meetings may resolve that a meeting be closed to the public if its councillors consider it necessary to discuss any of the following matters:

- appointment, dismissal or discipline of the CEO
- industrial matters affecting employees
- the council's budget
- rating concessions
- legal advice obtained by the council, including legal proceedings that may be taken by or against the council
- matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the council for which a public discussion could prejudice the interests of the council
- *negotiations* relating to the taking of land by the council under the *Acquisition of Land Act 1967*
- a matter that the council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or state.

27.2 A council or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter.

27.3 Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting and the council must;

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

Note: *None of the above will be considered, discussed, voted on or made during a closed session.*

If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

27.4 To take a matter into a closed session the council must abide by the following:

- pass a resolution to close the meeting
- the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered

- if the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated
- not make a resolution while in a closed meeting (other than a procedural resolution).

28. Teleconferencing of Meetings

28.1 If a councillor wishes to be absent from a council meeting place during a meeting, the councillor must apply to the chairperson to participate by teleconference, at least three (3) business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The chairperson may allow a councillor to participate in a council or committee meeting by teleconference.

28.2 A councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.

Note: Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

28.3 In order for councils to manage the safety rules during the COVID-19 pandemic, changes have been added to the LGR that will expire in June 2021.

28.4 These provisions allow the council:

- the option to conduct the entire council meeting via phone, teleconference or video conference
- where possible, must provide streaming or other facilities so that the public can observe or hear the meeting as it is happening, at one of the council's public offices or on the council's website
- chairperson has the option to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19.

**MAPOON ABORIGINAL SHIRE COUNCIL****Model Meeting Procedures & Best Practice Standing Orders****Resolution No****1. Policy Version and Revision Information**

| | |
|---|--------------------------------|
| Policy Originally Adopted: | 14 th February 2022 |
| Policy Originally Authorised by: | Chief Executive Officer |
| Current Version: | Version 2.0 |
| Reviewed by: | Governance |
| Date Adopted: | 21 st March 2023 |
| Recommended Review Date: | 31 st March 2024 |

2. Workplace Participant Acknowledgement

I acknowledge:

- (a) Receiving this MASC Policy;
- (b) That I must comply with this policy; and
- (c) That there may be disciplinary consequences if I fail to comply, including termination of employment.

Your Name: _____

Signed: _____

Date: _____

7.10 MONTHLY GRANTS REPORT FOR MARCH 2023**Author:** Tom Smith, CEO**Authoriser:** Tom Smith, CEO**Attachments:** Nil**PURPOSE OF REPORT**

Present to Council a report of program performance and operational actions for the previous month.

GRANTS

Weekly update Tuesday 11 April 2023

| Priority | Grants open | Closing Date | Status |
|----------|---|--------------------------------------|-------------|
| | GO6178 Agency: DITRDCA Indigenous Visual Arts Industry Support program, Grant Round 2022-23 and 2023-24 Funding will be provided to organisations for activities that best contribute to delivery of the following Program outcomes: a professional, viable and ethical Indigenous visual arts industry that features strong participation and provides economic opportunities for Aboriginal and Torres Strait Islander people | 16 April | |
| | GO6169 Agency:DITRDCA Indigenous Contemporary Music Program 2023 The Indigenous Contemporary Music program supports Aboriginal and Torres Strait Islander musicians and bands. It provides opportunities and skills to develop ongoing income and employment pathways in the music industry | 20-Apr-2023 | |
| | GO5888 Agency: DITRDCA Stronger Communities Programme Round 8 Round 8 of the program will provide \$22.7 million to fund small capital projects in each of the 151 federal electorates. The program is part of the government's 2022–23 budget initiatives focussed on making local economies stronger and boosting community organisations. | 10-May-2023 5:00 pm (ACT Local Time) | |
| | Mobile Black Spot funding | 31 May | |
| | Applications in progress | | |
| | Brief to DES for supporting equipment for Boss Beach Cleaner | | In progress |
| | | | |
| | Applications submitted / cancelled | | |
| | SQW Skilling Queenslanders for Work 2023-24 Funding Round One is currently open for applications closing 5pm, Thursday 30 March 2023. For 7x 6month traineeships 4 in construction; 1 hospitality; 1 retail; and 1 business | 30/3/23 | submitted |
| | Highways and Byways 'Healing and Growing Together'. | 15/2/23 | Submitted |

| | | | |
|--|--|----------------------|---------------|
| | \$4000 For Mapoon Day -60 years on-commemorative posters and hats | | |
| | S&R Minor infrastructure Grant for sports oval surface upgrade | 2/3/23 | Submitted |
| | NAIDOC Grant for Elders Day and Community days | 17/2/23 | Submitted |
| | DAFF Indigenous Rangers Coastal Clean-up Program/ Top Watch Ghost Net Program | 16/2/23 | Submitted |
| | ATSI TIDS project nomination form -rock groyne to protect boat ramp and foreshore | 15/2/23 | Submitted |
| | QDEP Destination Event funding to \$15,000. Project is strategic planning for fishing competition to develop into a 'significant event' and align with MASC tourism goals | 31/1/23 | Submitted |
| | Celebrating Reconciliation Grants Program for 2023. Applied for cultural day at new cultural centre 1 May 2023 | 23/12/22 | Submitted |
| | Indigenous Ranger Biosecurity Program-Ranger Capability Building Grants-Round 2 Application for: tractor | 24/1/23 | Submitted |
| | | | |
| | Applications successful/unsuccessful | | |
| | | | |
| | | | |
| | Reports and acquittals | | |
| | 3 rd quarter reports due by 15 April | | |
| | LRCI quarterly reports awaiting feedback from annual report. | | On hold |
| | | | |
| | | | |
| | | | |
| | Projects looking for grants | Project value | Status |
| | Clermont St-Cullen Point Road shoulder and reseal-possible QRA for shoulder and RTR for reseal | \$1.2m | |
| | Cemetery/ Cemetery Planning | \$? | |
| | Paanja Festival 2024 | \$150,000 | |
| | Car and waste shredder-business opportunity \$239,000 for excavator; \$980,112 shredder \$? operator | \$1.3m | |
| | Tourism marketing strategy and signage | \$? | |
| | Triplex staff accommodation | | |
| | Can crusher | ? | |
| | Childcare childproof fence and gate | ? | |
| | Childcare astroturf for play area | ? | |
| | Waste transfer station- de-gas equipment | ? | |
| | Aquaponic farm | ? | |
| | Solar street lights | ? | |

RECOMMENDATION

That the Report of the Executive Manager of Infrastructure and Works be received and noted.

8 ANY OTHER BUSINESS**8.1 CORRESPONDENCE**

Author: Trevina Bulter, Office Manager

Authoriser: Tom Smith, CEO

Attachments:

1. Local Government Remuneration Commission Council
2. Letter Supporting Letter to MASC

PURPOSE OF REPORT

To provide Council with copies of incoming information from outside sources regarding Council business

BACKGROUND

Provide as received.

DISCUSSION

1. Letter – Local Government Remuneration Commission Correspondence
2. Property Request with supporting letter

RECOMMENDATION

That



Local Government
Remuneration Commission

Our ref: OUT23/1146

30 March 2023

Councillor Aileen Addo
Mayor
Mapoon Aboriginal Shire Council
mapoon.mayor@mapoon.qld.gov.au

Dear Councillor Addo

Re: Local Government Remuneration Commission council category review

The Local Government Remuneration Commission (the Commission) is required under the *Local Government Regulation 2012* to establish remuneration categories for local governments and undertake a review of the established categories once during each local government term ('a category review').

The completion of a category review is in addition to the Commission's annual requirement to determine maximum remuneration amounts for mayors and councillors. For the current term of local government, the Commission's category review is required to be completed by 1 December 2023.

The review process, which is now underway, will include consultation with councils and other stakeholders during the first half of 2023 and the Commission anticipates having review outcomes finalised by October 2023.

The last change to the remuneration categories was in 2015. Since this time, the environment in which many councils operate has changed significantly, as have the requirements of mayors and councillors.

Through the 2023 review the Commission intends to ensure the methodology for determining local government remuneration categories is simple, equitable and transparent and reflects the circumstances impacting the roles of mayors and councillors across Queensland.

Given the importance of this review for the future and the workload involved to complete it in the time allocated, it would be opportune to have this matter placed before the council as soon as possible so it can be prepared for the consultation process when it starts.

1 William Street Brisbane
PO Box 15009
City East Qld 4002
www.statedevelopment.qld.gov.au

Information on the review will be progressively updated on the Commission's website [here](#). If you have any further queries in this regard, please contact the Commission Secretariat at LGRcenquiries@dsdilgp.qld.gov.au.

Yours sincerely



Bob Abbot OAM
Chair
Queensland Local Government Remuneration Commission

CC: Mr Tom Smith
Chief Executive Officer
Mapoon Aboriginal Shire Council
ceo@mapoon.qld.gov.au

Date: 27th of March 2023

Mapoon Mayor
Aileen Addo & Councillors
Weipa Mapoon Road

Roy Chevathen
Charles Budby
P.O Box 821
WEIPA, QLD, 4874
E:mokwiri.enterprises@bigpond.com

Dear Mayor & Councillors,

Re: Late Harriet and Lesley Flinders Residence

This Letter is to request from the MASC the property of the 'Late Harriet and Lesley Flinders' on Lot 100, Cullen Point Road (SP-252512 – Lot 4) be given for the purchase of the Property to the Chevathen and Budby Families.

Due to the sentimental value, including family and cultural responsibilities, the above residential is located on our late grandmother's (Laura Scott) 'Outstation Block' which she had approved and given to our late family member 'Aunty Harriet and Uncle Lesley.' We would very much appreciate the understanding of the MASC that we would like to retain this property for the memory of our late Aunty and Uncle on behalf of our families and Parry families.


We have sort the support of our Senior Parry Family Representatives, Rhonda Parry and Stephen Parry, (Tjunggundji Elders) regarding the approval of the purchase of the property.

Please do not hesitate to contact us if you require any further information.

Kind Regards,


Roy Chevathen

(Family to the Late Harriet and Lesley Flinders)


Charles Budby

Date: 27th of March 2023

Mapoon Mayor
Aileen Addo & Councillors
Weipa Mapoon Road

Rhonda Parry and Stephen Parry
151A Tri-Luck Street
Napranum, QLD, 4874
E: rhondaparry@yahoo.com.au

Dear Mayor & Councillors,

Re: Late Harriet and Lesley Flinders Residence


This is a Supporting Letter from my Eldest brother, Stephen Parry, and myself Rhonda Parry as Senior Family members, we would like to request from the MASC the property of our 'Late Aunty Harriet and Uncle Lesley Flinders' of Lot 100, Cullen Point Road (SP-252512 – Lot 4) be given for the purchase of the Property to our cousin brothers, Roy Chevathen and Charles Budby.

Due to the family and cultural responsibilities, the above residential is located on our late grand Aunty (Laura Scott) 'Outstation Block' which was given to her by our late grandfather Allen Parry Senior Tjunggundji Traditional Owner of Mapoon and his wife Charlotte Parry (Eldest sister to Laura Scott).

With the help and support from the MASC, our families would very much appreciate the MASC understanding of the sentimental value that this property has for our families. We sincerely hope that the MASC will consider our approval of their request.

Please do not hesitate to contact us if you require any further information.

Kind Regards,


Stephen Parry


Rhonda Parry

(Tjunggundji Senior Traditional Owners & Elders)

9 CORRESPONDENCE IN

Nil

10 CORRESPONDENCE OUT

Nil

11 NEXT MEETING DATE

Proposed date for next meeting: 16 May 2023

12 CLOSE MEETING