

**AGENDA FOR ORDINARY MEETING
TO BE HELD IN CIVIC CENTRE SUPPER ROOM, BUNDABERG
ON WEDNESDAY 29 APRIL 2020, COMMENCING AT 10.00 AM**

	Page
1 Apologies	
2 Confirmation of Minutes	
B1 Ordinary Meeting of Council - 24/03/2020	
B1 Special Meeting of Council - 15/04/2020	
3 Councillors	
C1 Declaration of Conflict/Material Personal Interests	3
C2 Mineral Development Licence Applications Bundaberg Region	5
4 Executive Services	
D1 Petition - CBD Businesses of Bundaberg	7
5 Finance	
F1 Financial Summary as at 2 April 2020	9
6 Governance	
G1 Council Policy Review	17
G2 2019/2020 3rd Quarter Operational Plan Review	45
G3 Pay As You Go (PAYG) and Superannuation	71
7 Confidential	
T1 Specialised Supplier – Airport Car Park – Skidata Australasia	

- T2 Specialised Supplier Arrangement with Superior Pak Pty Ltd for Maintenance and Repairs to Council's Refuse Truck Compactor Bodies
- T3 Unpaid Rates - Lot 2 on RP847129
- T4 Sale of 13 Wallum Street, Woodgate (Lot 16 on SP205671)
- T5 Sale of 5 Kinkuna Drive, Woodgate (Lot 53 on SP205671)
- T6 Lot 1 on SP120772 - Renewal of Lease to State of Queensland (Represented by Public Safety Business Agency)
- T7 Financial Sustainability and COVID-19

8 General Business

9 Meeting Close



Item

29 April 2020

Item Number:	File Number:	Part:
C1	.	COUNCILLORS

Portfolio:

Councillors

Subject:

Declaration of Conflict/Material Personal Interests

Report Author:

Wendy Saunders, Executive Services Coordinator

Authorised by:

Stephen Johnston, Chief Executive Officer

Link to Corporate Plan:

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus - 3.2.3 Administer statutory compliant governance operations incorporating insurance; risk management; property management and Council policies and procedures.

Background:

Declaration of Material Personal Interest on any item of business

Pursuant to Section 175C of the *Local Government Act 2009*, a Councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

1. inform the meeting of the Councillor’s material personal interest in the matter; and
2. leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

Declaration of Conflict of Interest on any item of business

Pursuant to Section 175E of the *Local Government Act 2009*, a Councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the Councillor’s conflict of interest in the matter. If a Councillor does not voluntarily leave the meeting room after declaring a conflict of interest, the remaining Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and if so, whether the Councillor must leave the meeting or can stay and participate.

Associated Person/Organization:

Nil

Consultation:

All Councillors

Chief Legal Officer's Comments:

This process is in accordance with the *Local Government Act 2009*.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

Nil

Recommendation:



Item

29 April 2020

Item Number:	File Number:	Part:
C2	.	Councillors

Portfolio:

Councillors

Notice of Motion:

Cr Jason Bartels - Mineral Development Licence Applications Bundaberg Region

Background:

On 10 September 2019, Fox Resources announced drilling exploration results for the Bundaberg Coal Coking Project (EPC 1523).

The company’s tenements include high-value agricultural areas around Sharon, Welcome Creek, Moore Park Beach, Meadowvale, Moorland and Avondale.

The company’s public announcement noted that coal exploration has been undertaken in the region since the 1960s.

Encouraged by the exploration drilling results, on 8 October 2019 Fox Resources announced they had submitted a Mineral Development Licence Application to the Department of Natural Resources Mines and Energy (MDLA 3040).

Although determination of the MDLA is a matter for the Queensland Government and does not grant approval to commence mining, I recognised the legitimate concern of residents in Division 1 and publicly declared my opposition to mining activity in this province.

On 27 November 2019, Mayor Jack Dempsey stated his view that intensive mining activity is not appropriate on prime agricultural land. I agreed with the Mayor when he said there’s too much potential for conflict with agriculture and tourism. It’s not compatible with the Bundaberg Region being the food bowl of Australia.

During the Council election campaign, Mayor Dempsey again stated his opposition to a coal mine on 26 February 2019. The Mayor and I held a joint media conference to reiterate our common position and I thank him for supporting me on this matter.

We now have a mandate for Council to formally oppose the granting of MDLA 3040 by the Queensland Government. Our reasons are to protect the region’s liveability, agriculture, water resources, tourism and the environment.

If the licence application were approved it would allow Fox Resources to use seismic survey and drill important agricultural land in search of coking and metallurgical coal over a period of five to 10 years.

Pending the exploration results, a submission would likely be made to the State Government seeking permission to grant approval for a substantial underground mine.

The coal mined from this site would likely travel across the region to Bundaberg Port where it would be loaded on ships for export.

There are significant environmental issues that would arise from coal mining, including impacts on water, flora and fauna that would have long-lasting detriment to our region.

Human Rights:

There appears to be no human rights implications.

Attachments:

Nil

Motion:

That Bundaberg Regional Council advocate to oppose Mineral Development Licence Application MDLA 3040 and any potential coal mining activity in parts of the Bundaberg Region that have high-value agriculture or tourism and environmental sensitivity.



Item

29 April 2020

Item Number:	File Number:	Part:
D1	A5089556 A5089562	EXECUTIVE SERVICES

Portfolio:

Executive Services

Subject:

Petition - CBD Businesses of Bundaberg

Report Author:

Wendy Saunders, Executive Services Coordinator

Authorised by:

Stephen Johnston, Chief Executive Officer

Link to Corporate Plan:

Our Environment - 2.1 Infrastructure that meets our current and future needs - 2.1.4 Manage and maintain Council owned buildings, facilities and assets that support and facilitate social connectedness and community life.

Background:

Petition received from CBD Businesses of Bundaberg requesting Council review its decision regarding unmonitored parking in the CBD during COVID-19 restrictions.

Associated Person/Organization:

CBD Businesses of Bundaberg

Consultation:

N/A

Chief Legal Officer's Comments:

There appear to be no legal implications.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Communications Strategy:

Communications Team consulted.

- Yes
- No

Attachments:

Nil

Recommendation:

That the petition be received and noted.

**Item****29 April 2020****Item Number:**

F1

File Number:

.

Part:

FINANCE

Portfolio:

Organisational Services

Subject:

Financial Summary as at 2 April 2020

Report Author:

Anthony Keleher, Chief Financial Officer

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.1 A sustainable financial position - 3.1.2 Apply responsible fiscal principles for sustainable financial management.

Background:

In accordance with section 204 of the *Local Government Regulation 2012* a financial report must be presented to Council on a monthly basis. The attached financial report contains the financial summary and associated commentary at 2 April 2020.

Associated Person/Organization:

Nil

Consultation:

Financial Services Team

Chief Legal Officer's Comments:

Pursuant to section 204 of the *Local Government Regulation 2012* the Local Government must prepare and the Chief Executive Officer must present, the financial report. The financial report must state the progress that has been made in relation to the Local Governments budget for the period of the financial year up to a day or as near as practicable to the end of the month before the meeting is held.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

- 1 Financial Summary at 2 April 2020

Recommendation:

That the financial summary at 2 April 2020 be noted by Council.

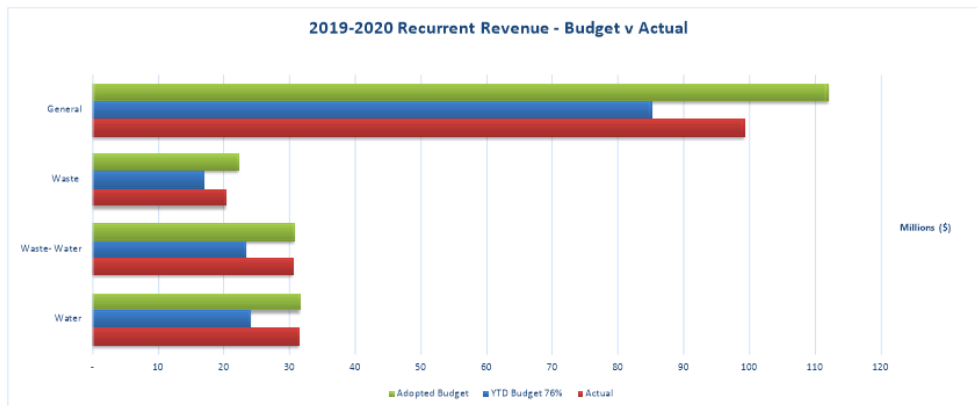
Financial Summary
as at 02 Apr 2020

Progress check - 76%	Council			General			Waste			Wastewater			Water		
	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud	Actual YTD	Adopted Budget	% Act/ Bud
Recurrent Activities															
<i>Revenue</i>															
Rates and Utility Charges	160,810,344	160,884,988	100%	86,621,587	86,657,050	100%	15,322,956	15,310,200	100%	29,785,659	29,697,500	100%	29,080,162	29,020,236	100%
Less: Discounts and Pensioner Remissions	(9,058,291)	(9,048,950)	100%	(8,405,030)	(8,379,850)	100%	(223,098)	(227,600)	98%	(250,073)	(254,800)	98%	(180,090)	(186,900)	96%
	151,752,053	151,836,036	100%	78,216,537	78,277,200	100%	15,099,858	15,082,600	100%	29,535,586	29,442,900	100%	28,900,072	28,833,336	100%
Fees and Charges	20,168,688	27,044,991	72%	13,281,580	19,061,110	70%	4,724,779	6,506,041	73%	645,477	856,680	75%	1,516,853	1,517,260	100%
Interest Revenue	2,457,726	3,657,456	67%	507,596	1,237,500	41%	448,741	502,825	89%	431,016	539,631	80%	1,070,373	1,377,500	78%
Grants, Subsidies and Donations	7,597,897	13,856,976	55%	7,364,017	13,566,976	54%	185,843	290,000	64%	-	-	-	48,037	-	-
Sale of Developed Land Inventory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Recurrent Revenue	181,976,365	197,095,459	92%	99,369,730	112,142,786	89%	20,459,221	22,382,366	91%	30,612,079	30,842,211	99%	31,535,335	31,728,096	99%
<i>less Expenses</i>															
Employee Costs	55,182,003	73,490,278	75%	42,461,149	57,078,367	74%	4,818,321	6,026,784	80%	4,171,642	5,631,450	74%	3,730,891	4,753,677	78%
Materials and Services	45,055,323	69,414,844	65%	25,060,639	41,994,489	60%	8,487,429	11,466,334	74%	5,073,599	7,526,668	67%	6,433,656	8,427,353	76%
Finance Costs	3,212,893	4,433,076	72%	1,146,576	1,562,753	73%	672,763	911,471	74%	1,201,310	1,695,124	71%	192,244	263,728	73%
Depreciation	36,907,153	49,209,537	75%	26,348,441	35,131,255	75%	1,354,653	1,806,204	75%	4,798,936	6,398,581	75%	4,405,123	5,873,497	75%
Total Recurrent Expenditure	140,357,372	196,547,735	71%	95,016,805	135,766,864	70%	15,333,166	20,210,793	76%	15,245,487	21,251,823	72%	14,761,914	19,318,255	76%
Operating Surplus	41,618,993	547,724		4,352,925	(23,624,078)		5,126,055	2,171,573		15,366,592	9,590,388		16,773,421	12,409,841	
<i>less Transfers to</i>															
Restricted Capital Cash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NCP Transfers	1	-	-	(11,632,588)	(15,510,118)	-	369,491	492,655	-	5,142,883	6,857,177	-	6,120,215	8,160,286	-
Total Transfers	1	-	-	(11,632,588)	(15,510,118)	-	369,491	492,655	-	5,142,883	6,857,177	-	6,120,215	8,160,286	-
Movement in Unallocated Surplus	41,618,992	547,724		15,985,513	(8,113,960)		4,756,564	1,678,918		10,223,709	2,733,211		10,653,206	4,249,555	
Unallocated Surplus/(Deficit) brought forward	34,744,728	34,744,728	-	(16,904,646)	(16,904,646)	-	15,495,369	15,495,369	-	11,242,675	11,242,675	-	24,911,330	24,911,330	-
Unallocated Surplus/(Deficit)	76,363,720	35,292,452		(919,133)	(25,018,606)		20,251,933	17,174,287		21,466,384	13,975,886		35,564,536	29,160,885	
Capital Activities															
Council Expenditure on Non-Current Assets	51,545,770	104,646,359	49%	44,238,953	85,533,534	52%	1,258,008	3,013,539	42%	1,433,642	4,013,152	36%	4,615,167	12,086,134	38%
Loan Redemption	5,463,025	7,292,658	75%	3,219,315	4,301,045	75%	493,542	658,057	75%	1,512,024	2,016,032	75%	238,144	317,524	75%
Total Capital Expenditure	57,008,795	111,939,017	51%	47,458,268	89,834,579	53%	1,751,550	3,671,596	48%	2,945,666	6,029,184	49%	4,853,311	12,403,658	39%
Cash															
Opening balance	147,278,309	147,278,309	-	-	-	-	-	-	-	-	-	-	-	-	-
Movement - increase/(decrease)	30,299,295	(35,844,431)	-	-	-	-	-	-	-	-	-	-	-	-	-
Closing balance	177,577,604	111,433,878	-	-	-	-	-	-	-	-	-	-	-	-	-

Further to the Financial Summary Report as at 2 April 2020, the following key features are highlighted.

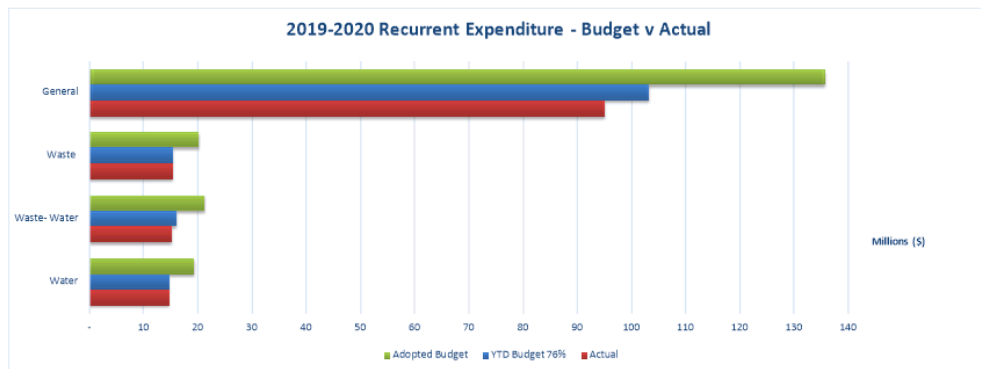
Recurrent Revenue

- Rates and Utility Charges for the second half year have been levied. It's expected that there will be a slight increase in budgeted rates and utility charges this financial year with growth exceeding estimates.
- Fees and charges are tracking below budget. The effects of the closures of many facilities and services are starting to be reflected in the actuals during March. It's expected that there will be a significant write down in fees and charges as a result of the COVID-19 pandemic.
- Interest Revenue is tracking below the year-to-date budget. Further, with the recently announced freeze on interest on overdue rates and further interest rate cuts by the reserve bank, interest earnings will be less than budget this financial year.
- Grants, Subsidies and Donations are tracking below budget. This is expected at this time as we anticipate the advance of the Financial Assistance Grant in June this financial year, which will see full year actual grants received align with the annual budget expectations.



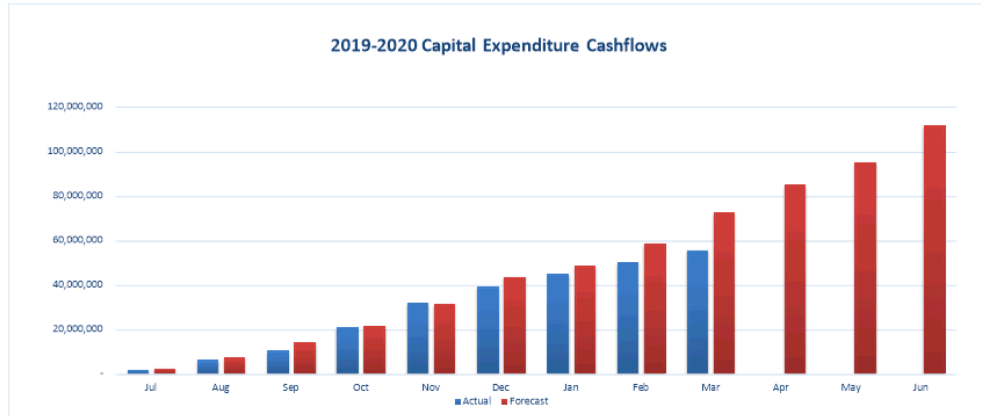
Recurrent Expenditure

- Employee Costs are tracking on budget. Employee costs are expected to remain steady over the remainder of the financial year.
- Materials and Services are currently tracking below budget. This is largely due to savings in expenditure due to the timing in delivery of non-capital projects.
- Finance Costs are tracking slightly below budget. Finance costs include a provision for bad debts which may be realised later in the financial year.

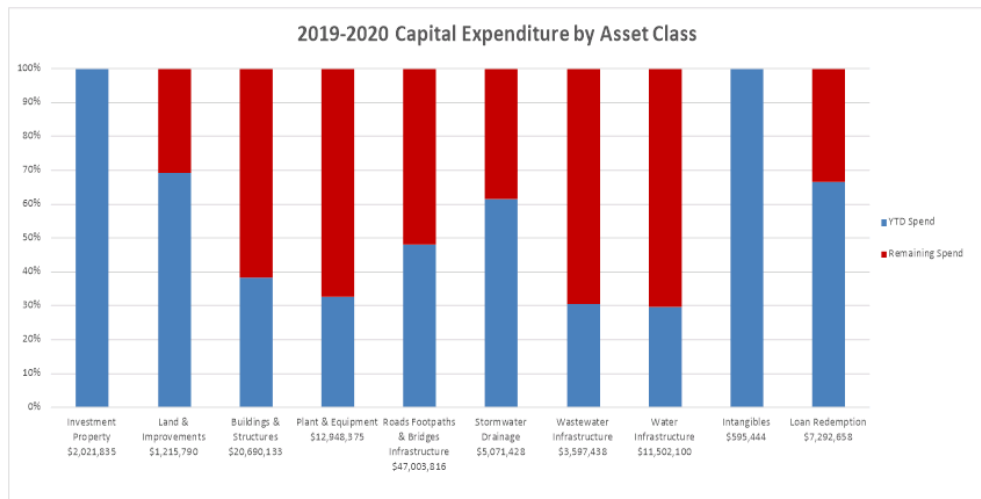


Capital Expenditure and Capital Grants

- Council has delivered 51% of this year's capital program at the reporting date, which is behind expected cashflows. It's expected that a large portion of works scheduled for the remainder of the financial year will be delivered, however some projects will be impacted by COVID-19.



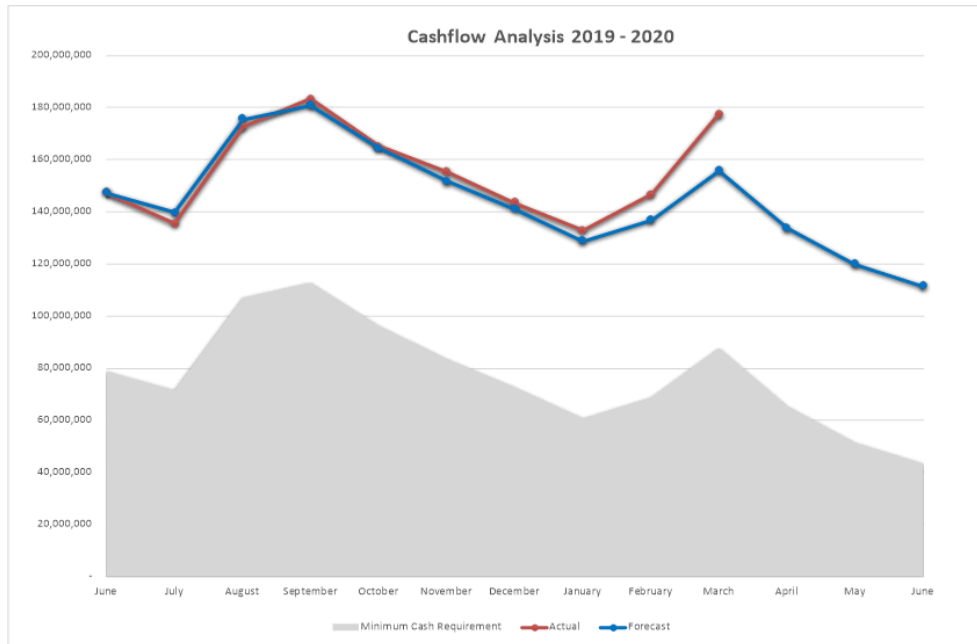
- Significant projects currently underway include the Gregory River Water Treatment Plant Upgrade, Gin Gin Community Hub and Buss Street Upgrade.
- The budgeted spend by asset class is shown below.



- Capital grants are on track with all milestones having been met and any variations to funding agreements approved. The Childers Swimming Pool claim has been paid. The Multiplex and Blackspot claims are awaiting payment by the relevant Government Department.

Cash

- The cash balance as at 2 April 2020 was \$177.6 million, an increase of \$30.9 million from the last report at 2 March 2020, reflecting the receipt of rates payments.
- No short-term liquidity issues are foreseeable.
- The actual and forecast cash movement is shown below. The variation is primarily related to the delivery of the capital works program.



Rates Debtor

- Rates outstanding at the end of March total \$9.2 million. Council continues to accept rates payments, however per the March Council resolution, debt recovery action has ceased on outstanding rates and charges up to 30 June 2020.

Other Debtors

- Infringements outstanding total \$418,500 with the number of infringements decreasing slightly to 3,344. Infringements continue to be recovered via the State Penalties, Enforcement Registry.
- Sundry Debtors outstanding for more than 90 days total \$672,000 across 64 accounts. The majority of this balance relates to the claim for the Multiplex which is awaiting approval from the Federal Government.
- Section 7.5.7 of the Accounts Receivable procedure PD-7-288, states that individual bad debts due to Council up to a value of \$10,000, and which are deemed to be irrecoverable or uneconomic to recover may be written off. Council is to be informed of debts in excess of \$2,500 which have been written off and of the reasons for the write-off provided. During the quarter Council wrote off a waste facility account for \$5,772.36 as the debtor went into liquidation and the debt has now been deemed irrecoverable. The account relates to transactions from 2018.

Loans

- Loan balances are shown below. Council has approved borrowings of \$7.5 million this financial year. It's planned to draw down these funds in June.

Bundaberg Airport & Precinct	8,770,583
Hinkler Hall of Aviation	1,092,470
Holiday Parks	216,335
Fleet	1,372,677
Kolan Gardens Aged Care	169,959
Burnett Heads CBD Upgrade	2,535,980
General Facilities	7,463,875
Waste	7,264,299
Sewerage	40,323,253
Water	2,887,848
Total	72,097,281



Item

29 April 2020

Item Number:	File Number:	Part:
G1	.	GOVERNANCE

Portfolio:

Organisational Services

Subject:

Council Policy Review

Report Author:

Christine Large, Chief Legal Officer

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus - 3.2.3 Administer statutory compliant governance operations incorporating insurance; risk management; property management and Council policies and procedures.

Background:

Council has previously adopted a suite of Council Policies. These policies are adopted by Council to:

- ensure compliance with legislative requirements; or
- provide guidelines on matters which may impact the community; or
- support Councils strategic objectives; or
- assist in the delegated decision making of Council staff.

Council staff will soon begin to review all Council Policies and over the coming meetings. Councillors will be presented with these policies for endorsement or adoption. These policies are generally reviewed on a biennial basis, with some policies adopted annually, if required by legislation.

Councillor Code of Conduct Policy (CP-3-012) and Standing Orders for Council Meetings Policy (CP-3-016)

These policies are included for endorsement by Councillors – no changes are recommended at this time. The *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendments Bill 2019*, which was introduced in November 2019, will see future changes to these policies relating to:

- register of interest requirements;
- new and clarified conflict of interest requirements; and

- improved transparency through changes for meeting agendas, minutes, and closed meetings.

These revised policies will be presented to a future meeting of Council for consideration.

Associated Person/Organization:

Not applicable.

Consultation:

All Councillors.

Chief Legal Officer's Comments:

The policies are in accordance with legislation and best practice guidelines.

Policy Implications:

The policies will be adopted and further implemented within Council.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

- Yes
- No

Attachments:

- 1 Councillor Code of Conduct Policy - Version 1.1
- 2 Standing Orders for Council Meetings Policy - Version 1

Recommendation:

That Council endorse the following policies:

- **Councillor Code of Conduct Policy (CP-3-012), version 1.1; and**
- **Standing Orders for Council Meetings Policy (CP-3-016), version 1.**



Councillor Code of Conduct Policy

HEAD OF POWER

- *Local Government Act 2009*, section 150D

INTENT

The purpose of this policy is to set the principles and standards of behaviour expected of the Mayor and Councillors when carrying out their roles, responsibilities and obligations as elected representatives for the Bundaberg Region communities.

By adhering to the behaviours set out in this policy, Councillors will increase public confidence in local government and Council decisions.

SCOPE

This policy applies to the Mayor and all Councillors.

DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the *Local Government Act 2009* (the Act).

Behavioural standard means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the Act.

Conduct includes:

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

Inappropriate conduct see section 150K of the Act.

Meeting means a meeting of a:

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

Misconduct see section 150L of the Act.

Unsuitable meeting conduct see section 150H of the Act.

POLICY STATEMENT

1. Before assuming public office, Councillors must understand and commit to complying with the local government principles and obligations of Councillors in accordance with section 169 of the Act as well as the standards of behaviour set out in this policy.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-012

Adopted/Effective Date: 18/12/19 Version: 1.1

Responsible Department: Communications

Page 1 of 8



Councillor Code of Conduct Policy

All Councillors are required to make a declaration of office under section 169 of the Act. As part of that declaration, Councillors must declare they will abide by this policy.

2. The Local Government Principles and Values

2.1 The Act is founded on five local government principles with which Councillors must comply while performing their roles as elected representatives. These principles are:

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

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

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

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

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Policy No. CP-3-012

Adopted/Effective Date: 18/12/19 Version: 1.1

Responsible Department: Communications

Page 2 of 8



Councillor Code of Conduct Policy

- 2.4 Each standard of behaviour is not intended to cover every possible scenario. However, they provide general guidance about the manner in which Councillors are expected to conduct themselves.
- 2.5 It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.

3. Standards of behaviour

3.1 This Code of Conduct sets out the standards of behaviour applying to all Councillors (excluding Councillors who are governed under the *City of Brisbane Act 2010*) in Queensland. The behavioural standards relate to, and are consistent with, the local government principles and their associated values. The standards of behaviour are summarised as the three R's, being:

- **Responsibilities;**
- **Respect;** and
- **Reputation.**

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

3.2.1 Carry out **responsibilities** conscientiously and in the best interests of Council and the community.

For example, Councillors will, at a minimum:

- a. Attend and participate meaningfully in all Council meetings, briefings, relevant workshops and training opportunities (as directed by the Chief Executive Officer), to assist Councillors in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given (see section 4.7 – Notice of Leave);
- b. Respect and comply with all policies, procedures and resolutions of Council;
- c. Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business;
- d. Report any suspected wrongdoing to the appropriate entity in a timely manner;
- e. Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances); and
- f. Cooperate with any investigation being undertaken by the local government or other entity.

3.2.2 Treat people in a reasonable, just, **respectful** and non-discriminatory way.

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Policy No. CP-3-012

Adopted/Effective Date: 18/12/19 Version: 1.1

Responsible Department: Communications

Page 3 of 8



Councillor Code of Conduct Policy

For example, Councillors will, at a minimum:

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

3.2.3 Ensure conduct does not reflect adversely on the **reputation** of Council.

For example, Councillors will, at a minimum:

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

4. Consequences of failing to comply with the Code of Conduct

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

4.2 A complaint about the conduct of a Councillor must be submitted to the Independent Assessor who will assess the complaint and determine the category of the allegation. In order of most to least serious, the categories of complaint are:

- **corrupt conduct**;
- **misconduct**;
- **inappropriate conduct**; and then
- **unsuitable meeting conduct**.

4.3 Unsuitable meeting conduct

4.3.1 For the purposes of this section 4.3, a reference to a meeting is taken to mean an Ordinary or Special Meeting of Council.

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

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-012

Adopted/Effective Date: 18/12/19 Version: 1.1

Responsible Department: Communications

Page 4 of 8



Councillor Code of Conduct Policy

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

Note: Chairpersons of meetings are carrying out a statutory responsibility under the Act to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct (see section 4.5).

- 4.3.4 **Examples of unsuitable meeting conduct** by a Councillor may include:
- a Councillor behaves in a Council meeting, in a way that intimidates, bullies or harasses a member of the community, another Councillor or a Council employee.
 - a Councillor continually interrupts or disrupts a speaker at a Council meeting.
 - a Councillor behaves in an offensive or disorderly way in a Council meeting.

4.4 Inappropriate conduct

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

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

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

- 4.4.4 **Examples of inappropriate conduct** by a Councillor may include:
- a Councillor publicly makes derogatory comments about staff.
 - a Councillor purports to speak to the media on behalf of Council when not properly authorised under a Council policy.
 - a Councillor fails to comply with an order made by the Chairperson of a meeting to leave and stay away from the place at which the meeting is being held.

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Policy No. CP-3-012

Adopted/Effective Date: 18/12/19 Version: 1.1

Responsible Department: Communications

Page 5 of 8



Councillor Code of Conduct Policy

- a Councillor has been reprimanded 3 times in 12 months for interrupting other Councillors during meetings.

4.5 Misconduct

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

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

4.5.3 The conduct of a Councillor is misconduct if the conduct:

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

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

4.5.5 **Examples of misconduct** of a Councillor may include:

- a Councillor knowingly provides false or misleading information during a meeting of the Council in order to affect a decision.
- a Mayor fails to carry out the performance evaluation of the Chief Executive Officer in the manner determined by Council.
- a Councillor releases private information about a member of the community acquired as a Councillor.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-012

Adopted/Effective Date: 18/12/19 Version: 1.1

Responsible Department: Communications

Page 6 of 8



Councillor Code of Conduct Policy

- a Councillor directs a Council employee (other than the Mayor directing the Chief Executive) to perform a duty.
- a Councillor provides confidential information to the media that came from a closed meeting of Council.
- a Councillor has a reasonable suspicion that another Councillor has a material personal interest or conflict of interest but did not disclose it to the presiding officer when the other Councillor failed to disclose it.
- a Councillor fails to pay a fine ordered by the Tribunal.
- a Councillor sought assistance or advice from an officer that is not in accordance with Council's Acceptable Request Guidelines Policy.
- a Councillor uses a Council vehicle for private use that is not authorised by Council's expenses policy.

4.6 Corrupt conduct

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

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

4.6.2 **Examples of corrupt conduct** of a Councillor may include:

- a Councillor fails to declare a material personal interest in a Council meeting.
- a Councillor intentionally fails to update a register of interests in order to hide an interest that could gain a benefit or a loss to the person.
- a Councillor engages in fraud against the Council.
- a Councillor uses information acquired by a Councillor to gain a financial benefit for the Councillor or someone else.
- a Councillor directs a local government employee to gain a benefit or cause a detriment to the Councillor or another person.
- a Councillor engages in the act of stealing against the local government.

4.7 Notice of Leave

Councillors should notify the Chief Executive Officer as soon as practicable in writing (i.e. by email) of their leave of absence from any meeting of Council.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-012

Adopted/Effective Date: 18/12/19 Version: 1.1

Responsible Department: Communications

Page 7 of 8



Councillor Code of Conduct Policy

ASSOCIATED DOCUMENTS

- Acceptable Requests Guidelines Policy
- Councillor Complaints Investigation Policy
- Councillor Use of Confidential Information Policy
- Expenses Reimbursement for Councillors Policy
- Local Government Regulation 2012
- Standing Orders for Council Meetings Policy

DOCUMENTS CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

POLICY OWNER

The Executive Officer, Communications, is the responsible person for this policy.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-012

Adopted/Effective Date: 18/12/19 Version: 1.1

Responsible Department: Communications

Page 8 of 8



Standing Orders for Council Meetings Policy

HEAD OF POWER

- *Local Government Act 2009*, section 150F
- *Local Government Regulation 2012*, Division 3, Part 2

INTENT

To provide written rules for the orderly conduct of Council meetings and to set out certain procedures to ensure local government principles are reflected in the conduct of Council meetings and committee meetings.

SCOPE

This policy applies to all meetings of Council and any standing Committee.

DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the *Local Government Act 2009* (the Act).

Conduct includes:

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

Meeting means a meeting of a:

- local government; or
- committee of a local government.

Inappropriate conduct see section 150K of the Act.

Misconduct see section 150L of the Act.

Unsuitable meeting conduct see section 150H of the Act.

POLICY STATEMENT

1. General

- 1.1 This policy sets out the process for how:
- a Chairperson of a Council meeting may deal with instances of unsuitable meeting conduct by Councillors; and
 - suspected inappropriate conduct of a Councillor referred to Council by the Independent Assessor (the Assessor) is to be dealt with at a Council meeting.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 1 of 18



Standing Orders for Council Meetings Policy

- 1.2 Any provision of this policy may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
- 1.3 Where at a Council meeting a matter arises which is not provided for in this policy, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with this policy.
- 1.4 A list of Council meeting dates and venues is published on Council's website: www.bundaberg.qld.gov.au/council/meetings.
- 1.5 A quorum will be the majority of Councillors present a meeting. A Councillor is not deemed to be present at a meeting unless the Councillor is inside the meeting room or taking part in the meeting via a teleconference arrangement. A Councillor may take part in a meeting via teleconferencing if the Councillor is in simultaneous audio contact with each other person at the meeting and Council has approved the teleconferencing arrangement.

2. Procedures for Meetings of Council

2.1 Presiding Officer

- 2.1.1 The Mayor will preside at a meeting of Council.
- 2.1.2 If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
- 2.1.3 If both the Mayor and the Deputy Mayor, or the Mayors' delegate, are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.
- 2.1.4 Council will choose the Chairperson for a Committee meeting. This Chairperson will normally preside over meetings of the Committee.
- 2.1.5 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.

2.2 Order of Business

- 2.2.1 Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by Council.
- 2.2.2 The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 2 of 18



Standing Orders for Council Meetings Policy

- 2.2.3 Unless otherwise altered, the order of business shall be as follows:
- (i) attendances;
 - (ii) apologies and granting of leaves of absence;
 - (iii) conflicts of interest and material personal interests;
 - (iv) confirmation of minutes;
 - (v) Mayoral minute;
 - (vi) notices of motion; and
 - (vii) officer's reports.
- 2.2.4 The minutes of a preceding meeting, whether an ordinary or a special meeting not previously confirmed, shall be taken into consideration at every ordinary meeting of Council, in order that such minutes may be confirmed. No discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

2.3 Agendas

- 2.3.1 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 to Council referred to the meeting by the Chief Executive Officer;
 - Officers' reports to Council referred to the meeting by the Chief Executive Officer;
 - Deputations and delegations; and
 - Any other business Council determines by resolution be included in the agenda paper.
- 2.3.2 Business not on the agenda or not fairly arising from the agenda shall not be considered at any meeting unless permission for that purpose is given by Council at such meeting. Business must be in accordance with the adopted Terms of Reference for each Committee.

2.4 Minutes

- 2.4.1 A copy of the unconfirmed minutes of Council meetings are published on Council's website within five (5) business days of the meeting.
- 2.4.2 Council may audio record its meeting to ensure the accuracy of the minutes. The recording will be erased after the minutes have been confirmed at a future meeting. Councillors and officers may hear or observe the recording at any time prior to its erasure. The Chairperson of the meeting may approve audio or video recording of the proceedings of the meeting by the media or any person.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 3 of 18



Standing Orders for Council Meetings Policy

2.5 Petitions

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

2.6 Deputations

- 2.6.1 A deputation wishing to attend and address a meeting of Council shall apply in writing to the Chief Executive Officer not less than seven (7) business days before the meeting.
- 2.6.2 The Chief Executive Officer, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The Chief Executive Officer shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.
- 2.6.3 For deputations comprising three (3) or more persons, only three (3) persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 2.6.4 If a member of the deputation other than the appointed speakers interjects or attempts to address Council, the Chairperson may finalise the deputation.
- 2.6.5 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;

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 4 of 18



Standing Orders for Council Meetings Policy

- the time period allowed for a deputation has expired; or
- the person uses insulting or offensive language or is derogatory towards Councillors or staff members.

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

3. Motions

3.1 Motions to be moved

- 3.1.1 A Councillor is required to *move* a motion and then another Councillor is required to *second* the motion.
- 3.1.2 When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
- 3.1.3 Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
- 3.1.4 A motion brought before a meeting of Council in accordance with the Act or this policy shall 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.
- 3.1.5 The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.

3.2 Absence of mover of motion

Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:

- (i) moved by another Councillor at the meeting, or
- (ii) deferred to the next meeting.

3.3 Motion to be seconded

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

3.4 Amendment to motion

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

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 5 of 18



Standing Orders for Council Meetings Policy

- 3.4.2 Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
- 3.4.3 Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
- 3.4.4 Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

3.5 Speaking to motions and amendments

- 3.5.1 The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
- 3.5.2 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 Councillor who wishes to speak against the motion and then alternatively for and against the motion as available, until all Councillors who wish to speak have had the opportunity.
- 3.5.3 A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
- 3.5.4 A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
- 3.5.5 The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
- 3.5.6 Each speaker shall be restricted to not more than five (5) minutes unless the Chairperson rules otherwise.
- 3.5.7 Where two (2) or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
- 3.5.8 In accordance with Section 273 of the *Local Government Regulation 2012* (the Regulation), if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

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Policy No. CP-3-016
Adopted/Effective Date: 11/12/18 Version: 1
Responsible Department: Communications

Page 6 of 18



Standing Orders for Council Meetings Policy

3.6 Method of taking vote

- 3.6.1 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.
- 3.6.2 Voting must be open and decided by a majority of votes of Councillors present. If a Councillor present fails to vote, the Councillor is taken to have voted in the negative. If a vote is tied, the Chairperson will have the casting vote.
- 3.6.3 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 shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
- 3.6.4 Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by division.
- 3.6.5 Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
- 3.6.6 If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

3.7 Repealing or amending resolutions

- 3.7.1 A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the Act and Regulation.
- 3.7.2 Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three (3) months.

3.8 Procedural motions

A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:

- that the question/motion be now put;
- that the motion or amendment now before the meeting be adjourned;
- that the meeting proceed to the next item of business;
- that the question lie on the table;
- a point of order;
- a motion of dissent against the Chairpersons decision;
- that this report/document be tabled;
- to suspend the rule requiring that (insert requirement); or
- that the meeting stand adjourned.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 7 of 18



Standing Orders for Council Meetings Policy

- 3.8.1 A procedural motion *"that the question be put"* may be moved and where such a procedural motion is carried, the Chairperson shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
- 3.8.2 The procedural motion, *"that the motion or amendment now before the meeting be adjourned"* may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified:
- a further motion may be moved to specify such a time or date; or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
- 3.8.3 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 shall cease and may be considered again by Council on the giving of notice in accordance with this policy.
- 3.8.4 A procedural motion *"that the question lie on the table"* shall only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, Council shall proceed with the next matter on the business paper. The motion, *"that the matter be taken from the table"*, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 3.8.5 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 Act/Regulation; or
 - is beyond the jurisdiction power of Council.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended pursuant to clause 3.4.2. The Chairperson shall determine whether the point of order is upheld.

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

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 8 of 18



Standing Orders for Council Meetings Policy

- 3.8.6 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 shall 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 shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
- 3.8.7 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.
- 3.8.8 A procedural motion, "*to suspend the rule requiring that ...*" may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
- 3.8.9 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 shall 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 shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

3.9 Conduct during meetings

- 3.9.1 Councillors will conduct themselves in accordance with the principles of the Act and the standards of behaviour set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
- 3.9.2 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
- 3.9.3 Councillors shall speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title and shall confine their remarks to the matter then under consideration.
- 3.9.4 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 9 of 18



Standing Orders for Council Meetings Policy

- 3.9.5 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

3.10 Questions

- 3.10.1 A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.
- 3.10.2 A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
- 3.10.3 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 such motion be carried the Chairperson shall allow such question.

4. Maintenance of Good Order – Disorder

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

5. Process for dealing with unsuitable meeting conduct by a Councillor in a meeting

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

- 5.1.1 The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
- 5.1.2 If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature, refer to 5.1.7 for the steps to be taken.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 10 of 18



Standing Orders for Council Meetings Policy

- 5.1.3 If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
- Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - Apologising for their conduct; or
 - Withdrawing their comments.
- 5.1.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 5.1.5 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 may result in an order being issued.
- 5.1.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 5.1.7 If the Councillor still continues to fail to comply with the Chairperson's request for remedial actions, the Chairperson may make one or more of the orders below:
- an order reprimanding the Councillor for the conduct; or
 - 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 (refer section 150I(2) of the Act).
- 5.1.8 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 by an appropriate officer. The meeting must be adjourned whilst the Councillor is being removed (refer section 150I(2)(c) of the Act).
- 5.1.9 Following the completion of the meeting, the Chairperson must ensure:
- (i) details of any order issued is recorded in the minutes of the meeting (refer section 150I(3) of the Act).
 - (ii) if it is the third or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of Council and treated as inappropriate conduct pursuant to the Act (refer section 150J of the Act).
- 5.1.10 The Chief Executive Officer is advised to ensure details of any order made must be updated in Council's Councillor Conduct Register pursuant to the Act.
- 5.1.11 Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 5.1.1, 5.1.7 and 5.1.8 above.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 11 of 18



Standing Orders for Council Meetings Policy

6. Meeting process for dealing with suspected Inappropriate Conduct which has been referred to Council

6.1.1 Pursuant to section 150AF of the Act, after receiving a referral by the Independent Assessor or under paragraph 5.1.9 (ii) of this document of an instance of suspected inappropriate conduct, Council must complete an investigation into the alleged conduct.

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

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

6.1.3.1 Be consistent with the local government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. Where the complainant or other parties may be adversely affected due to the nature of the complaint, Council may resolve to go into closed session under section 275 of the Regulation.

6.1.3.2 When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must inform the meeting of a personal interest and follow the conflict of interest procedures in this policy.

6.1.3.3 Council should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.

6.1.3.4 If Council decides that the subject Councillor has engaged in inappropriate conduct, Council is then required to decide what penalty or penalties from the following orders, if any, to impose on the subject Councillor:

- 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 Council, other than the office of Councillor, for example, the Councillor is ordered to resign from an appointment representing the Council 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; and
- an order that the Councillor reimburse Council for all or some of the costs arising from the Councillor's inappropriate conduct.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 12 of 18



Standing Orders for Council Meetings Policy

- 6.1.3.5 When making an order, Council can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that Council is reasonably satisfied is true.
- 6.1.3.6 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.
- 6.1.3.7 Council must ensure the meeting minutes reflect the resolution made.

7. Material Personal Interest

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

- 7.1.1 A Councillor with a material personal interest must inform the meeting of Council of their material personal interest and set out the nature of the interest, including:
 - 7.1.1.1 The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting;
 - 7.1.1.2 How a person or other entity stands to gain the benefit or suffer the loss; and
 - 7.1.1.3 If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.
- 7.1.2 The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter. The Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- 7.1.3 Once the Councillor has left the area where the meeting is being conducted, Council can continue discussing and deciding on the matter at hand.
- 7.1.4 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a material personal interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 13 of 18



Standing Orders for Council Meetings Policy

- 7.1.5 The Chairperson then should ask the Councillor with the suspected material personal interest whether they do in fact have a material personal interest. If that is the case, the Councillor must follow the above procedures from item 7.1.1.
- 7.1.6 In the event the majority of Councillors inform a meeting of a material personal interest regarding a matter:
- 7.1.6.1 Council must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the Act; or
- 7.1.6.2 if the matter cannot be delegated under section 257 of the Act, Council should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- 7.1.7 Where a Councillor informs a meeting of a material personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
- The name of the Councillor who has a material personal interest in the matter;
 - The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest; and
 - Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.

8. Conflict of Interest

Councillors are ultimately responsible for informing of any personal interest where they have a real or perceived conflict of interest on matters to be discussed at Council or committee meetings (other than ordinary business matters).

When dealing with a conflict of interest, Councillors must abide by the following procedures.

- 8.1.1 A Councillor with a real or perceived conflict of interest must inform the meeting of Council of their personal interest and set out the nature of the interest, including:
- The nature of the interest; and
 - If the Councillor's personal interest arises because of the Councillor's relationship with, or receipt of a gift or benefit from, another person:
 - i. the name of the other person;
 - ii. the nature of the relationship or value and date of receipt of the gift or benefit received; and
 - iii. the nature of the other person's interests in the matter.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 14 of 18



Standing Orders for Council Meetings Policy

- 8.1.2 The subject Councillor may themselves elect to leave the meeting while the matter is being discussed and voted on due to a perceived conflict of interest or conflict of interest. If the Councillor does not leave the meeting, they may advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. This could include prior advice from the Integrity Commissioner on the personal interest.
- 8.1.3 The other Councillors entitled to vote at the meeting must then decide whether the subject Councillor has a conflict of interest (including a perceived conflict of interest) in the matter due to their personal interest. A Councillor who has declared a personal interest in relation to a matter, must not vote under section 175E(4) as to whether another Councillor may stay in the meeting.
- 8.1.4 If the other Councillors decide there is no conflict of interest or a perceived conflict of interest, the subject Councillor may remain in the meeting and the meeting may continue.
- 8.1.5 If the other Councillors decide there is a conflict of interest they must then decide whether the subject Councillor must leave the meeting while the matter is being discussed and voted on or can participate in the meeting in relation to the matter including voting on the matter. If the Councillor must leave the place of the meeting the Councillor must not influence or attempt to influence the remaining Councillors to vote on the matter in a particular way.
- 8.1.6 When deciding whether a Councillor may stay in a meeting and vote following the decision of a conflict of interest, the other Councillors must consider significant variables including, but not limited to:
- The size or significance of the benefit the subject Councillor stands to receive or benefit;
 - The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision; and
 - The closeness of any relationship the subject Councillor may have with a given person or group.
- 8.1.7 In making the decision under 8.1.6, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 8.1.8 If a Councillor at a meeting reasonably believes, or reasonably suspects that another Councillor has a real or perceived conflict of interest in a matter to be discussed at the meeting and has not informed the meeting about the interest, the Councillor must advise the Chairperson of the meeting, as soon as practicable, about their belief or suspicion, and the facts and circumstances that form the basis of the belief or suspicion.
- 8.1.9 The Chairperson then should ask the Councillor with the suspected conflict of interest to inform the meeting of any personal interest they have in the matter and follow the above procedures from item 8.1.1.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 15 of 18



Standing Orders for Council Meetings Policy

- 8.1.10 In the event the majority of Councillors inform of a personal interest in a matter:
- Council must resolve to delegate the consideration and decision on the matter, pursuant to section 257 of the Act; or
 - if the matter cannot be delegated under the section 257 of the Act, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.
- 8.1.11 Where a Councillor informs a meeting of a personal interest in a matter, the Chairperson must ensure the minutes of the meeting (to be posted on the Council's website) record:
- The name of the Councillor who has declared the conflict of interest;
 - The nature of the personal interest, as described by the Councillor;
 - The decisions made under 8.1.3 and 8.1.5 above;
 - Whether the Councillor participated in the meeting under an approval by the Minister;
 - If the Councillor voted on the matter, how they voted; and
 - How the majority of Councillors voted on the matter.

9. Closed Meetings

- 9.1.1 Council and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:
- Appointment, dismissal or discipline of employees;
 - Industrial matters affecting employees;
 - Council's budget;
 - Rating concessions or contracts proposed to be made by Council or starting or defending legal proceedings involving Council;
 - Any action to be taken by Council under the *Planning Act 2016*, including applications made to it under this Act.
 - Business for which a public discussion would be likely to prejudice the interests of Council or someone else or enable a person to gain a financial advantage.
- 9.1.2 A Council or committee must not make a resolution (other than procedural) in a closed session meeting. If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation.
- 9.1.3 To take an issue into a closed session, Council must first pass a resolution to do so.
- 9.1.4 In the interests of accountability and transparency, Council must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 16 of 18



Standing Orders for Council Meetings Policy

- 9.1.5 If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
- 9.1.6 The minutes must detail the matter discussed and reasoning for discussing the matter in closed session. Council must also ensure that it complies with the statutory obligations associated with recording of passed resolutions.

10. Attendance and Non-attendance

10.1 Attendance of public and the media at a meeting

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

10.2 Public participation at meetings

- 10.2.1 A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.
- 10.2.2 In each meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed 15 minutes and no more than three (3) speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
- 10.2.3 If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
- 10.2.4 For any matter arising from such an address, Council may take the following actions:
- refer the matter to a committee ;
 - deal with the matter immediately;

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 17 of 18



Standing Orders for Council Meetings Policy

- place the matter on notice for discussion at a future meeting; or
- note the matter and take no further action.

10.2.5 Any person addressing Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.

10.2.6 Any person who is considered by Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

ASSOCIATED DOCUMENTS

- Councillor Code of Conduct Policy
- Councillor Complaints Investigation Policy
- Councillor Conduct Register

DOCUMENTS CONTROLS

Council will review this policy biennially or in response to changes in law or best practice.

POLICY OWNER

The Executive Officer, Communications is the responsible person for this policy.

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Policy No. CP-3-016

Adopted/Effective Date: 11/12/18 Version: 1

Responsible Department: Communications

Page 18 of 18

**Item****29 April 2020****Item Number:**

G2

File Number:

.

Part:

GOVERNANCE

Portfolio:

Organisational Services

Subject:

2019/2020 3rd Quarter Operational Plan Review

Report Author:

Christine Large, Chief Legal Officer

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus
- 3.2.3 Administer statutory compliant governance operations incorporating insurance;
risk management; property management and Council policies and procedures.

Background:

In accordance with section 174 of *Local Government Regulation 2012*, the Chief Executive Officer must present a written assessment of Council's progress towards implementing the annual operational plan at meetings held at regular intervals of not more than three months.

Quarterly reports provide a process for monitoring and assessing Council's progress in meeting the goals of the Corporate Plan. The attached report highlights the achievements of Council over the past three months with most areas achieving the targets set. Each manager has provided a comment in the report on their department's or section's progress.

Associated Person/Organization:

Nil

Consultation:

General Managers and Managers

Chief Legal Officer's Comments:Complies with section 174 of the *Local Government Regulation 2012*.**Policy Implications:**

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

1 2019/2020 3rd Quarter Operational Plan






Recommendation:

That the 2019/2020 3rd Quarter Operational Plan be received and noted.



Quarterly Operational Report








Quarter 3, 2019/2020

Indicator	Status	Indicator Meaning
	On Track	Initiative is proceeding to plan with no indication of future impediments.
	Action Required	Progress is significantly behind schedule or is rated 'closely monitor'. Decisive action is required to get back on track.
	Monitor	Progress is not as expected but action is being/ has been taken and is expected to be on track within the next quarter or financial year.
	Trend	This data is being collected for observation and analysis.
	Completed	Initiative or project has been completed.

Our community

Economic growth and prosperity

Provide responsive, consistent and timely customer service to our residents, investors and developers.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Connections: Percentage of new water and wastewater connections installed within 25 days.	Organisation - Infrastructure - Water Services	≥ 95.00%	90.00%		92 applications were processed and installed within 25 days of payment from a total of 102 applications. Outstanding installations are requiring scheduling with clients because connections are either large fire services or large domestic connections (generally commercial applications).
Percentage of applications to endorse Subdivision Plans decided within 20 days.	Organisation - Development - Development Assessment	≥ 85.00%	95.20%		21 Plans of Subdivision were endorsed this quarter.
Percentage of total concurrence agency referrals decided within 10 days.	Organisation - Development - Development Assessment	≥ 90.00%	97.90%		47 concurrence referrals were decided in the quarter.
Percentage of total development applications decided within 10 days.	Organisation - Development - Development Assessment	≥ 30.00%	37.00%		24 applications were decided within 10 days or less out of a total of 65 applications decided for the quarter.
Percentage of total development approvals decided within 35 days or less.	Organisation - Development - Development Assessment	≥ 85.00%	94.00%		61 applications were decided in 35 days or less out of a total of 65 applications decided for the quarter.
Percentage planning and building searches are issued within statutory and corporate timelines.	Organisation - Development - Development Assessment	≥ 95.00%	99.50%		220 Building Compliance Searches and 22 Planning Certificates ((7 Limited, 9 Standard and 6 Full) were issued for the quarter.
Plumbing Services: Fast-track Approvals: Percentage of approvals decided within 5 days.	Organisation - Infrastructure - Water Services	≥ 95.00%	100.00%		4 Fast Track applications were received within this Quarter and all 4 were determined within the 5-day period.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Plumbing Services: Percentage of approvals decided within 20 days.	Organisation - Infrastructure - Water Services	≥ 95.00%	98.00%	✓	145 Applications were received during this quarter and 141 applications were processed/approved within the 20-day period.

Promote our region as a preferred investment destination nationally and internationally.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Holiday Parks: Percentage Holiday Park accommodation is occupied.	Organisation - Community & Environment - Community Services - Facilities Management		Trend	32.06%	<p>—</p> <p>Elliott Heads 32.21%</p> <p>Miara 53.99%</p> <p>Moore Park Beach 34.42%</p> <p>Burnett Heads 31.64%</p>
Number of passengers processed through Bundaberg Regional Airport terminal.	Organisation - Community & Environment - Airport	≥ 30,000.00	31,000.00	✓	Passenger numbers have fallen dramatically in response to COVID-19 and are not expected to recover until next financial year.
Percentage of the total Accounts Payable suppliers spend (excluding Corporate Purchase Cards) with local business categories A, B and C, as defined in the Procurement and Contract Manual.	Organisation - Organisational Services - Strategic Procurement	= 60.00%	59.43%	●	<p>Near "On track" and progressing. 59.43% is year to date measurement.</p> <p>Achieved 62.75% in month of February 2020 and 66.74% in month of March 2020.</p>

Safe, active, vibrant and inclusive community

Provide facilities, parks, open spaces, services, and programs that promote and support our community's safety and physical well-being.








Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of physical activity and preventative health initiatives promoted and supported by Council.	Organisation - Community & Environment - Parks, Sports & Natural Areas - Sport & Recreation	≥ 25.00	140.00	✓	Be Active Be Alive (summer session), Move It Expo 2020. Supported - International Cycle Fest, Bundaberg Cup, Windslasher, Bulls Masters Cricket.
Percentage of agreed service levels have been met.	Organisation - Community & Environment - Parks, Sports & Natural Areas - Parks & Gardens	≥ 85.00%	98.00%	✓	High service levels have been achieved across Parks & Open Spaces.

Manage our road landscapes, urban areas and recreational environments to support our community's lifestyle and to enhance the identity, special character and heritage of our region.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Development approvals are audited for compliance.	Organisation - Development - Development Strategic Planning	Yes/No	Yes	✓	10 approvals were audited for compliance during this quarter.

Support and facilitate community programs, networks, projects and events that promote social connectedness; and active and healthy community life.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Access to Services - Commonwealth Home Support Programme & Queensland Community Care (State and Federal funded): Number of service users with improved ability to access appropriate services.	Organisation - Community & Environment - Community Services - Community Care	≥ 50.00	434.00	✓	Consistent numbers of access to eligible clients.

Performance Measure	Organisation Link	Target	Actual	Status	Comments	
Community Support Services Commonwealth Home Support Programme & Queensland Community Care (State & Federal Funded): Number of service users who received a service.	Organisation - Community & Environment - Community Services - Community Care		Trend	434.00		Numbers vary quarter to quarter due to services being delivered to the aged.
Funded Programs (State & Federal): Percentage programs and services are demonstrating compliance with standards and meeting funding targets.	Organisation - Community & Environment - Community Services - Community Care	≥ 98.00%		98.00%		Always maintain compliance with standards.
Local Law, Animal Management - number of community education programs delivered/attended.	Organisation - Community & Environment - Regulatory Services	≥ 10.00		0.00		Quarter 3 is usually quiet. Numbers were expected to increase, but this is now dependent on COVID-19 as education programs are currently on hold.
Number of community development partnerships, projects and initiatives promoted and supported by Council.	Organisation - Community & Environment - Community Services - Community Development	= 25.00		20.00		Due to COVID-19, some activities and events have been cancelled.
Number of community grants provided	Organisation - Community & Environment - Community Services - Community Development		Trend	12.00		We are on track to meet expectations for eligible community grants.
Number of financial assistance requests/applications supported (individuals/sporting organisations/events).	Organisation - Community & Environment - Parks, Sports & Natural Areas - Sport & Recreation		Trend	22.00		Young People in Sport - 21, Sport Championship Funding - 1
Number of occasions that information, advice and referral services were provided.	Organisation - Community & Environment - Community Services - Neighbourhood Centres		Trend	1,846.00		Consistently seen as a point of contact for information and referral.



Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of service users who received a service.	Organisation - Community & Environment - Community Services - Neighbourhood Centres	Trend	2,805.00		Consistent utilisation across programs.
Number of service users with improved quality of life.	Organisation - Community & Environment - Community Services - Neighbourhood Centres	≥ 4,000.00	2,961.00		Numbers fluctuate and are recorded to map trend.
Number of services users with improved ability to access appropriate services.	Organisation - Community & Environment - Community Services - Neighbourhood Centres	≥ 4,000.00	2,021.00		Numbers fluctuate and are recorded to map trend.
Quality of Life - Commonwealth Home Support Programme & Queensland Community Care (State and Federal funded): Number of service users with improved quality of life.	Organisation - Community & Environment - Community Services - Community Care	≥ 300.00	434.00		Community Home Support Programme clients continue to access and benefit from programs provided.
Social Connectedness - Commonwealth Home Support Programme & Queensland Community Care (State and Federal funded): Number of service users with improved social connectedness.	Organisation - Community & Environment - Community Services - Community Care	≥ 150.00	186.00		Programs have been instrumental in maintaining improved social connectedness and improved wellbeing.




Implement disaster prevention strategies and maximise community preparedness for disaster events.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of Local Disaster Management Group (LDMG) Meetings held.	Organisation - Community & Environment - Disaster Management	1.00	1.00		Combined Local and District Disaster Management Group meeting held on 18 March 2020 as part of COVID-19.

An empowered and creative place



Provide facilities, spaces, services and activities that promote and support lifelong learning and community engagement with the arts and culture.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Days booked as a percentage of total days available.	Organisation - Community & Environment - Arts & Cultural Services - Moncrieff Entertainment Centre		Trend	40%	 Of the 37 days available for events this Quarter (due to Capex works), 15 were programmed. Quarter 3 is a slower quarter, but effects of the COVID-19 virus closures started to make their impact in February (Chinese New Year) and definitely from 16 March.
Number of community groups using the Moncrieff Entertainment Centre.	Organisation - Community & Environment - Arts & Cultural Services - Moncrieff Entertainment Centre		Trend	5.00	 Despite the maintenance works, a number of events were scheduled to support the community. These included film fundraisers, a demand-based film, a film night held by and for the Malayalam community and a world premiere of a locally made documentary. The documentary screening was cancelled due to COVID-19 restrictions. The remainder went ahead.
Number of participants in our community programs.	Organisation - Community & Environment - Library Services	≥ 2,000.00	1,765.00	 Wombat Stew by Marcia Vaughan was the title selected for One Book One Bundy 2020. Creative play spaces were installed at Libraries to encourage children 0-5 to learn through play. Lego Club was introduced for children 6-13, and teenagers were catered for with Board Game Club.	
Number of patrons using our libraries.	Organisation - Community & Environment - Library Services	≥ 70,000.00	70,110.00	 Residents & visitors used the Libraries until March 25th. All libraries closed due to COVID-19.	

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of patrons visiting the Moncrieff Entertainment Centre.	Organisation - Community & Environment - Arts & Cultural Services - Moncrieff Entertainment Centre	≥ 8,000.00	3,013.00		Quarter 3 is always a slower quarter for live entertainment due to the Christmas/New Year period. Because of this, Moncrieff scheduled substantial Capex work in this Quarter meaning that only 18 days were available for events of 91 days in the Quarter. Numbers were going to be low this Quarter as a result. Chinese New Year was cancelled due to COVID-19 in February and there have been impacts due to the virus closures this quarter from 16 March. Of the live events programmed, occupancy has been good. There have been 10 events - 3 live and 7 cinema events.
Number of visitors to BRAG and ChArts.	Organisation - Community & Environment - Arts & Cultural Services - Galleries - BRAG & ChArts	Trend	6,004.00		ChArts - 2,353; BRAG - 3,651. Solid visitation for The Gruchy Brothers and Finding Vera exhibitions at BRAG. Great responses from visitors.
Seats booked as a percentage of total seats available.	Organisation - Community & Environment - Arts & Cultural Services - Moncrieff Entertainment Centre	Trend	36%		3 live events, 7 cinema events. Cinema occupancy is average at 15%, live event occupancy is 57%. The Sapphires, which just managed to miss the COVID-19 closures on 14 March, was a sell-out show. This was the first of the Moncrieff's season events for 2020.

Provide leadership in creative innovation, opportunities for learning and social and cultural development.



Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of Galleries initiatives designed to grow our visual arts community.	Organisation - Community & Environment - Arts & Cultural Services - Galleries - BRAG & ChArts	Trend	22.00		Public programs January through to mid-March. Events cancelled from 16 March due to COVID-19 closures. With the closures, there

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of Moncrieff Entertainment Centre initiatives designed to grow our performing arts community.	Organisation - Community & Environment - Arts & Cultural Services - Moncrieff Entertainment Centre	≥ 3.00	1.00		<p>is a solid audience engagement plan in place with activities available online via Facebook and Instagram.</p> <p>Due to major Capex works at the Moncrieff this Quarter, focus has been on asset maintenance and renovation. The venue has been unavailable for projects to support the performing arts community. The one event planned (BlakDance Residency) was cancelled due to COVID-19. With the closures, there is a solid audience engagement plan in place with activities available online via Facebook and Instagram.</p>
Number of participants in our Digital Literacy programs.	Organisation - Community & Environment - Library Services	≥ 100.00	196.00		<p>Be Connected Digital Literacy sessions have been attended. Topics presented included Socialising and Shopping online, Resume Building and Risk Taking, Cyber Security, Ladies Code Club and Connected to Others.</p>



Our environment

Infrastructure that meets our current and future needs

Develop, implement and administer strategies and plans underpinned by the principles of sustainable development.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage amendment 5 to the Bundaberg Regional Council Planning Scheme 2015 has been completed and adopted.	Organisation - Development - Development Strategic Planning	June 2019	100%		The Planning Scheme amendments were adopted by the Council at the January meeting and commenced on 10 February 2020.
Percentage of complaints formally acknowledged within 5 days.	Organisation - Development - Development Compliance	= 100.00%	99.00%		90 complaints were acknowledged within the quarter.

Plan and implement council's long-term and annual capital works improvement program that reflects community needs and expectations.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Delivery of Wastewater Capital Projects Program: Percentage of adopted budget completed.	Organisation - Infrastructure - Water Services	= 95.00%	40.00%		40% of the wastewater budget has been expended, based on actual cost. There is approximately \$1.5M in committed costs for the remainder of the year along with internal costs.
Delivery of Water Capital Projects Program: Percentage of adopted budget completed.	Organisation - Infrastructure - Water Services	= 95.00%	41.00%		41% of the capital water budget has been expended, based on actual cost. There is approximately \$3.3M in committed costs for the remainder of the year along with internal costs. Larger projects such as the Gregory Water Treatment Plant upgrade have significant spends leading up to the end of the financial year.

Manage and maintain council owned buildings, facilities and assets that support and facilitate social connectedness and community life.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of visitors attending events at the Bundaberg Multiplex Convention Centre.	Organisation - Community & Environment - Tourism & Events - Tourism Services	Trend	4539 Attendees		These figures are taken from hirers at the time of booking.
Number of visitors to iconic facilities (Hinkler Hall of Aviation and Fairymead House).	Organisation - Community & Environment - Tourism & Events - Tourism Services	> 4,000.00	3,579.00		Very quiet third quarter. Despite a new exhibition The Twenties, Numbers have been slow. COVID-19 may have impacted in March as well, as social gathering numbers were restricted. Hinkler Hall of Aviation and Fairymead House closed Wednesday 25 March.
Percentage usage of halls and community facilities including Coronation Hall, School of Arts and Gin Gin RSL.	Organisation - Community & Environment - Community Services - Facilities Management	Trend	29.39%		Coronation Hall 21.51% School of Arts 38.31% Gin Gin RSL Hall 28.36%
Percentage usage of the Recreational Precinct.	Organisation - Community & Environment - Community Services - Facilities Management	Trend	45.4%		The percentage of usage is consistent with the current season.

Sustainable and affordable essential services




Connect our people, places, businesses and industries by maintaining and improving road transport, pathway and drainage networks.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of Roads & Drainage and Footpath Customer Requests (CRMs) completed within allocated time periods.	Organisation - Infrastructure - Engineering Services - Corridor Management	≥ 80.00%	62.00%		There were 1049 tasks closed. Of these, 62% (650) met service level requirements, with an average processing time of 16 days.

Supply potable water and wastewater services that ensure the health of our community in accordance with council's service standards.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Wastewater odour complaints per 1,000 connections.	Organisation - Infrastructure - Water Services	< 5.00	0.72	✓	19 odour complaints were received for the quarter from a total of 26,394 sewage connections.
Wastewater reliability: Percentage of customers who do not experience interruption.	Organisation - Infrastructure - Water Services	≥ 95.00%	99.96%	✓	11 sewerage connections experienced a service interruption from a total of 26,394 sewerage connections.
Wastewater reliability: Sewer main breaks and chokes per 100km of mains.	Organisation - Infrastructure - Water Services	≤ 40.00	4.54	✓	32 sewer main breaks and chokes occurred across the region during this quarter. The total length of sewer main is 705.33km.
Wastewater: Number of reportable incidents.	Organisation - Infrastructure - Water Services	≤ 5.00	17.00	●	A total of 17 reportable incidents were recorded for the quarter.
Water supply quality: Water quality complaints per 1,000 connections.	Organisation - Infrastructure - Water Services	≤ 10.00	0.85	✓	28 water quality complaints for the quarter from a total of 32,782 water connections. Complaints relate to taste, odour and discolouration across all Council's water service areas.
Water supply quality: Water quality incidents per 1,000 connections.	Organisation - Infrastructure - Water Services	≤ 5.00	0.06	✓	No new reportable incidents within this quarter.
Water supply reliability: Percentage of customers who do not experience a planned interruption.	Organisation - Infrastructure - Water Services	≥ 95.00%	95.01%	✓	1,635 water connections experienced a planned/unplanned service interruption from a total of 32,782 water connections.
Water supply usage: Raw water usage vs allocation. Water usage as a percentage of allocation for Bundaberg Region.	Organisation - Infrastructure - Water Services	≤ 80.00%	61.60%	✓	Water usage has been lower during this quarter due to higher rainfall received throughout the region. Raw water usage for this quarter was 2,563.9ML compared to 3,135.7ML for the corresponding quarter last year.

Provide effective and efficient fleet and trade services for operations and projects across council.


Performance Measure	Organisation Link	Target	Actual	Status	Comments
Asset Maintenance: Percentage of work tickets completed when scheduled.	Organisation - Infrastructure - Fleet & Trade Services	≥ 95.00%	92.61%		8.91% Improvement on last Quarter - Job task Matrix established - efficiency improvement due to accurate time allocation for Tasks.
Percentage of internal client survey results satisfactory or above.	Organisation - Infrastructure - Fleet & Trade Services	> 75.00%	99.00%		Percentage of internal client survey results satisfactory or above = 99.00%
Percentage of overall plant, vehicle and equipment availability.	Organisation - Infrastructure - Fleet & Trade Services	≥ 95.00%	94.09%		Increased downtime due to the extended age of some fleet assets and delays in the delivery of parts.

Sustainable built and natural environments

Manage, maintain, rehabilitate and protect our natural resources and regional ecosystems.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Biosecurity Surveillance: Number of properties inspected.	Organisation - Community & Environment - Parks, Sports & Natural Areas - Natural Resource Management	≥ 325.00	904.00		Land Protection Officers have undertaken a larger than usual number of property inspections due to recent rainfall events causing weed germination post drought.

Educate and engage with the community to encourage greater involvement in the protection of the natural environment and the development of land use policy.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of community environmental protection and	Organisation - Community & Environment - Parks, Sports & Natural Areas - Natural Resource Management	≥ 10.00	13.00		Ten community environmental protection and management activities were

Performance Measure	Organisation Link	Target	Actual	Status	Comments
management activities participated in.					facilitated/attended by the Land Protection Officers and three by the Natural Areas team.
Number of public awareness, education programs and activities delivered.	Organisation - Community & Environment - Parks, Sports & Natural Areas - Natural Resource Management	≥ 8.00	11.00	✓	Six educational/public awareness events were facilitated by the Alexandra Park Zoo, four by the Land Protection Officers and one by the Natural Areas section this quarter.

Review and consistently enforce local laws, the planning scheme, and other associated environment and public health legislation to ensure they meet community standards.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of annual Regulatory Services revenue budget collected across all three areas.	Organisation - Community & Environment - Regulatory Services	≥ 90.00%	88.00%	●	Animal Control 96% actual (is 68% of proposed total revenue), Regulated Parking 77% actual (is 28% of proposed total revenue), Local Laws 31% actual (is 4% of proposed total revenue). Revenue anticipated to severely reduce due to COVID-19 climate and measures undertaken by Council.

Provide environmental health and community services and programs to support regional wellbeing.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of community health/education programs delivered.	Organisation - Community & Environment - Waste & Health Services - Environmental Health Services	≥ 6.00	3.00	●	<p>Mosquito monitoring and education awareness program continuation for third quarter.</p> <p>Littering and Illegal Dumping awareness campaign continuation for third quarter.</p> <p>Council's free online food safety and hygiene course has had 458 users over the last 3 months.</p>

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of illegal dumping and littering complaints investigated.	Organisation - Community & Environment - Waste & Health Services - Environmental Health Services	Trend	119 Littering and Illegal Dumping complaints received.	■	119 complaints have been received and investigated over the last quarter. The continued Illegal Dumping Partnership Program has contributed to bring more awareness in the community about illegal dumping.

Our people our business

A sustainable financial position

Apply responsible fiscal principles for sustainable financial management.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Meeting legislative and operational standards for cash flow, investments, financial audits and accounts payable.	Organisation - Organisational Services - Financial Services		Yes	Yes ✔	No issues or failure to meet legislative and operational requirements identified.
Minimum return on investments is 1.3 times the bank bill swap rate.	Organisation - Organisational Services - Financial Services		≥ 1.30	2.10 ✔	Actual exceeds target. The potential effects of COVID-19 on investment returns are not yet known.
Number of payments outside of terms.	Organisation - Organisational Services - Financial Services - Accounts Payable		≤ 90.00	137.00 ●	Target not met due to various consequences of COVID-19.
Outstanding rates as a percentage of rates levied, prior to six monthly rates billing.	Organisation - Organisational Services - Financial Services		< 5.00%	2.99% ✔	All recovery action has been ceased from 15/03/2020 due to COVID-19. No final Notices will be issued until 30/06/2020 at the earliest.
Sufficient capital is available to meet forecast operational needs and maintained over the long-term financial forecast. Level of funds available greater than Council's minimum cash requirement.	Organisation - Organisational Services - Financial Services		≥ \$40,000,000.00	\$177,577,000.00 ✔	Council holds sufficient cash to fund major projects scheduled for the 2019/2020 financial year with no liquidity issues in the short term. Financial implications of COVID-19 are not yet known.

Review, monitor and evaluate asset management.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Reconciliation of assets and infrastructure.	Organisation - Infrastructure - Engineering Services - Asset Management	= 25.00%	60.00%	✓	Internal Capex and all Donated assets received to end of February 2020 have been processed. Remaining processing periods are end of April and May 2020.

Develop strong governance and funding networks with local, state and national stakeholders.

Performance Measure	Organisation Link	Target	Actual	Status	Comments	
Actively seek and apply for funding opportunities from the State and Federal Governments.	Organisation - Strategic Projects & Economic Development	Trend	3 grant applications being made.	—	1. Drought Communities Program application 2. Bridges Renewal Program application 3. Heavy Vehicle Productivity Program application (2 projects).	
Implement a controlled funding application process, ensuring high quality applications and meeting the reporting requirements and project milestones of the funding agreements.	Organisation - Organisational Services - Financial Services	= 90% of projects delivered in accord with the Funding agreements		100%	✓	Reporting requirements and project milestones continue to be met or extensions approved by the funding body.

Responsible governance with a customer driven focus

Ensure our workforce is adequately trained and supported to competently manage themselves and their work.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Average number of days for recruitment process (approval to employment offer).	Organisation - Organisational Services - People, Safety & Culture - HR Business Partners	Average 30 business days	33.93 business days	●	Trending upwards this quarter. Also impacted by COVID-19 staffing changes.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Internal investigations are managed in a timely manner.	Organisation - Organisational Services - People, Safety & Culture - HR Business Partners	Average 30 business days	10 business days	✓	No internal Human Resources investigations in the last quarter. All complaints managed within 10 business days.
Percentage of staff satisfied with training and development received.	Organisation - Organisational Services - People, Safety & Culture - Organisational Development	> 95.00%	100.00%	✓	100% satisfaction rating by staff of training received in the Quarter 3 period.
Percentage of staff trained in Right to Information and Information Privacy legislation during induction.	Organisation - Organisational Services - Governance & Legal Services	≥ 90.00%	53.00%	●	18 new employees are still to complete this training.

Provide friendly and responsive customer service, in keeping with council values and community expectations.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Percentage of call centre enquiries answered in accordance with Customer Service Charter.	Organisation - Organisational Services - Financial Services - Customer Service	≥ 90.00%	94.50%	✓	Service was delivered within acceptable timeframes.
Percentage of customer requests (CRMs) overdue or outstanding in relation to assigned timeframes.	Organisation - Organisational Services - Financial Services - Customer Service	≤ 15.00%	5.95%	✓	Requests for service are actioned within required timeframes, meeting service standards.
Regulatory Services - Number of proactive officer generated CRMs across all three areas.	Organisation - Community & Environment - Regulatory Services	Trend	226.00	—	33% increase on last quarter which was itself a 286% increase on the previous quarter.

Administer statutory compliant governance operations incorporating insurance; risk management; property management and council policies and procedures.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Corporate and Operational risks reported to Audit and Risk Committee.	Organisation - Organisational Services - Governance & Legal Services	Yes/No	Yes.	✓	Report presented to Audit and Risk Committee in January 2020.
Percentage of Administrative Action Complaints received and processed within applicable timeframes.	Organisation - Organisational Services - Governance & Legal Services	≥ 90.00%	100.00%	✓	3 compliant complaints were received and processed within timeframes during this period.
Percentage of insurance claims processed submitted within timeframes.	Organisation - Organisational Services - Governance & Legal Services	≥ 95.00%	100.00%	✓	36 Insurance claims were processed within time frames (general insurance and public liability claims).
Percentage of Right to Information and Information Privacy applications processed within legislative timeframes.	Organisation - Organisational Services - Governance & Legal Services	= 100.00%	100.00%	✓	3 Right to Information applications were received and processed for this quarter.
Percentage of up-to-date documents published in IMS.	Organisation - Organisational Services - Integrated Management Systems - Integrated Management Systems (IMS)	≥ 90.00%	85.00%	●	All documents published in the IMS remain current until they are superseded by a new version. Currently 15% of IMS documents have gone past their proposed review date and await staff attention.

Exercise whole-of-council adherence to, and compliance with, council's policies and procedures, in keeping with our corporate values and community's expectations.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of Internal Audits completed.	Organisation - Organisational Services - Internal Audit	≥ 2.00	3.00	✓	BDO have completed three audits within this quarter and are on track to complete all planned audits in this financial year.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of Internal Quality, Safety, Environmental (systems and processes) Audits completed.	Organisation - Organisational Services - Integrated Management Systems - Integrated Management Systems (IMS)	≥ 2.00	2.00	✓	Audits completed this period include: Audit 192003 Process Requirements of AS ISO/ IEC 17025:2018 Audit 192006 Childers Recycled Water Management Plan.

Provide and review systems, programs and processes to ensure effective and efficient service delivery to meet community expectations

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Customer support satisfaction based on surveyed users.	Organisation - Organisational Services - Information Services	≥ 80.00%	98.45%	✓	A great result given the teams current workload.
Information Services service desk tickets opened vs. closed.	Organisation - Organisational Services - Information Services	≤ 0.00	580.00	●	Due to the volume of increase related to COVID-19 pandemic we have a significant increase in net ticket numbers. Anticipated to have this closer to 'on-track' next quarter.
Operational risks reviewed quarterly by operational areas.	Organisation - Organisational Services - Governance & Legal Services	≥ 75.00%	100.00%	✓	Operational risks are currently being reviewed as part of recommendations made by Council's internal auditor.
Percentage of information mapping services availability.	Organisation - Organisational Services - Information Services	≥ 98.00%	98.90%	✓	Actual exceeds target.

Open communication

Keep our community and workforce informed and up-to-date in matters of agency and community interest.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Number of Council articles published on bundabergnow.com.	Organisation - Communications	= 70.00	104.00	✓	104 Council stories were published on Bundaberg Now.

Proactively support and encourage community engagement and collaboration.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Interaction with social media posts: Shares, comments and likes on Facebook, Instagram, YouTube and Twitter.	Organisation - Communications	5% increase on last quarter	10% growth on last quarter	✓	Engagement: This quarter: 547,681 Last quarter: 493,679 Facebook - 532,029 Instagram - 3148 Twitter - 18 YouTube - 12,486
Total number of followers on Facebook, Twitter, Instagram and YouTube.	Organisation - Communications	5% increase on last quarter	10% increase on last quarter	✓	Facebook: additional 2448 followers to a total of 21,747 Instagram: additional 497 followers to a total of 3,734 Twitter: additional 12 followers to a total of 1,508 YouTube: additional 129 subscribers to a total of 181

Develop consistent messaging and professional communications that establish a positive profile and identity for council and our region.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Sentiment analysis - a breakdown of the tone of all media mentions and whether they are positive, negative or neutral.	Organisation - Communications	< 10.00%	28.00%	✓	Online: Editorial mentions 219, Positive 32%, negative 8%, neutral 60% Print: Total media articles: 450. Positive 24%, negative 6%, neutral 70% Overall: positive 28%, negative 7%, neutral 65%

Review and develop updated and relevant communication platforms, modes, mediums and content.

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Website visitation: Length of stay.	Organisation - Communications	Trend	2 minutes and 29 seconds	—	Trending in the right direction with a strong audience retention.
Website visitation: Number of users.	Organisation - Communications	5% increase on last quarter	153,407 new users	●	Slight decrease of users based on last quarter, but this was anticipated due to the decrease in content because of Council elections.

Game changers

4.1 Connected and leveraged infrastructure

4.1.2 Annual infrastructure capital programs are completed in accord with adopted strategic plans and in accord with budget

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Completion of Bespoke Projects (specific/uncommon projects) subject to external factors including grant specific funding, in partnership with or dependent on external entities commitment, dependent on another Bespoke Project or delivered under tender.	Organisation - Organisational Services - Financial Services	= 60% per annum	57%	✓	There is an expected increase in activity during the 4th quarter, however delivery may be impacted by the COVID-19 situation.
Completion of business as usual projects (routine projects that Council has control over) including renewals, own source of funding and completed Project Decision Framework.	Organisation - Organisational Services - Financial Services	= 90% per annum	52%	●	There is an expected increase in activity during the 4th quarter, i.e when a large portion of the road renewal program is scheduled, however delivery may be impacted by the COVID-19 situation.

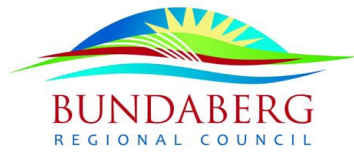
4.4 Organisational and cultural excellence

4.4.1 Develop and implement People and Performance Strategy

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Health and Safety Strategic Plan actions completed by timeframe.	Organisation - Organisational Services - People, Safety & Culture - Work Health & Safety	Milestone	Progress on implementing the Strategic Plans continues.	●	Review and projects impacted by recent events. Work will continue internally where possible.
Health and Safety Strategic Plan Key Performance Indicators met.	Organisation - Organisational Services - People, Safety & Culture - Work Health & Safety	= 90.00%	67.00%	●	6 of the 9 KPIs remain on track. Off track KPIs continue to progress.

4.4.3 Budget is delivered on time and on budget

Performance Measure	Organisation Link	Target	Actual	Status	Comments
Recurrent revenue and recurrent expenditure is within the budget parameters.	Organisation - Organisational Services - Financial Services	+ or - 10%	-5%	✓	As a result of the COVID-19 situation, there are expected variations to budget in the 4th quarter across Council which are being addressed via an informal budget review to be presented in April 2020 for the new Council. This is primarily around revenue write downs as a result of forced closures of facilities. At the 31st March the variations are minor and within the target range.



Item

29 April 2020

Item Number:

G3

File Number:**Part:**

GOVERNANCE

Portfolio:

Organisational Services

Subject:

Pay As You Go (PAYG) and Superannuation

Report Author:

Christine Large, Chief Legal Officer

Authorised by:

Amanda Pafumi, General Manager Organisational Services

Link to Corporate Plan:

Our People, Our Business - 3.2 Responsible governance with a customer-driven focus
 - 3.2.3 Administer statutory compliant governance operations incorporating insurance; risk management; property management and Council policies and procedures.

Background:**PAY AS YOU GO (PAYG)**

In accordance with the *Local Government Act 2009*, Councillors are not deemed to be employees of the Local Government to which they have been elected.

One outcome of this situation is that Councillors are not subject to the PAYG withholding tax system, and therefore must make alternative arrangements for remitting tax instalments to the Australian Taxation Office (ATO).

Section 446-5 of Schedule 1 of the *Taxation Administration Act (TAA) 1953* allows Councillors by unanimous resolution to elect to be treated as PAYG taxpayers by becoming an eligible governing body.

On 15 April 2018 Council discussed PAYG and no resolution was made to be treated as PAYG taxpayers.

Summary of Consequences**Resolution made under Section 446-5**

- Councillor remuneration subject to PAYG withholding tax
- Group certificates issued
- Statement of Earnings prepared for expense reimbursements
- Benefits may be subject to FBT
- Superannuation guarantee of 9% applies

- No effect on salary sacrifice for superannuation
- To participate in salary sacrificing each Councillor must enter into a written agreement with Council
- Council able to claim GST credits on reimbursement payments.

No Resolution made under Section 446-5

- Remuneration is not subject to PAYG withholding tax
- Council cannot withhold tax on a voluntary basis for Councillors
- Councillors must make their own arrangement to pay their taxes
- No group certificates issued
- Statement of Earnings prepared for remuneration and expense reimbursements
- Not subject to FBT
- The 9% superannuation guarantee is not applicable
- Council may decide whether to have contributory superannuation arrangement for Councillors
- No effect on salary sacrifice for superannuation
- To participate in salary sacrificing each Councillor must enter into a written agreement with Council
- Council unable to claim GST on reimbursement payments

SUPERANNUATION

Section 226 of the *Local Government Act 2009* allows Council to take part in a superannuation scheme for its Councillors.

The maximum Council contribution is 12% (where the councillor pays 6%). Individual Councillors can decide whether or not to participate. Councillors must make contributions themselves if they wish to receive the superannuation support

from Council. The standard contribution rates are 6% of income by councillors and 12% of income by Council. Councillors can elect to contribute less than 6% in which case the Council contributions will be scaled down proportionately so that Council pays twice the member rate.

Associated Person/Organization:

Nil

Consultation:

Nil

Chief Legal Officer's Comments:

A review of the two options regarding PAYG withholding tax identifies a number of positive and negative outcomes depending upon each individual Councillors personal circumstances. Councillors are encouraged to seek independent advice from a

registered tax agent or legal firm. Councillors are reminded that the recommendation needs to be adopted unanimously.

Section 226 of the *Local Government Act 2009*, provides that a local government may, for its councillors – (a) establish and amend a superannuation scheme; or (b) take part in a superannuation scheme.

Policy Implications:

There appear to be no policy implications.

Financial and Resource Implications:

There appear to be no financial or resource implications.

Risk Management Implications:

There appears to be no risk management implications.

Human Rights:

There appears to be no human rights implications.

Communications Strategy:

Communications Team consulted.

Yes

No

Attachments:

Nil

Recommendation:

That Council:

- 1. Offer a contributory superannuation arrangement to its Councillors and that, under section 226 of the *Local Government Act 2009*, Council take part in the Local Government Superannuation Scheme;**
- 2. Make a determination under Section 446-5 of Schedule 1 of the *Taxation Administration Act (TAA) 1953* regarding Councillors being treated as PAYG taxpayers.**