



## **SCENIC RIM REGIONAL COUNCIL**

### **Corporate & Community Services Committee**

# **Agenda**

Meeting to be held in the Council Chambers

82 Brisbane Street

Beaudesert

Tuesday, 13 October 2015

Commencing at the conclusion of the  
Finance Committee Meeting



**SCENIC RIM REGIONAL COUNCIL**  
**CORPORATE & COMMUNITY SERVICES COMMITTEE**  
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## CORPORATE & COMMUNITY SERVICES COMMITTEE

### AGENDA

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#### ATTENDANCE

Cr N J Waistell, Chairperson  
Cr J C Brent, Mayor  
Cr N O'Carroll  
Cr V A West, Deputy Mayor  
Cr J J Sanders  
Cr R J Stanfield  
Cr D A McInnes

#### APOLOGIES

#### DECLARATIONS OF INTEREST BY MEMBERS

#### Reception of Deputations by Appointment / Visitors

Nil

**Please note:** Agenda Items where Subject Headings are followed by [CLOSED] are to be discussed in closed session in accordance with Section 275(1) of the Local Government Regulation 2012.

**Section 275(1)** A local government or committee may resolve that a meeting be closed to the public if its councillors or members consider it necessary to close the meeting to discuss-

- (a) the appointment, dismissal or discipline of employees; or
- (b) industrial matters, affecting employees; or
- (c) the local government's budget; or
- (d) rating concessions; or
- (e) contracts proposed to be made by it; or
- (f) starting or defending legal proceedings involving it; or
- (g) any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; or
- (h) other business for which public discussion would be likely to prejudice the interests of local government or someone else, or enable a person to gain financial advantage.

**1. EXECUTIVE**

**1.1 Proposed Caretaker Period Protocol**

**Executive Officer: Chief Executive Officer**

**Item Author: Coordinator Governance and Policy**

**File Reference: 13/08/001**

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**Executive Summary**

Section 2 of the *Local Government Electoral Regulation 2012* provides that the next quadrennial local government election will be held on 19 March 2016.

There are a number of obligations and requirements for Councillors, Council and the Council administration in the period leading up to the election. These are primarily contained within caretaker period arrangements prescribed by Chapter 3, Part 5 of the *Local Government Act 2009* (LG Act).

A proposed Protocol has been developed to outline how Council will operate during the Caretaker Period.

**Previous Council Considerations / Resolutions**

Council adopted a Caretaker Period Protocol which applied to the 2012 quadrennial local government election.

**REPORT**

Council adopted a Caretaker Period Protocol (the Protocol) prior to the 2012 local government election. The Protocol was a key element for articulating how Council would comply with the LG Act and *Local Government Electoral Act 2011* during the 2012 quadrennial election, and to provide guidance for appropriate conduct during that period.

It established requirements on the operations of Council, Councillors and Council officers to ensure the ordinary business of Council continues in a responsible, transparent and legally-compliant manner. More specifically, the Protocol was designed to ensure:

- the efficient continuation of Council's day to day business;
- transparent actions and decision-making;
- actions that do not, or cannot be perceived to, bind an incoming Council in its operational delivery;
- the suspension of major policy decisions;
- the neutrality of Council officers; and
- the continuation of the principle that the use of public funds for electoral purposes is unacceptable.

A review of the Protocol has been undertaken in consultation with Councillors and Executive Team. The review did not identify any issues requiring significant variation in policy, however minor changes to address legislative amendments and current Council administrative arrangements have been incorporated in a draft Protocol.

The draft Protocol is proposed to apply during the caretaker period for the 2016 election. A copy is attached for Council's consideration.

To ensure accountability to the Protocol, it is proposed that it be formally adopted as a 'procedure' having regard to s176(4)(a) of the LG Act.

### **Strategic Implications**

#### *Community Plan*

Theme: Open and Responsive Government  
Outcome: Government is transparent, invites participation and encourages constructive debate  
Priority: Building understanding and trust between community and government through information, honesty and transparency.

#### *Corporate Plan / Operational Plan*

The Corporate Plan includes the following strategy to progress Open and Responsive Government:

Council will create a corporate environment underpinned by ethical behaviour that fosters a proactive customer service culture, processes and procedures that progress open and accountable governance and apply a risk management approach.

Council's 2015/2016 Operational Plan nominates that a review of the Caretaker Period Protocol will be undertaken by 31 December 2015.

#### *Budget Implications*

Not applicable

#### *Legal / Statutory Implications*

This report has been prepared to ensure Council, Councillors and Council staff satisfy the relevant provisions of the *Local Government Act 2009* and *Local Government Electoral Act 2012*.

#### *Risks*

##### Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

CF6 - Failure to comply with statutory obligations and responsibilities.

PO2 - Political influence impacting upon operational management of organisation.

PO3 - Breach of ethics or integrity by elected members resulting in financial disadvantage, loss of public confidence, organisational dysfunction or compromise of strategic objectives.

Risk Assessment

<b>Category</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Inherent Risk Rating</b>	<b>Treatment of risks</b>	<b>Residual Risk Rating</b>
Political  Inadequate protocols may impact on operational and service delivery	Major	Possible	High	Implementation of appropriate protocols	Medium
Legal Compliance and Liability  Non-compliance with regulatory requirements during election periods	Moderate	Possible	Medium	Implementation of appropriate protocols	Low
Reputation  Failure to adhere to appropriate protocols may cause reputational damage	Major	Possible	High	Implementation of appropriate protocols	Medium

**Conclusion**

The draft Protocol establishes an appropriate and legally-compliant framework for the operation of Council, and guidance for the conduct and actions of Councillors, candidates and Council officers during the caretaker period.

**Consultation**

The following internal stakeholders were consulted to inform the development of this item:

- Executive Team; and
- Councillors.

**Chief Executive Officer's Recommendation**

Council adopt the Caretaker Period Protocol (as attached to this report) as a procedure under section 176(4)(a) of the *Local Government Act 2009* for the duration of the 2016 quadrennial local government election.

**Attachments**

1. (Draft) Caretaker Period Protocol - 2016 Quadrennial Local Government Election (attached separately).



1.2 Draft Internal Audit Plan [Closed s.275(1)(h)]

Executive Officer: Chief Executive Officer

Item Author: Coordinator Governance and Policy

File Reference: 04/02/001

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**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 275(1)(h) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following: -

- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**1.3 Audit and Risk Committee Update [Closed s.275(1)(h)]**

**Executive Officer: Chief Executive Officer**

**Item Author: Governance Officer**

**File Reference: 04/18/002; 04/02/001**

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**Reason for Confidentiality**

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- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**2. CHIEF FINANCE OFFICER**

Nil

**3. REGIONAL SERVICES**

**3.1 Proposed Amendments to the Delegations Register**

**Executive Officer: Director Regional Services**

**Item Author: Coordinator Governance and Corporate Policy**

**File Reference: 16/01/001; 13/06/001**

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**Executive Summary**

Council uses the Local Government Association of Queensland's Delegations Register Service. Periodically new legislative instruments are identified for delegation from Council to the Chief Executive Officer, or amendments are identified due to changes to legislation. There a number of changes to the Delegations Register have been identified for consideration by Council.

**Previous Council Considerations / Resolutions**

At the Ordinary Meeting held on 26 June 2012, Council resolved to start using the Delegations Register Service supplied by the Local Government Association of Queensland.

Subsequently a number of versions of the Delegations Register have been considered by Council regarding Council to Chief Executive Officer delegations.

Council periodically reviews the Delegations Register to accommodate amendments. Council's last review of the Register was the annual review of the full register, which was adopted by Council on 24 March 2015.

**REPORT**

The Local Government Association of Queensland (LGAQ) provides a comprehensive series of schedules of local government powers under State legislation, which includes regular updates to ensure currency. This service has proven invaluable to the administration of Council's delegations by staff.

There have been recent amendments to the Local Government Association of Queensland's Delegations Registers. Per Attachment 1, a number of new powers have been identified for on-delegation, as well as powers which must be repealed or amended due to amendments to legislation.

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Further, three new Acts and Regulations have been identified for on-delegation - the *Aboriginal Cultural Heritage Act 2003*, the *Environmental Offsets Act 2014*, and the *Environmental Offsets Regulation 2014*.

As the amendments are to the Council to Chief Executive Officer delegations, Council must consider the proposed insertions, amendments, deletions and new delegations.

### **Strategic Implications**

#### *Community Plan*

Theme: Open and Responsive Government  
Outcomes: Government serves and supports the community. Regulation is minimalist and balances individual and community needs.  
Priorities: Streamlined, firm and fair regulation of issues that matter with incentives for good practice.  
Understanding community expectations, delivering services that meet these and government leading by example.

#### *Corporate Plan / Operational Plan*

Key Priority Area: Corporate Sustainability. Scenic Rim Regional Council is in a strong financial and operational position; we work with our community to deliver on the corporate plan priorities.  
Strategy: Encourage community participation, support open and accountable governance, and adopt a risk management approach to all Council operations and programs.

#### *Budget Implications*

No direct budgetary implications have been identified. The LGAQ has provided its Delegations Service with expert legal advice as a free facility to its members.

#### *Legal / Statutory Implications*

A person acting under delegation may take any action which the holder of the power can take – subject to any conditions which have been placed on exercise of those powers under delegation.

A decision by Council to delegate a particular power does not prevent Council from continuing to exercise that power when considered appropriate.

#### *Risks*

##### Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- CF6 - Failure to comply with statutory obligations and responsibilities;
- CF16 - Chief Executive Officer or staff exercising a delegation that should have or would have been chosen to be retained by Council; and
- CF17 - Delegations appointed at an inappropriately high level which results in inefficient or slow administrative processes.

Risk Assessment

<b>Category</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Inherent Risk Rating</b>	<b>Treatment of risks</b>	<b>Residual Risk Rating</b>
Legal Compliance and Liability  Council failing to make a decision in accordance with statutory timeframes or otherwise inefficiently due to a delegation being retained by Council.	Moderate	Unlikely	Medium	Ongoing reviews by Governance of the Delegations Register service combined with active reviews of the recommended delegations and appropriate delegation requests being made to Council as the need arises.	Low
Legal Compliance and Liability  Council staff acting inappropriately or failing to act appropriately due to out of date delegations register.	Minor	Possible	Medium	Ensuring that Council's Delegations Register remains up to date, is easily accessible by staff and amendments to the register are publicised to staff members.	Low

**Conclusion**

Establishing delegations of powers under State legislation requires careful consideration of a wide range of issues. The delegations nominated in the attached schedules generally reflect existing arrangements. It is contended that these arrangements have adequately served Council to date, however Council may elect to vary the current delegations, by revoking powers and/or by amending delegation conditions.

**Consultation**

Governance has conducted extensive consultation with the Executive Team regarding the allocation of delegations.

**Director's Recommendation**

That Council adopt the amendments to the Delegations Register.

**Attachments**

1. Proposed Amendments to Delegations Register (attached separately).

4. INFRASTRUCTURE SERVICES

4.1 Land for Agistment [Closed s.275(1)(e)]

Executive Officer: Director Infrastructure Services

Item Author: Senior Administration Officer - Property Management

File Reference: 05/06/001; RP819289L1; RP17884L2;  
CH312599L225Res472; W331790L111Pt Res160,  
WD4742L47Res1419

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**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following: -

- (e) contracts proposed to be made by it.