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Whitsunday Regional Council  
**Minutes of the Ordinary Meeting** held at  
**Council Chambers, 67 Herbert Street, Bowen** on  
**8 July 2020** commencing at **9:00am**

**Councillors Present:**

Andrew Willcox (Mayor/Chair), Jan Clifford, Al Grundy, John Collins, Michelle Wright, Gary Simpson and Michael Brunker.

**Council Officers Present:**

Rod Ferguson (Chief Executive Officer); Julie Wright (Director Community Services); Neil McGaffin (Director Development Services); Jason Bradshaw (Director Corporate Services); Matthew Fanning (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); Tailah Jensen (Governance Administration Officer/Minute Taker)

**Other Officers Present (Partial Attendance):**

Craig Turner (Chief Operating Officer – Aviation and Tourism); David Royston-Jennings (Governance and Legislation Advisor)

**Other Details:**

The meeting commenced at 9.00am

The meeting adjourned for morning tea at 10.18am

The meeting reconvened from morning tea at 10.42am

The meeting closed at 11.03am

Whitsunday Regional Council  
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**8 July 2020** commencing at **9:00am**

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## 1. Apologies

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No Agenda items for this section.

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2. Condolences

2.1 2020/07/08.01 CONDOLENCES

SUMMARY

Council has received advice of the passing of community members within the Whitsunday Region.

RECOMMENDATION

That Council observes one (1) minutes silence for the recently deceased.

RESOLUTION

Moved by: CR J CLIFFORD

Seconded by: CR M WRIGHT

That Council observes one (1) minutes silence for the recently deceased.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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## 3.1 Mayoral Minute

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No Agenda items for this section.

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3.2 Mayoral Update

Since my last Council meeting on June 24, 2020

Wednesday 24 June	<ul style="list-style-type: none"> • Photo Shoot for Council, in Bowen • Council Meeting, in Bowen • Teleconference with Premier and Queensland Mayors for Covid-19 update • Afternoon flight from Whitsunday Coast Airport to Brisbane for LGAQ Policy Executive Conference
Thursday 25 June	<ul style="list-style-type: none"> • Phone interview with Meecham Philpott (Meech) from ABC Radio • LGAQ Policy Executive Conference - Member Induction, in Brisbane • Meeting with Minister for State Development, Tourism and Innovation Kate Jones, in Brisbane • LGAQ Policy Executive Dinner held at Customs House, Brisbane
Friday 26 June	<ul style="list-style-type: none"> • LGAQ Policy Executive Meeting, in Brisbane • Teleconference with WRC Project Coordinator – Regional Skills Investment Strategy, Ry Collins for update on Economic Recovery priorities from members involved. • Flight home from Brisbane to Whitsunday Coast Airport
Saturday 27 June	<ul style="list-style-type: none"> • Launch prior to public opening for Whitsunday Green Club, in Cannonvale
Monday 29 June	<ul style="list-style-type: none"> • Citizenship Ceremony, held at Case Park Bowen • Meeting with Federal Minister for Dawson, George Christensen, in Bowen • Whitsunday Economic Recovery Group meeting hosted by George Christensen and myself, in Bowen
Tuesday 30 June	<ul style="list-style-type: none"> • Councillor Workshop, in Proserpine
Wednesday 1 July	<ul style="list-style-type: none"> • Briefing Session, in Proserpine • That afternoon, I toured Proserpine & Airlie Beach with Queensland Minister for Local Government, Racing & Multicultural Affairs Stirling Hinchliffe. • Teleconference with Premier and Queensland Mayors for Covid-19 update
Thursday 2 July	<ul style="list-style-type: none"> • Don River Improvement Trust meeting, in Bowen • Teleconference with NQ First Candidate for Burdekin Carolyn Moriarty • I attended the opening of the Harvest Trail Services Office, in Bowen
Friday 3 July	<ul style="list-style-type: none"> • Meet & Greet with One Nation's Pauline Hanson & Whitsunday candidate Deb Lawson, held at Mantra Club Croc in Cannonvale • Citizenship Ceremony, held at Airlie Beach Foreshore • Meeting with ratepayer, in Proserpine • Catch up with CEO • Meeting with ratepayer, in Bowen
Monday 6 July	<ul style="list-style-type: none"> • Teleconference with ratepayers
Tuesday 7 July	<ul style="list-style-type: none"> • Filming for 2020/21 Budget, in Bowen • Citizenship Ceremony, in Airlie Beach • Catch up with CEO, in Bowen • QTIC presentation of Destination Check Review

4. Confirmation of Minutes

4.1 2020/07/08.02 CONFIRMATION OF MINUTES REPORT

SUMMARY

Council is required to confirm the minutes of the Ordinary Council Meeting Minutes held on 24 June 2020.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held 24 June 2020.

RESOLUTION

Moved by: **CR J COLLINS**

Seconded by: **CR M WRIGHT**

That Council confirms the Minutes of the Ordinary Meeting held 24 June 2020.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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## **5. Delegations**

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No agenda items for this section.

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6. Petitions

No agenda items for this section.

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## **7. Notice of Motion**

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No agenda items for this section.

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8. Questions on Notice

No agenda items for this section.

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## 9. Questions from Public Gallery

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### PUBLIC QUESTION TIME

At this time in the meeting the opportunity is provided to members of the gallery to ask questions of the Council or to make statements about the Council and its operations. Under Council's Standing Orders the following applies in relation to this public question time:

1. In every Council Meeting time shall be set aside to permit members of the public to address the Council on matters of public interest related to local government. Questions from the Public Gallery will be taken on notice and may or may not be responded to at the Meeting and must be submitted in writing to Council prior to the Council Meeting in accordance with Council's Policy for Standing Orders – Meetings. The time allocated shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at any one (1) meeting. The right of any individual to address the Council during this period shall be at absolute discretion of the Council.
2. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
3. Any person addressing the Council shall stand, state their name and address, act and speak with decorum and frame any remarks in respectful and courteous language.

**During this meeting there Was one public question. The Chief Executive Officer read out the public question time statement first and then read out the question from Mr Clay Bauman.**

### **QUESTION ONE**

**Name:** Clay Bauman

**Address:** 12 Eshelby Drive, Cannonvale

Dear Mr Ferguson,

Please find below my question from the public gallery for the Council meeting planned for the 8<sup>th</sup> of July 2020.

Please can this be read on my behalf.

Hello Mr Mayor and Councillors.

The planning department based their claim that Port of Airlie's subdivision was legal on saying resolved amendments don't count until they are adopted.

If this is true, why does development application two thousand and eighteen 0694 specifically state that Council changed the level of assessment due to a resolved amendment that 2 years later is still not in the planning scheme?

Yours sincerely,

Clay Bauman

12 Eshelby Drive, Cannonvale.

## **COUNCILS RESPONSE**

Council advise that this question will be taken on notice and a response will be provided by the Development Services Director after further investigation.

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10. Office of the Mayor and CEO

No agenda items for this section.

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**11. Corporate Services**

**11.1 2020/07/08.03 REPRESENTATION ON COMMITTEES AND BOARDS - 2020-2024**

**SUMMARY**

At Council's meeting of 27 May 2020 Councillors were authorised to represent Council on a number of internal and external committees and boards. Since then, Council has additionally been asked to nominate a Council representative to be included on the 'Whitsunday headspace Steering Committee'. Correspondence from headspace is attached for Council's information.

**RECOMMENDATION**

That Council invite representatives from headspace Mackay to provide an overview of the activities to be undertaken within the Whitsunday region prior to Council making a commitment.

**RESOLUTION**

**Moved by: CR M BRUNKER**

**Seconded by: CR M WRIGHT**

**That Council invite representatives from headspace Mackay to provide an overview of the activities to be undertaken within the Whitsunday region prior to Council making a commitment.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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11. Corporate Services

11.2 2020/07/08.04 REMOTELY PILOTED AIRCRAFT (DRONE) POLICY

SUMMARY

Remotely Piloted Aircraft (RPA), also known as drones, provide an affordable alternative to satellites, helicopters and aircraft, offering both precision and convenience. The operation of RPA is governed by the Civil Aviation Safety Authority (CASA) in accordance with the Civil Aviation Safety Regulations Part 101 (CASR). All airspace comes under CASA jurisdiction.

As the owner and operator of three RPA, Whitsunday Regional Council (WRC) has recently obtained its Remotely Piloted Aircraft Operators Certificate (ReOC) to ensure compliance with CASR. This includes approval and certification by CASA of the WRC Remote Operations Manual and Library. WRC has also had 6 staff complete their Remote Pilot License, which is required to fly RPA of 2kg or more for remuneration, or to fly outside standard operating conditions.

Privacy and records legislation require that consideration be given to how data from RPA operations is collected, stored, disseminated and disposed of.

To ensure that Council is meeting all its legislative and privacy obligations for RPA operations, an operational RPA policy has been developed.

RECOMMENDATION

That Council adopt the Remotely Piloted Aircraft (Drone) Policy.

RESOLUTION

Moved by: CR M BRUNKER

Seconded by: CR A GRUNDY

That Council adopt the Remotely Piloted Aircraft (Drone) Policy.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**11. Corporate Services**

**11.3 2020/07/08.05 COUNCIL CARETAKER PERIOD POLICY**

**SUMMARY**

A number of shortcomings in the current Council Caretaker Period Policy were identified during the 2020 election period. There is no requirement to adopt a Caretaker Period Policy as the Local Government Act includes a comprehensive set of prohibitions applied during the election period.

**RECOMMENDATION**

That Council rescind the current Council Caretaker Period Policy and work with the provisions of the current legislation.

**RESOLUTION**

**Moved by: CR J CLIFFORD**

**Seconded by: CR M WRIGHT**

**That Council rescind the current Council Caretaker Period Policy and work with the provisions of the current legislation.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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11. Corporate Services

11.4 2020/07/08.06 COUNCILLOR ACCEPTABLE REQUEST POLICY

SUMMARY

In carrying out the responsibilities of Mayor and Councillor, Councillors may need to approach staff for information and advice. The attached policy is purposed to:

- assist Councillors in carrying out their responsibilities as elected representatives in an open and transparent manner;
- provide a process in which a *Councillor* may ask a Council *employee* for advice to help the Councillor carry out their responsibilities under the *Local Government Act 2009*; and
- set reasonable limits on *Requests* made by Councillors.

RECOMMENDATION

That Council adopt the attached Councillor Acceptable Request Policy.

RESOLUTION

Moved by: CR M BRUNKER

Seconded by: CR J COLLINS

That Council adopt the attached Councillor Acceptable Request Policy, subject to the addition of the following positions:

- a) Executive Manager Roads and Drainage;
- b) Disaster Recovery Project Director
- c) Manager W&S Network Operations
- d) Chief Operating Officer Whitsunday Water

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**11. Corporate Services**

**11.5 2020/07/08.07 COUNCILLOR EXPENSES AND FACILITIES POLICY**

**SUMMARY**

In discharging the duties of the role of Mayor and Councillor, Council potentially incur a range of expenses and provides a number of facilities. Council is required to adopt a policy that authorises a framework for certain expenditure and provision of facilities.

**RECOMMENDATION**

That Council adopt the attached Councillor Expenses and Facilities Policy.

**RESOLUTION**

**Moved by: CR M BRUNKER**

**Seconded by: CR J CLIFFORD**

**That Council adopt the attached Councillor Expenses and Facilities Policy.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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11. Corporate Services

11.6 2020/07/08.08 COST RECOVERY FEES - FINANCIAL YEAR 2020/21 - AMENDMENT

SUMMARY

In discharging the duties of the role of Mayor and Councillor, Council potentially incur a range of expenses and provides a number of facilities. Council is required to adopt a policy that authorises a framework for certain expenditure and provision of facilities.

RECOMMENDATION

Council resolve, in keeping with *Section 97 of the Local Government Act 2009 (Qld)*, to set the following Cost Recovery Fees to be effective from 1 July 2020.

Fee Description	GST	2020/21 Fee	Cost Recovery	Legislation
Material Change of Use - Business Business Activities defined activity ground of the WRCPS 2017, excluding Brothel	N	Impact Assessable: \$3,739.00 plus \$374.00 per 100m ² or part thereof over 100m ²	Y	Planning Act 2016, s51
Material Change of Use - Community Community Activities defined activity ground of the WRCPS 2017, excluding Hospital	N	Impact Assessable: 50% of the business activity's impact assessable fee.	Y	Planning Act 2016, s51
Material Change of Use - Industry Industry Activities defined activity ground of the WRCPS 2017, excluding Extractive Industry	N	Impact Assessable: \$3,560.00 plus \$199.00 per 100m ² or part thereof over 100m ²	Y	Planning Act 2016, s51
Material Change of Use - Rural Industry Activities defined activity ground of the WRCPS 2017, excluding Aquaculture, Animal Keeping & Intensive Animal Industry	N	Code Assessable: \$2,809.00 Impact Assessable: \$3,737.00	Y	Planning Act 2016, s51
Material Change of Use - Other - Animal Keeping	N	Impact Assessable: \$3,738.00	Y	Planning Act 2016, s51
Material Change of Use - Other - Brothel	N	Impact Assessable: \$7,417.00	Y	Planning Act 2016, s51
Material Change of Use - Other - Port Services	N	Impact Assessable: \$7417.00 Plus 0.25% of total value of project over \$1M	Y	Planning Act 2016, s51

RESOLUTION

Moved by: CR M BRUNKER

Seconded by: CR J CLIFFORD

Council resolve, in keeping with *Section 97 of the Local Government Act 2009 (Qld)*, to set the following Cost Recovery Fees to be effective from 1 July 2020.

Fee Description	GST	2020/21 Fee	Cost Recovery	Legislation
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Material Change of Use - Business Business Activities defined activity ground of the WRCPS 2017, excluding Brothel	N	Impact Assessable: \$3,739.00 plus \$374.00 per 100m ² or part thereof over 100m ²	Y	Planning Act 2016, s51
Material Change of Use - Community Community Activities defined activity ground of the WRCPS 2017, excluding Hospital	N	Impact Assessable: 50% of the business activity's impact assessable fee.	Y	Planning Act 2016, s51
Material Change of Use - Industry Industry Activities defined activity ground of the WRCPS 2017, excluding Extractive Industry	N	Impact Assessable: \$3,560.00 plus \$199.00 per 100m ² or part thereof over 100m ²	Y	Planning Act 2016, s51
Material Change of Use - Rural Industry Activities defined activity ground of the WRCPS 2017, excluding Aquaculture, Animal Keeping & Intensive Animal Industry	N	Code Assessable: \$2,809.00 Impact Assessable: \$3,737.00	Y	Planning Act 2016, s51
Material Change of Use - Other - Animal Keeping	N	Impact Assessable: \$3,738.00	Y	Planning Act 2016, s51
Material Change of Use - Other - Brothel	N	Impact Assessable: \$7,417.00	Y	Planning Act 2016, s51
Material Change of Use – Other - Port Services	N	Impact Assessable: \$7417.00 Plus 0.25% of total value of project over \$1M	Y	Planning Act 2016, s51

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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## **12. Development Services**

### **12.1 2020/07/08.09 FUNDING OPPORTUNITY - SALUTING THEIR SERVICES**

#### **SUMMARY**

This report provides a recommendation to submit the Proserpine Cenotaph project to the Saluting Their Services funding opportunity (July 2020 round). The Proserpine Cenotaph is identified as a cost item in the current Proserpine Entertainment Centre Rebuild budget for \$150k in the event funding cannot be secured.

#### **RECOMMENDATION**

That Council resolves to:

- a) Support a submission to the Saluting Their Services program seeking a funding amount of \$67,000; and
- b) Approve a co-contribution of \$77,450.

#### **RESOLUTION**

Moved by: **CR J CLIFFORD**

Seconded by: **CR J COLLINS**

That Council resolves to:

- a) Support a submission to the Saluting Their Services program seeking a funding amount of \$67,000; and
- b) Approve a co-contribution of \$77,450 to be funded from the current Proserpine Entertainment Centre Rebuild budget.

#### **MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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12. Development Services

**12.2 2020/07/08.10 FUNDING OPPORTUNITY - QUEENSLAND
RESILIENCE & RISK REDUCTION FUND 2020/2021**

SUMMARY

This report provides a recommendation to submit three (3) projects to the Queensland Resilience & Risk Reduction Fund 2020/21. Projects were selected from 7 options put forward to the Executive Leadership Team meeting held 12 June 2020 based on priority need and project alignment to funding objectives. Funding for these projects does require co-contribution. Project submissions are due 22 July 2020.

RECOMMENDATION

That Council resolves to:

- 1) Support the submission to the Queensland Resilience & Risk Reduction Fund seeking funding amounts as identified for the following projects:
 - a) \$300,000 for the Strategic Floodplain Management Plan Project
 - b) \$414,000 for the Regional Floodway Resilience Program
 - c) \$55,000 for the Flood cameras & Intelligent Systems Project; and
- 2) Approve the proposed Council co-contributions, in the event the funding application is successful:
 - a) \$50,000 for the Strategic Floodplain Management Plan Project
 - b) \$46,000 for the Regional Floodway Resilience Program
 - c) \$18,000 for the Flood cameras & Intelligent Systems Project

RESOLUTION

Moved by: CR J COLLINS

Seconded by: CR M WRIGHT

That Council resolves to:

- 1) **Support the submission to the Queensland Resilience & Risk Reduction Fund seeking funding amounts as identified for the following projects:**
 - a) **\$300,000 for the Strategic Floodplain Management Plan Project**
 - b) **\$414,000 for the Regional Floodway Resilience Program**
 - c) **\$55,000 for the Flood cameras & Intelligent Systems Project; and**
- 2) **Approve the proposed Council co-contributions, in the event the funding application is successful:**
 - a) **\$50,000 for the Strategic Floodplain Management Plan Project**
 - b) **\$46,000 for the Regional Floodway Resilience Program**
 - c) **\$18,000 for the Flood cameras & Intelligent Systems Project**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**12. Development Services**

**12.3 2020/07/08.11 DEVELOPMENT SERVICES MONTHLY REPORT - JUNE 2020**

**SUMMARY**

Development Services Monthly Report – June 2020.

**RECOMMENDATION**

That Council receive the Development Services Monthly Report for June 2020.

**RESOLUTION**

**Moved by: CR A GRUNDY**

**Seconded by: CR J CLIFFORD**

**That Council receive the Development Services Monthly Report for June 2020.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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13. Community Services

13.1 2020/07/08.12

SPORT & RECREATION CLUB GRANTS - JULY 2020

SUMMARY

Council offers annual funding to grassroots sport and recreation clubs across the region to support the general operations of the club.

RECOMMENDATION

That Council approve the payment of a Sport & Recreation Club Grant subject to the adoption of the 2020/21 budget, from budget code JC: 2967.10250 - Community Donations (2967) / Club Grants (10250), to the following recipients:

- Airlie Beach Bowls Club Inc. – Band 2 - \$3,000.00
- Cricket Whitsundays Inc. – Band 2 - \$3,000.00

RESOLUTION

Moved by: CR J COLLINS

Seconded by: CR J CLIFFORD

That Council approve the payment of a Sport & Recreation Club Grant subject to the adoption of the 2020/21 budget, from budget code JC: 2967.10250 - Community Donations (2967) / Club Grants (10250), to the following recipients:

- **Airlie Beach Bowls Club Inc. – Band 2 - \$3,000.00**
- **Cricket Whitsundays Inc. – Band 2 - \$3,000.00**

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**13. Community Services**

**13.2 2020/07/08.13**

**COMMUNITY SERVICES - MONTHLY REPORT - JUNE 2020**

**SUMMARY**

To provide an overview of the Community Services Directorate for the month of June 2020.

**RECOMMENDATION**

That Council receive the Community Services Monthly Report for June 2020.

**RESOLUTION**

**Moved by: CR M WRIGHT**

**Seconded by: CR J COLLINS**

**That Council receive the Community Services Monthly Report for June 2020.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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14. Infrastructure Services

No Agenda Items for this section.

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**Procedural Motion**

**2020/07/08.14          SUSPENSION OF STANDING ORDERS**

**Moved by:                  CR J CLIFFORD**

**That Council suspend standing orders at 9.39am to allow for discussion on the following general business items.**

**MEETING DETAILS:**

The Procedural Motion was carried 7/0

**CARRIED**

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16. General Business

16.1 2020/07/08.15 CARPARKING FEES – AIRLIE BEACH

Moved by: CR J CLIFFORD

Seconded by: CR J COLLINS

That paid parking resume at Coral Sea Marina and Port of Airlie carparks effective from Monday July 13th, 2020.

Furthermore, that the free parking at Broadwater and Airlie Central carparks remain free as per the previous council resolutions.

MEETING DETAILS:

The motion was Carried 4/3

CARRIED

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**16.                  General Business**

**16.2                  2020/07/08.16                  REQUEST FOR REPORT – NAVAL BASE**

**Moved by:                  CR M BRUNKER**

**Seconded by:              CR J CLIFFORD**

**That a report be brought back to Council by the Economic Development department regarding a brief on the inclusion of a Naval Base to be situated in a state development area at Abbot Point.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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Procedural Motion

2020/07/08.17 RESUME STANDING ORDERS

Moved by: CR J CLIFFORD

That Council resume standing orders at 9.56am.

MEETING DETAILS:

The Procedural Motion was carried 7/0

CARRIED

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**Procedural Motion**

**2020/07/08.18 Procedural Motion - Closure of Meeting**

**Moved by: CR J CLIFFORD**

**Seconded by: CR M BRUNKER**

**That Council close the meeting to the public at 9.56am in accordance with Section 275 of the Local Government Regulations 2012, for the purpose of discussing employee or industrial matters, budget, rating concessions, contractual matters, legal proceedings, planning matters or other business likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.**

**17.1.1 WHITSUNDAY COAST AIRPORT MONTHLY REPORT - MAY 2020**

- (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

**17.1.2 SHUTE HARBOUR MARINE TERMINAL MONTHLY REPORT - MAY 2020**

- (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

**17.2.1 DISPOSAL OF ASSET - LOT 72 ON DK189 - 7833 BOWEN DEVELOPMENT ROAD, COLLINSVILLE**

- (e) contracts proposed to be made by it

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~


Procedural Motion

2020/07/08.19 PROCEDURAL MOTION - ADJOURN

Moved by: CR J CLIFFORD

Seconded by: CR G SIMPSON

That the meeting be adjourned for the purpose of morning tea at 10.18am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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**Procedural Motion**

**2020/07/08.20           PROCEDURAL MOTION - RECONVENE**

**Moved by:               CR J CLIFFORD**

**Seconded by:           CR A GRUNDY**

**That the meeting be reconvened from morning tea at 10.42am.**

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

Procedural Motion

2020/07/08.21 PROCEDURAL MOTION – REOPEN OF MEETING

Moved by: CR J CLIFFORD

Seconded by: CR A GRUNDY

That Council reopen the meeting to the general public at 10.58am.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

~~~~~

**17.1 Confidential Matters – Office of the Mayor and CEO**

**17.1.1 2020/07/08.22 WHITSUNDAY COAST AIRPORT MONTHLY REPORT - MAY 2020**

**SUMMARY**

This report presents the May 2020 Whitsunday Coast Airport Business Unit Activity Report.

**RECOMMENDATION**

That Council receive the Whitsunday Coast Airport Business Report for May 2020.

**RESOLUTION**

Moved by: CR J CLIFFORD

Seconded by: CR M WRIGHT

That Council receive the Whitsunday Coast Airport Business Report for May 2020.

**MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

~~~~~

17.1 Confidential Matters – Office of the Mayor and CEO

17.1.2 2020/07/08.23 SHUTE HARBOUR MARINE TERMINAL MONTHLY REPORT - MAY 2020

SUMMARY

May 2020 Shute Harbour Marine Terminal Business Unit Activity Report.

RECOMMENDATION

That Council receive the Shute Harbour Marine Terminal Business Report for May 2020.

RESOLUTION

Moved by: CR J COLLINS

Seconded by: CR J CLIFFORD

That Council receive the Shute Harbour Marine Terminal Business Report for May 2020.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

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## **17.2 Confidential Matters – Corporate Services**

### **17.2.1 2020/07/08.24 DISPOSAL OF ASSET - LOT 72 ON DK189 - 7833 BOWEN DEVELOPMENT ROAD, COLLINSVILLE**

#### **SUMMARY**

Council purchased the former Aged Care Facility in Collinsville, Hillside Haven in 2016 following the facility being placed into Administration. Following renovation works and successful promotions the facility is currently fully tenanted, and interest has been shown in the potential purchase.

Land and buildings are defined as valuable non-current assets under the Local Government Regulation 2012. Section 228 of the LGR Council must dispose of the asset by either inviting public tenders or by auction.

#### **RECOMMENDATION**

That Council resolves to invite public tenders in accordance with Section 228 of the Local Government Regulation 2012 for the sale of Lot 72 on DK189, 7833 Bowen Developmental Road, Collinsville currently known as the Collinsville Independent Living Facility.

#### **RESOLUTION**

**Moved by: CR M BRUNKER**

**Seconded by: CR M WRIGHT**

**That Council resolves to invite public tenders in accordance with Section 228 of the Local Government Regulation 2012 for the sale of Lot 72 on DK189, 7833 Bowen Developmental Road, Collinsville currently known as the Collinsville Independent Living Facility.**

#### **MEETING DETAILS:**

The motion was Carried 7/0

**CARRIED**

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17.3. Confidential Matters – Development Services

No Agenda items for this section.

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### **17.4. Confidential Matters – Community Services**

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No Agenda items for this section.

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17.5. Confidential Matters – Infrastructure Services

No Agenda items for this section.

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***The meeting closed at 11.03am.***

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Confirmed as a true and correct recording this 22 July 2020

**Cr Andrew Willcox
MAYOR**

APPENDIX A

Item 11.4 – Councillor Acceptable Request Policy

Attachment 1 – Councillor Acceptable Request
Policy (As included in the Agenda)

Attachment 2 – Councillor Acceptable Request
Policy (As Resolved)

Councillors Acceptable Request Policy

Corporate Services
CP_CORP_02

COUNCIL POLICY			
Date Adopted by Council		Council Resolution	
Effective Date	July 2020	Next Review Date	June 2022
Responsible Officer(s)	Manager, Governance and Administration	Revokes	LSP_OMCEO_01 Adopted 27 February 2019

Purpose

This policy has been adopted by Council as the 'acceptable requests guidelines' under section 170A(6) of the *Local Government Act 2009* (Qld) (LGA). The purpose of this policy is to:

- assist Councillors in carrying out their responsibilities as elected representatives in an open and transparent manner;
- provide a process in which a *Councillor* may ask a Council *employee* for advice to help the Councillor carry out their responsibilities under the *Local Government Act 2009*; and
- set reasonable limits on *Requests* made by Councillors.

Scope

This policy is applicable to all Councillors and employees. Councillors may seek information or advice from Council employees in order to perform their responsibilities under the Local Government Act. To maintain the integrity of the relationship between the elected and administrative elements of Council. These Guidelines specify:

- the way in which Councillors may request information or advice from Council employees, including the reasonable limits on requests that a Councillor may make;
- the employees who may respond to requests for information or advice; and
- the manner in which Council employees are to respond to Councillor requests for information or advice.

These Guidelines do not deal specifically with attempts to influence Council employees. It is an offence under section 175I(3) of the LGA, for a Councillor who has a material personal interest, real conflict of interest or perceived conflict of interest in a matter, other than an ordinary business matter, to influence, or attempt to influence, a Council employee or a Council contractor who is authorised to decide or otherwise deal with the matter to do so in a particular way.

Contravention of this policy

Contravention of this policy:

- by a Councillor, may result in 'misconduct' under the LGA (The Independent Assessor (IA) is responsible for assessing and investigating instances of suspected misconduct. The IA may then refer the matter to the Councillor Conduct Tribunal to be heard and determined); or

- by a Council employee, may involve disciplinary action being taken against the employee.

Applicable Legislation

This policy is to be read in conjunction with the following legislative provisions and Council policies:

- sections 4, 12, 13, 170, 170A, 170AA, 171 and 171A of the *Local Government Act 2009* (Qld) (LGA);
- the Public Sector Ethics Act 1994 (Qld);
- the Council's Code of Conduct for Employees; and
- The Councillors' code of conduct made by the Minister.

Policy Statement

- 1.1 Communication by Councillors with employees must be conducted:
 - in a respectful, reasonable and professional manner;
 - in accordance with the law and the local government principles, Council's policies, guidelines and procedures and Council's organisational culture values of *Accountability, Unity, Trust, Community and Continuous Improvement*; and
 - in good faith.
- 1.2 Councillors shall not direct, or attempt to direct, any employees in the course of their employment, with the exception of the Mayor who may direct the CEO in accordance with s 170 of the Act or a Councillor who may direct a 'Councillor Advisor' in accordance with s 170AA of the Act
- 1.3 The preferred method of communication of Requests is via email to ensure that Council can maintain appropriate records in accordance with the *Public Records Act 2002*.
- 1.4 Generally, councillors may direct all requests pertaining to:
 - Political and strategic issues to the Chief Executive Officer, or the relevant Director;
 - Technical or operational issues to assist with decision-making obligations and responsibilities may be directed to the CEO, a Director, Executive Manager, or Manager, in accordance with the Appendix 2 - Employees from whom Councillors can request information or advice;
 - Meetings, appointments, events or *constituent* enquires to a Councillor Support Officer;
 - Other matters, including accessing commercial-in-confidence information, shall be directed to the CEO.
- 1.5 If a Councillor is of the opinion, that their request is likely to be time-consuming for employees to fulfil, they should approach the CEO to request the information.
- 1.6 The CEO may delegate the request to the most appropriate employee/s for actioning.

- 1.7 Councillors shall not discuss with any employee the terms and conditions of the employee's employment with Council under any circumstances.

Employees' Responsibilities

- 2.1 Communication by employees with Councillors must be conducted:
- in a respectful, reasonable and professional manner;
 - in accordance with the law and the local government principles, Council's policies, guidelines and procedures and Council's organisational culture values, *Accountability, Unity, Trust, Community and Continuous Improvement*; and
 - in good faith.
- 2.2 If a Councillor contacts an employee in contravention of this Policy, then the employee should:
- where the request is for information or advice in relation to a constituent enquiry, then refer the request to a Councillor Support Officer or the Manager, Governance and Administration; or
 - where the request is for technical or professional expertise, then refer the request to the appropriate Director or the CEO.
- 2.3 Employees must reasonably ensure that any information that is provided to a Councillor is accurate and correct, and brought to the attention of an appropriate Director in a timely manner.
- 2.4 If an employee is of the opinion, that the information requested by the Councillor through a Councillor Support Officer is unreasonably complex or onerous to fulfil and will significantly divert them from their regular duties, the employee shall seek advice from their Director or the CEO as to the reasonableness of the request.
- 2.5 If a Councillor directs or attempts to direct an employee about the way in which their duties are to be performed, the employee shall report the circumstances to the CEO as soon as possible.
- 2.6 Employees shall keep records of advice given to Councillors in the same manner as if they were providing advice to a member of the public. The employee shall ensure that a record of the advice is stored electronically in Council's electronic records management system.
- 2.7 No employee, other than the CEO, is entitled to distribute commercial-in-confidence information or data to a Councillor.
- 2.8 Employees shall not discuss with a Councillor any matter relating to the terms and conditions of their employment with Council, under any circumstances.
- 2.9 Employees shall inform the CEO if they believe a Councillor has behaved in a manner contrary to this policy.

Response Times to Requests for Assistance or Information

- 3.1 Where the information requested by the Councillor is routine and is readily available from Council's business systems, the employee shall, where possible, provide the response within one (1) business day of the request.
- 3.2 Employees shall respond to all other Requests within three (3) business days except where the information requested is of a complex nature or requires substantial research.
- 3.3 Where the matter is complex and requires substantial research and analysis or requires input from various Directorates, the employee shall provide a response within ten (10) business days.

Handling of Information

- 4.1 Both Councillors and employees acknowledge that the information provided in relation to a request may be confidential and that they must adhere to the Act, the Information Privacy Act 2009 and other relevant Acts/Regulations relating to privacy when they are in receipt of information that may affect individuals, organisation, the Council or provides an unfair advantage to someone.
- 4.2 If an employee has concerns about a request by from a Councillor in relation to the confidentiality or sensitivity of the information, the employee must report the circumstances to the CEO.
- 4.3 The CEO will review and determine an outcome for the request and will advise the employee.

Information/Advice that cannot be Requested

- 5.1 Section 170A(3) of the LGA provides that a Councillor may not request information:
 - that is a record of the Regional Conduct Review Panel or the Local Government Remuneration and Discipline Tribunal or Councillor Conduct Tribunal; or
 - if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or
 - that would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- 5.2 In addition, a Councillor may not request information or advice involving any of the following:
 - information which is a public interest disclosure under the Public Interest Disclosure Act 2010 (Qld);
 - personal information under the Information Privacy Act 2009 (Qld);

- the employment records of a Council employee;
- matters relating to the conduct of any Councillor, including any complaint, referral or investigation about that conduct to the extent it is not Publicly Available Information;
- confidential information under the Crime and Corruption Act 2001 (Qld); and
- information about recruitment of an individual or a recruitment process for a particular role within Council.

5.3 However, a Councillor may request information or advice that is confidential information of Council (other than information noted above or involves a confidential matter) provided that:

- the request is made under these Guidelines but only to the CEO (and no other Council officer); and
- any information is immediately returned to the CEO at their request.

Directions to Employees

6.1 Under no circumstances may a Councillor give a direction to a Council employee, notwithstanding this, the Mayor may give a direction to the CEO in accordance with section 170 of the LGA and Councillors may give direction to Councillor Administrative Support staff in accordance with section 171A of the LGA. Appendix 1 provides guidance and clarity to Councillors on the appropriate way that information can and cannot be requested.

How a Councillor may Request Information from an Employee

7.1 A Councillor may only request information from a Council employee if all of the following criteria are satisfied the request is made to:

- an employee acting in a position identified in Column 1 in the table in Appendix 2, if:
- the request is made in relation to a subject area identified and an appropriate type identified for that employee for that position in Column 2 of that table; and
- the request is made in writing, unless:
 - the request involves information which is generally accessible to the public;
 - in the case of a request made to the CEO, a Director or Manager, the employee agrees that a verbal request is sufficient in the circumstances and the employee records the details of a request in a file note; or
 - in the case of an emergency;
- the request is made in good faith; and
- the request would not involve an unreasonable use of a Council employee's time having regard to the resources available to Council.

Responding to Councillor Requests

- 8.1 If a Council employee receives a request from a Councillor that the employee considers does not comply with these Guidelines, the employee may refuse to deal with that request by:
- in the case of the CEO, taking an action in accordance with these Guidelines;
 - in the case of a Director, notifying the CEO about the request and the reasons for their concerns;
 - in the case of a Manager, notifying the Director to whom they report about the request and the reasons for their concerns; or
 - in the case of any other employee, notifying the Director to whom they report about the request and the reasons for their concerns.
- 8.2 If a Manager or Director receives a notification, that person must consider the concerns identified and make one of the following decisions:
- the Councillor's request does not comply with these Guidelines, in which case that person must take an Action in accordance with these Guidelines;
 - the Councillor's request complies with these Guidelines, in which case that person will direct the relevant employee to comply with the Councillor's request in accordance with these Guidelines; or
 - the concerns raised in relation to the Councillor's request need to be elevated to a more senior employee for consideration.
- 8.3 If the CEO receives a notification pursuant to these Guidelines, the CEO must consider the concerns identified by the employee and make one of the following decisions:
- the Councillor's request does not comply with these Guidelines, in which case the CEO must take an action in accordance with these Guidelines; or
 - the Councillor's request complies with these Guidelines, in which case the CEO will direct the relevant employee to comply with the Councillor's request in accordance with these Guidelines.
- 8.4 If a Manager, a Director or the CEO decides that a request made by a Councillor does not comply with these Guidelines, that person must notify the Councillor that an action is required to be taken in relation to the request for information or advice.
- 8.5 If an employee receives a request for information or advice from a Councillor that the employee considers, or that the employee has been directed pursuant to these of Guidelines, complies with these Guidelines, the employee must:
- in writing to the Councillor:
 - confirm receipt of the request and the scope of the request;
 - indicate the turnaround time to provide the information or advice requested; and
 - provide the information or advice requested to the Councillor within that turnaround time and as soon as reasonably practicable.

Councillor Review

- 9.1 If a Councillor is dissatisfied with a response, other than in relation to an action required to be taken by the CEO, the Councillor may notify his or her concerns to the CEO.
- 9.2 If a Councillor is dissatisfied with either the proposed or actual turnaround time for a request or with the type or extent of information provided in response to a request under Guidelines, other than in relation to a request made to the CEO, the Councillor may notify his or her concerns to the CEO.
- 9.3 If a Councillor has notified the CEO under these Guidelines, the CEO must undertake a review as soon as practicable and advise the Councillor in writing about how the concern will be addressed (if at all).
- 9.4 If a Councillor (other than the Mayor) is dissatisfied with:
- an Action required by the CEO pursuant to clause 9.4 of these Guidelines;
 - the CEO's proposed or actual turnaround time for a request under these Guidelines;
 - the type or extent of information provided by the CEO in response to a request under these Guidelines; or
 - a decision made by the CEO under either clause 10.3 or clause 10.4 of these Guidelines, the Councillor may notify the Mayor about his or her concern.
 - if a Councillor notifies the Mayor of a concern under clause 10.5 of these Guidelines; or
 - with respect to a request by the Mayor under these Guidelines, the Mayor is dissatisfied with the response to the request.
- 9.5 The Mayor may bring the matter to the attention of the CEO (either orally or in writing).
- 9.6 Unless the Mayor gives a direction to the CEO under section 170(1) of the LGA, the CEO may deal with the concern brought to his or her attention under these guidelines as the CEO considers appropriate.

COUNCILLOR USE OF INFORMATION

- 10.1 A Councillor must only use information or advice obtained from a Council employee for a proper purpose and must not use the information or advice in contravention of section 171 or 171A of the LGA.

Definitions

- **CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*
- **Constituent** refers to any resident, ratepayer or person residing within the Whitsunday Regional Council local government area including businesses and commercial operators
- **Council** refers to the Whitsunday Regional Council
- **Councillor Support Officer** refers to an employee whose primary roles is to support a Councillor regardless of position title and includes the Personal Assistant to the Mayor
- **Department** refers to an organisational unit within Council that is managed by a Director and includes the CEO, Chief Financial Officer and the Chief Operating Officer Water
- **Delegate** refers to an employee delegated by the CEO to accept and process Councillor requests
- **Employee** refers to any employee, contractor, volunteer etc. of the Council
- **Requests** refers to any request by a Councillor for information or advice

Related Documents

Local Government Act
Councillor Code of Conduct
Employee Code of Conduct

Appendix 1 - Guidance and Clarity to Councillors on the Appropriate Way that Information can and Cannot be Requested

A request for advice or information to assist the Councillor to carry out his or her responsibilities under the Act (section 171) must only be put in a manner requesting advice or information. For example, the following examples are considered as requesting advice or information:

- (I) *Could you please advise when the report will be presented to Council?*
- (II) *Can you please advise when Smith Road will be graded next?*
- (III) *Please can you advise as to the status of ...?*
- (IV) *Does the Local Government Act allow Council to....?*

A request for advice or information must not be put forward in a manner that gives the impression of giving a direction to an officer which includes attempting, implying, suggesting, coercing, enticing, pressuring, expressing a view, or debating, in a manner so as to create the impression or perception, that the officer has been given a direction by the Councillor to make a decision, allocate resources, make a recommendation or take actions that will result in a specified outcome; or could be perceived as doing so.

For clarity, the following are examples that may be considered as "giving a direction to an officer":

- (i) *I believe we should ...*
- (ii) *I would hope that council is planning ...*
- (iii) *Please can you consider ...*
- (iv) *Can you please provide me with a plan of action ...*
- (v) *I request that ...*
- (vi) *In relation to the advice you provided, (see b.(i)-(v) above)*
- (vii) *I have a meeting with Mr Smith on Monday, he needs your approval conditions before then.*

For further clarity "giving a direction to an officer" also includes making a request for information on a matter where there is no agreed Council or operational direction.

The following are examples that are considered as "giving a direction to an officer":

- (i) *Could you please advise when the report will be presented to Council?* (When neither Council has requested the report, nor have officers proposed to submit a report on the matter);
- (ii) *Can you please advise when Smith Road will be graded next?* (when Smith Road is not maintained by Council);
- (iii) *(iii) Please can you advise as to the status of XXX?* (when XXX is not an agreed Council or operational direction); or
- (iv) *Please advise when you intend to YYY.....?* (when YYY is not an agreed Council or operational direction)

Councillors Acceptable Request Policy

Corporate Services
[Policy Number]

Appendix 2 - Employees from whom Councillors can request information or advice

Position Name	Subject Area	Contact
Chief Executive Officer	Any matters.	Mr Rodney Ferguson Ph: 4945 0601 Mob: 0448 458 782
Executive Assistant to the CEO	Administrative matters relating to the CEO's Office	Ms Nickie Nosworthy Ph: 4945 0207
Manager, Corporate Communications and Marketing	Political, Technical and Operational matters, related to Council's branding, website, social media (incl 'Your Say Whitsunday'), newsletter, consultation and engagement and media.	Mr Greg Martin Ph: 4945 0617 Mob: 0438 748 270
Chief Operating Officer – Aviation and Tourism	Technical and Operational matters, related to airports, aerodromes, related safety and tourism.	Mr Craig Turner Ph 4945 0483 Mob: 0436 439 369
	Technical and Operational matters, related to Skills investment, destination marketing and economic development.	Mr Ry Collins Ph: 4945 0251 Mob: 0438 966 130
Corporate Services		
Director Corporate Services	Any matters, related to Corporate Services Department.	Mr Jason Bradshaw Ph:4756 6062 Mob: 0436914221
Manager, Governance and Administration	Technical and Operational matters, related to Registers of Interest, Conflict of Interests, Material Personal Interests, Agendas and Minutes, Right to Information, Information Privacy, Corporate and Operational Planning, Policy, Delegations, Risk, Internal Audit, Fraud and Corruption, Investigations, Councillor Remuneration, and Business Continuity Plans.	Mr Norm Garsden (Acting) Ph:0418 752 959

Councillors Acceptable Request Policy

Corporate Services
[Policy Number]

Councillor Support Officer	Support	Meetings, appointments, events, Customer requests and complaints, correspondence – operational matters.	Mrs Tammy McDonald Ph: 4945 0628 Mob: 0407 715 890
Councillor Support Officer	Support	Customer requests and complaints, meetings, correspondence – operational matters.	Mardi Matherson Ph: 4761 3607 Mob: 0436 807 382
Manager, Innovation and Technology		Technical and Operational matters, related to Technology systems, records management, Geographic Information Systems (GIS) and support.	Mr Scott Wilkinson Ph: 4945 0222 Mob: 0424 697 908
'IT' Support		Technical matters, related to operation of phones, iPads, etc.	24hr support Mob: 0428 210 160
Executive Manager, Procurement		Technical and Operational matters, related to Property and Building management (incl maintenance).	Mr Peter Shuttlewood Ph: 4945 0655 Mob: 0439 474 017
Administration Coordinator – Corporate Services.	–	Any administrative matters associated to with Corporate Services.	Stacie Thomas Ph 4945 0203
Infrastructure Services			
Director Infrastructure Services		Any – Political and Strategic matters, related to the Infrastructure Services Department.	Mr Matthew Fanning Ph: 4945 0444 Mob: 0417 107 171
Deputy Infrastructure Services	Director	Any – Political and Strategic matters, related to Department.	Mr Adam Hagy Ph: 4945 0267 Mob: 0448 501 135
Administration Coordinator Infrastructure Services.	–	Any administrative matters associated with Infrastructure Services.	Vacant Ph 49450434

Councillors Acceptable Request Policy

Corporate Services
[Policy Number]

Development Services		
Director Development Services	Any – Political and Strategic matters, related to the Development Services Department	Mr Neil McGaffin Ph: 4945 0215 Mob: 0401 992 172
Manager Development Assessment	Technical and Operational matters, related to development assessments.	Mr Doug Mackay Ph: 4945 0269 Mob: 0401 992 172
Administration Coordinator Development Services.	Any administrative matters associated with Development Services.	Jessica Yuskan Ph: 4945 0258
Community Services		
Director Community Services	Any – Political and Strategic matters, related to the Community Services Department	Ms Julie Wright Ph: 4761 3612 Mob: 0428 721 483
Manager, Community Services	Technical and Operational matters, related to community development and library operations.	Mr Rod Cousins Ph: 4945 0216 Mob: 0439 095 513
Administration Coordinator – Community Services.	Any administrative matters associated with Community Services.	Monique Stevens Ph: 4761 3634

Councillors Acceptable Request Policy

Corporate Services
CP_CORP_02

COUNCIL POLICY			
Date Adopted by Council		Council Resolution	
Effective Date	8 July 2020	Next Review Date	June 2022
Responsible Officer(s)	Manager, Governance and Administration	Revokes	LSP_OMCEO_01 Adopted 27 February 2019

Purpose

This policy has been adopted by Council as the 'acceptable requests guidelines' under section 170A(6) of the *Local Government Act 2009* (Qld) (LGA). The purpose of this policy is to:

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 - in good faith.
- 2.2 If a Councillor contacts an employee in contravention of this Policy, then the employee should:
- where the request is for information or advice in relation to a constituent enquiry, then refer the request to a Councillor Support Officer or the Manager, Governance and Administration; or
 - where the request is for technical or professional expertise, then refer the request to the appropriate Director or the CEO.
- 2.3 Employees must reasonably ensure that any information that is provided to a Councillor is accurate and correct, and brought to the attention of an appropriate Director in a timely manner.
- 2.4 If an employee is of the opinion, that the information requested by the Councillor through a Councillor Support Officer is unreasonably complex or onerous to fulfil and will significantly divert them from their regular duties, the employee shall seek advice from their Director or the CEO as to the reasonableness of the request.
- 2.5 If a Councillor directs or attempts to direct an employee about the way in which their duties are to be performed, the employee shall report the circumstances to the CEO as soon as possible.
- 2.6 Employees shall keep records of advice given to Councillors in the same manner as if they were providing advice to a member of the public. The employee shall ensure that a record of the advice is stored electronically in Council's electronic records management system.
- 2.7 No employee, other than the CEO, is entitled to distribute commercial-in-confidence information or data to a Councillor.
- 2.8 Employees shall not discuss with a Councillor any matter relating to the terms and conditions of their employment with Council, under any circumstances.
- 2.9 Employees shall inform the CEO if they believe a Councillor has behaved in a manner contrary to this policy.

Response Times to Requests for Assistance or Information

- 3.1 Where the information requested by the Councillor is routine and is readily available from Council's business systems, the employee shall, where possible, provide the response within one (1) business day of the request.
- 3.2 Employees shall respond to all other Requests within three (3) business days except where the information requested is of a complex nature or requires substantial research.
- 3.3 Where the matter is complex and requires substantial research and analysis or requires input from various Directorates, the employee shall provide a response within ten (10) business days.

Handling of Information

- 4.1 Both Councillors and employees acknowledge that the information provided in relation to a request may be confidential and that they must adhere to the Act, the Information Privacy Act 2009 and other relevant Acts/Regulations relating to privacy when they are in receipt of information that may affect individuals, organisation, the Council or provides an unfair advantage to someone.
- 4.2 If an employee has concerns about a request by from a Councillor in relation to the confidentiality or sensitivity of the information, the employee must report the circumstances to the CEO.
- 4.3 The CEO will review and determine an outcome for the request and will advise the employee.

Information/Advice that cannot be Requested

- 5.1 Section 170A(3) of the LGA provides that a Councillor may not request information:
 - that is a record of the Regional Conduct Review Panel or the Local Government Remuneration and Discipline Tribunal or Councillor Conduct Tribunal; or
 - if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or
 - that would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- 5.2 In addition, a Councillor may not request information or advice involving any of the following:
 - information which is a public interest disclosure under the Public Interest Disclosure Act 2010 (Qld);
 - personal information under the Information Privacy Act 2009 (Qld);

- the employment records of a Council employee;
- matters relating to the conduct of any Councillor, including any complaint, referral or investigation about that conduct to the extent it is not Publicly Available Information;
- confidential information under the Crime and Corruption Act 2001 (Qld); and
- information about recruitment of an individual or a recruitment process for a particular role within Council.

5.3 However, a Councillor may request information or advice that is confidential information of Council (other than information noted above or involves a confidential matter) provided that:

- the request is made under these Guidelines but only to the CEO (and no other Council officer); and
- any information is immediately returned to the CEO at their request.

Directions to Employees

6.1 Under no circumstances may a Councillor give a direction to a Council employee, notwithstanding this, the Mayor may give a direction to the CEO in accordance with section 170 of the LGA and Councillors may give direction to Councillor Administrative Support staff in accordance with section 171A of the LGA. Appendix 1 provides guidance and clarity to Councillors on the appropriate way that information can and cannot be requested.

How a Councillor may Request Information from an Employee

7.1 A Councillor may only request information from a Council employee if all of the following criteria are satisfied the request is made to:

- an employee acting in a position identified in Column 1 in the table in Appendix 2, if;
- the request is made in relation to a subject area identified and an appropriate type identified for that employee for that position in Column 2 of that table; and
- the request is made in writing, unless:
 - the request involves information which is generally accessible to the public;
 - in the case of a request made to the CEO, a Director or Manager, the employee agrees that a verbal request is sufficient in the circumstances and the employee records the details of a request in a file note; or
 - in the case of an emergency;
- the request is made in good faith; and
- the request would not involve an unreasonable use of a Council employee's time having regard to the resources available to Council.

Responding to Councillor Requests

- 8.1 If a Council employee receives a request from a Councillor that the employee considers does not comply with these Guidelines, the employee may refuse to deal with that request by:
- in the case of the CEO, taking an action in accordance with these Guidelines;
 - in the case of a Director, notifying the CEO about the request and the reasons for their concerns;
 - in the case of a Manager, notifying the Director to whom they report about the request and the reasons for their concerns; or
 - in the case of any other employee, notifying the Director to whom they report about the request and the reasons for their concerns.
- 8.2 If a Manager or Director receives a notification, that person must consider the concerns identified and make one of the following decisions:
- the Councillor's request does not comply with these Guidelines, in which case that person must take an Action in accordance with these Guidelines;
 - the Councillor's request complies with these Guidelines, in which case that person will direct the relevant employee to comply with the Councillor's request in accordance with these Guidelines; or
 - the concerns raised in relation to the Councillor's request need to be elevated to a more senior employee for consideration.
- 8.3 If the CEO receives a notification pursuant to these Guidelines, the CEO must consider the concerns identified by the employee and make one of the following decisions:
- the Councillor's request does not comply with these Guidelines, in which case the CEO must take an action in accordance with these Guidelines; or
 - the Councillor's request complies with these Guidelines, in which case the CEO will direct the relevant employee to comply with the Councillor's request in accordance with these Guidelines.
- 8.4 If a Manager, a Director or the CEO decides that a request made by a Councillor does not comply with these Guidelines, that person must notify the Councillor that an action is required to be taken in relation to the request for information or advice.
- 8.5 If an employee receives a request for information or advice from a Councillor that the employee considers, or that the employee has been directed pursuant to these of Guidelines, complies with these Guidelines, the employee must:
- in writing to the Councillor:
 - confirm receipt of the request and the scope of the request;
 - indicate the turnaround time to provide the information or advice requested; and
 - provide the information or advice requested to the Councillor within that turnaround time and as soon as reasonably practicable.

Councillor Review

- 9.1 If a Councillor is dissatisfied with a response, other than in relation to an action required to be taken by the CEO, the Councillor may notify his or her concerns to the CEO.
- 9.2 If a Councillor is dissatisfied with either the proposed or actual turnaround time for a request or with the type or extent of information provided in response to a request under Guidelines, other than in relation to a request made to the CEO, the Councillor may notify his or her concerns to the CEO.
- 9.3 If a Councillor has notified the CEO under these Guidelines, the CEO must undertake a review as soon as practicable and advise the Councillor in writing about how the concern will be addressed (if at all).
- 9.4 If a Councillor (other than the Mayor) is dissatisfied with:
- an Action required by the CEO pursuant to clause 9.4 of these Guidelines;
 - the CEO's proposed or actual turnaround time for a request under these Guidelines;
 - the type or extent of information provided by the CEO in response to a request under these Guidelines; or
 - a decision made by the CEO under either clause 10.3 or clause 10.4 of these Guidelines, the Councillor may notify the Mayor about his or her concern.
 - if a Councillor notifies the Mayor of a concern under clause 10.5 of these Guidelines; or
 - with respect to a request by the Mayor under these Guidelines, the Mayor is dissatisfied with the response to the request.
- 9.5 The Mayor may bring the matter to the attention of the CEO (either orally or in writing).
- 9.6 Unless the Mayor gives a direction to the CEO under section 170(1) of the LGA, the CEO may deal with the concern brought to his or her attention under these guidelines as the CEO considers appropriate.

COUNCILLOR USE OF INFORMATION

- 10.1 A Councillor must only use information or advice obtained from a Council employee for a proper purpose and must not use the information or advice in contravention of section 171 or 171A of the LGA.

Definitions

- **CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*
- **Constituent** refers to any resident, ratepayer or person residing within the Whitsunday Regional Council local government area including businesses and commercial operators
- **Council** refers to the Whitsunday Regional Council
- **Councillor Support Officer** refers to an employee whose primary roles is to support a Councillor regardless of position title and includes the Personal Assistant to the Mayor
- **Department** refers to an organisational unit within Council that is managed by a Director and includes the CEO, Chief Financial Officer and the Chief Operating Officer Water
- **Delegate** refers to an employee delegated by the CEO to accept and process Councillor requests
- **Employee** refers to any employee, contractor, volunteer etc. of the Council
- **Requests** refers to any request by a Councillor for information or advice

Related Documents

Local Government Act
Councillor Code of Conduct
Employee Code of Conduct

Appendix 1 - Guidance and Clarity to Councillors on the Appropriate Way that Information can and Cannot be Requested

A request for advice or information to assist the Councillor to carry out his or her responsibilities under the Act (section 171) must only be put in a manner requesting advice or information. For example, the following examples are considered as requesting advice or information:

- (I) *Could you please advise when the report will be presented to Council?*
- (II) *Can you please advise when Smith Road will be graded next?*
- (III) *Please can you advise as to the status of ...?*
- (IV) *Does the Local Government Act allow Council to....?*

A request for advice or information must not be put forward in a manner that gives the impression of giving a direction to an officer which includes attempting, implying, suggesting, coercing, enticing, pressuring, expressing a view, or debating, in a manner so as to create the impression or perception, that the officer has been given a direction by the Councillor to make a decision, allocate resources, make a recommendation or take actions that will result in a specified outcome; or could be perceived as doing so.

For clarity, the following are examples that may be considered as "giving a direction to an officer":

- (i) *I believe we should ...*
- (ii) *I would hope that council is planning ...*
- (iii) *Please can you consider ...*
- (iv) *Can you please provide me with a plan of action ...*
- (v) *I request that ...*
- (vi) *In relation to the advice you provided, (see b.(i)-(v) above)*
- (vii) *I have a meeting with Mr Smith on Monday, he needs your approval conditions before then.*

For further clarity "giving a direction to an officer" also includes making a request for information on a matter where there is no agreed Council or operational direction.

The following are examples that are considered as "giving a direction to an officer":

- (i) *Could you please advise when the report will be presented to Council?* (When neither Council has requested the report, nor have officers proposed to submit a report on the matter);
- (ii) *Can you please advise when Smith Road will be graded next?* (when Smith Road is not maintained by Council);
- (iii) *(iii) Please can you advise as to the status of XXX?* (when XXX is not an agreed Council or operational direction); or
- (iv) *Please advise when you intend to YYY.....?* (when YYY is not an agreed Council or operational direction)

Councillors Acceptable Request Policy

Corporate Services
[Policy Number]

Appendix 2 - Employees from whom Councillors can request information or advice

Position Name	Subject Area	Contact
Chief Executive Officer	Any matters.	Mr Rodney Ferguson Ph: 4945 0601 Mob: 0448 458 782
Executive Assistant to the CEO	Administrative matters relating to the CEO's Office	Ms Nickie Nosworthy Ph: 4945 0207
Manager, Corporate Communications and Marketing	Political, Technical and Operational matters, related to Council's branding, website, social media (incl 'Your Say Whitsunday'), newsletter, consultation and engagement and media.	Mr Greg Martin Ph: 4945 0617 Mob: 0438 748 270
Chief Operating Officer – Aviation and Tourism	Technical and Operational matters, related to airports, aerodromes, related safety and tourism.	Mr Craig Turner Ph 4945 0483 Mob: 0436 439 369
	Technical and Operational matters, related to Skills investment, destination marketing and economic development.	Mr Ry Collins Ph: 4945 0251 Mob: 0438 966 130
Corporate Services		
Director Corporate Services	Any matters, related to Corporate Services Department.	Mr Jason Bradshaw Ph:4756 6062 Mob: 0436914221
Manager, Governance and Administration	Technical and Operational matters, related to Registers of Interest, Conflict of Interests, Material Personal Interests, Agendas and Minutes, Right to Information, Information Privacy, Corporate and Operational Planning, Policy, Delegations, Risk, Internal Audit, Fraud and Corruption, Investigations, Councillor Remuneration, and Business Continuity Plans.	Mr Norm Garsden (Acting) Ph:0418 752 959

Councillors Acceptable Request Policy

Corporate Services
[Policy Number]

Councillor Support Officer	Meetings, appointments, events, Customer requests and complaints, correspondence – operational matters.	Mrs Tammy McDonald Ph: 4945 0628 Mob: 0407 715 890
Councillor Support Officer	Customer requests and complaints, meetings, correspondence – operational matters.	Mardi Matherson Ph: 4761 3607 Mob: 0436 807 382
Manager, Innovation and Technology	Technical and Operational matters, related to Technology systems, records management, Geographic Information Systems (GIS) and support.	Mr Scott Wilkinson Ph: 4945 0222 Mob: 0424 697 908
'IT' Support	Technical matters, related to operation of phones, iPads, etc.	24hr support Mob: 0428 210 160
Executive Manager, Procurement	Technical and Operational matters, related to Property and Building management (incl maintenance).	Mr Peter Shuttlewood Ph: 4945 0655 Mob: 0439 474 017
Administration Coordinator – Corporate Services.	Any administrative matters associated to with Corporate Services.	Stacie Thomas Ph 4945 0203
Infrastructure Services		
Director Infrastructure Services	Any – Political and Strategic matters, related to the Infrastructure Services Department.	Mr Matthew Fanning Ph: 4945 0444 Mob: 0417 107 171
Deputy Director Infrastructure Services	Any – Political and Strategic matters, related to Department.	Mr Adam Hagy Ph: 4945 0267 Mob: 0448 501 135
Administration Coordinator – Infrastructure Services.	Any administrative matters associated with Infrastructure Services.	Vacant Ph 49450434

Councillors Acceptable Request Policy

Corporate Services
[Policy Number]

Chief Operating Officer – Whitsunday Water	Any – Political and Strategic matters, related Water related matters.	Mr Troy Pettiford Ph 4945 0443 Mob: 0415 176 873
Executive Manager, Roads and Drainage	Technical and Operational matters, related to roads and drainage matters.	John 'Blue' Gwydir Ph: 4761 3606 Mob: 0408 788 673
Manager W&S Network Operations	Technical and Operational matters, related to water and sewerage network matters.	Darren Trott Ph: 4761 3637 Mob: 0409 933 912
Disaster Recovery Project Director	Technical and Operational matters, related to disaster recovery projects.	Mr Trevor Williams Ph: 47613675 Mob:0438 526 114
Development Services		
Director Development Services	Any – Political and Strategic matters, related to the Development Services Department	Mr Neil McGaffin Ph: 4945 0215 Mob: 0401 992 172
Manager Development Assessment	Technical and Operational matters, related to development assessments.	Mr Doug Mackay Ph: 4945 0269 Mob: 0401 992 172
Administration Coordinator Development Services.	Any administrative matters associated with Development Services.	Jessica Yuskan Ph: 4945 0258

Councillors Acceptable Request Policy

Corporate Services
[Policy Number]

Community Services			
Director Community Services	Any – Political and Strategic matters, related to the Community Services Department	Ms Julie Wright Ph: 4761 3612 Mob: 0428 721 483	
Manager, Community Services	Technical and Operational matters, related to community development and library operations.	Mr Rod Cousins Ph: 4945 0216 Mob: 0439 095 513	
Administration Coordinator – Community Services.	Any administrative matters associated with Community Services.	Monique Stevens Ph: 4761 3634	

APPENDIX B

Item 11.5 – Councillor Expenses and Facilities Policy

Attachment – Councillor Expenses and Facilities
Policy



Internal Audit of Councillor Expenses

Whitsunday Regional Council

May 2019

Confidential

Prepared for: Kenn Donohoe – Chief Executive Officer

Prepared by: Donna Sinanian – Partner



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Distribution	
For Action	For Information
Chief Executive Officer	Audit & Risk Committee



Disclaimer

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1. Executive Summary

1.1 Introduction

Crowe was engaged by Whitsunday Regional Council (WRC) to conduct an Internal Audit of Councillor Expenses. This report documents the findings identified from performing the internal audit at WRC during the period 25 to 29 March 2019.

The Crowe team would like to acknowledge the assistance provided by WRC's personnel during the course of the Internal Audit. WRC's Management and staff displayed a willingness to identify improvements in their processes and were receptive of any feedback provided throughout the Internal Audit.

1.2 Objective

The objectives of this audit are to examine the processes, practices and adequacy of design and operating effectiveness of related internal controls in place for the payment and management of Councillor expenses and reimbursements.

1.3 Scope

Our audit visit in November 2018 encompassed a policy review, whereby we also benchmarked WRC's Councillors reimbursement policy against other Council's in the region of similar size and circumstance. In our review this quarter, we delved further and performed sample based testing over key controls identified in the policy – *"Reimbursement of Expenses and Provision of Facilities for Councillors"* to check operating efficiency and effectiveness.

This review will provide the committee with assurance of the level and nature of Councillor expenses that have been paid for or reimbursed by Council during the 2018/19 year to date in accordance with that policy.

The objectives of this review were to:

- Ensure reimbursements or expenses awarded were in accordance with the policy
- Perform analysis on transactions for the period
- Document the process through high-level process maps
- Evaluate differences between individual Councillors and what was paid
- Summarise observations and management action plans

We have also included a comparison across 10 other Councils in Queensland for specific meal allowance, accommodation and the use of CEO discretion in their Councillor Reimbursement Policies. This has been included as Appendix 1 and is intended to inform of other practices in this space.

1.4 Positive observations

The Crowe team would like to acknowledge the assistance provided by WRC personnel and all stakeholders for their time and efforts during the Internal Audit. We noted the following positive observations during the Internal Audit:

- All documentation required for samples selected was easily able to be found within Enterprise Content Management (ECM). We concluded that there were no discrepancies identified between the reimbursements recorded and supporting documentation and this appeared to largely be due to the cohesiveness between the Councillor Support Officer and the Operational Accounting team.
- We would like to thank the following Council employees for their efforts during our internal audit visit: Governance Officer, Councillor Support Officer, Executive Assistant to the CEO and Team Leader Operational Accounting and team.

1.5 Basis and Use of this Report

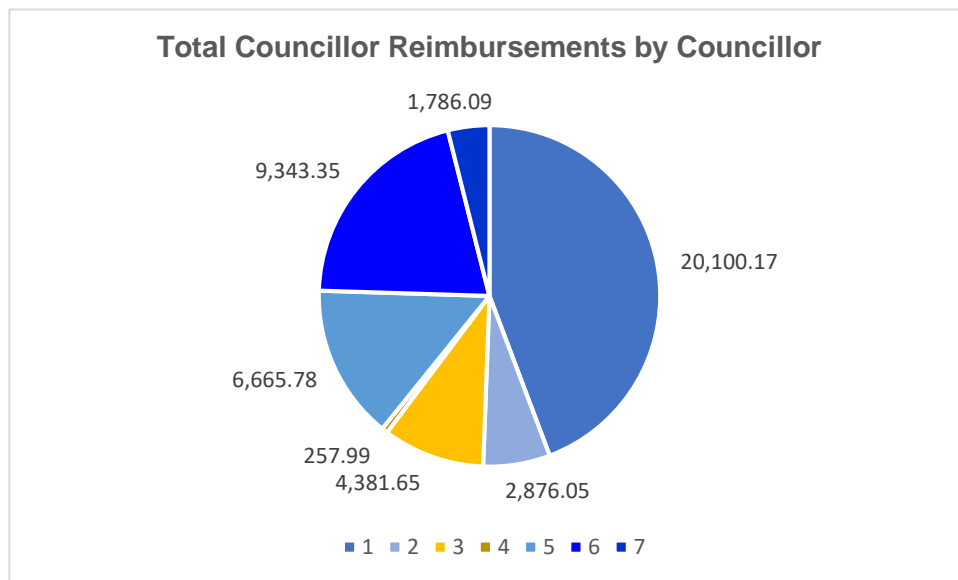
This report has been prepared in accordance with the objectives, scope and approach set out in Appendix 1 and subject to the limitations set out in Appendix 3 (Basis and Use of the Report). The report is written on an exceptions basis and therefore, only areas requiring Management consideration and action are included within this report.

2. Background

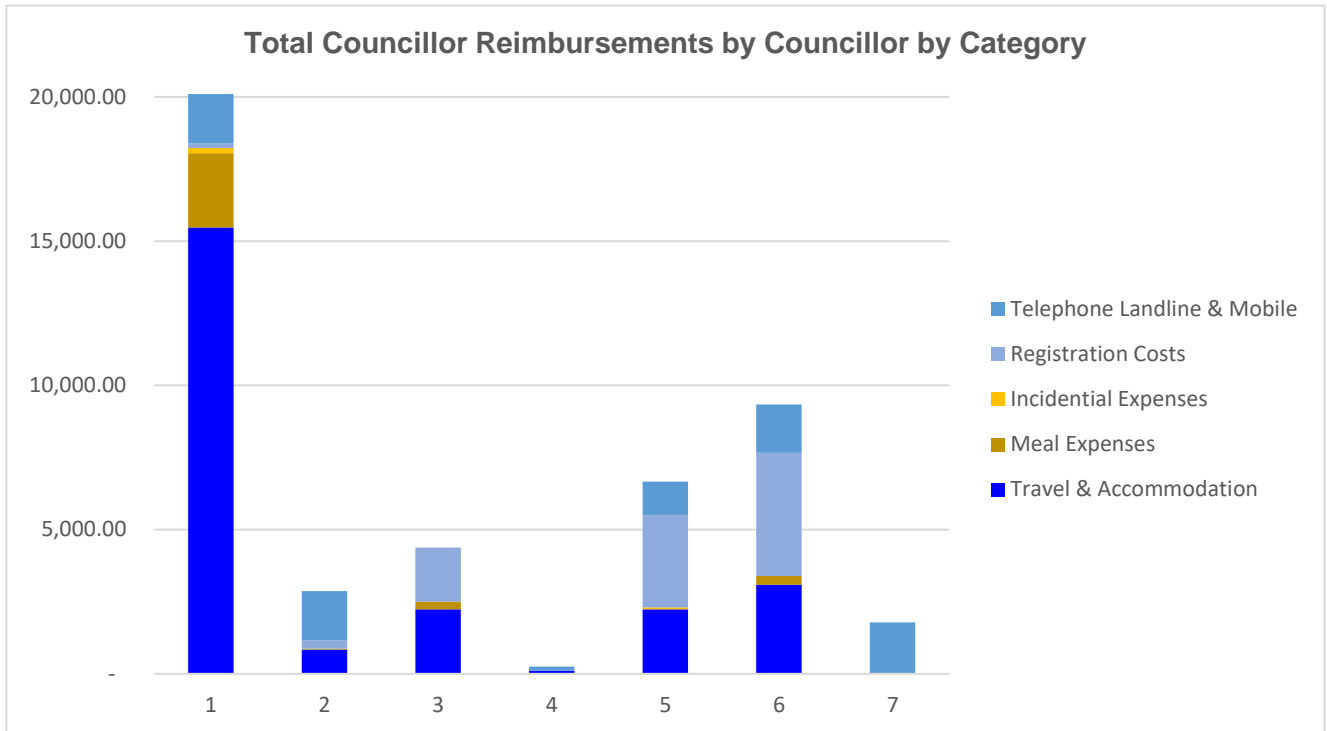
The objective of this audit was to ensure Councillor reimbursements and expenses are in line with the *Reimbursement of Expenses and Provision of Facilities for Councillors* Policy. This was done through an extensive review of the above-mentioned policy as well as a sample-based approach of Councillor reimbursements throughout the financial year.

After conducting interviews with staff and a process review, a sample of 16 Councillor reimbursements were chosen to provide the committee with assurance of the level and nature of Councillor expenses that have been paid for or reimbursed by Council. No errors were found in the testing when matching the transactions against source documentation, however, several findings and recommendations, as discussed in section 4, have been put forward to ensure that the reimbursement of Councillors expenses is transparent and to ensure fair and consistent treatment of Councillors in relation to reimbursement of expenses.

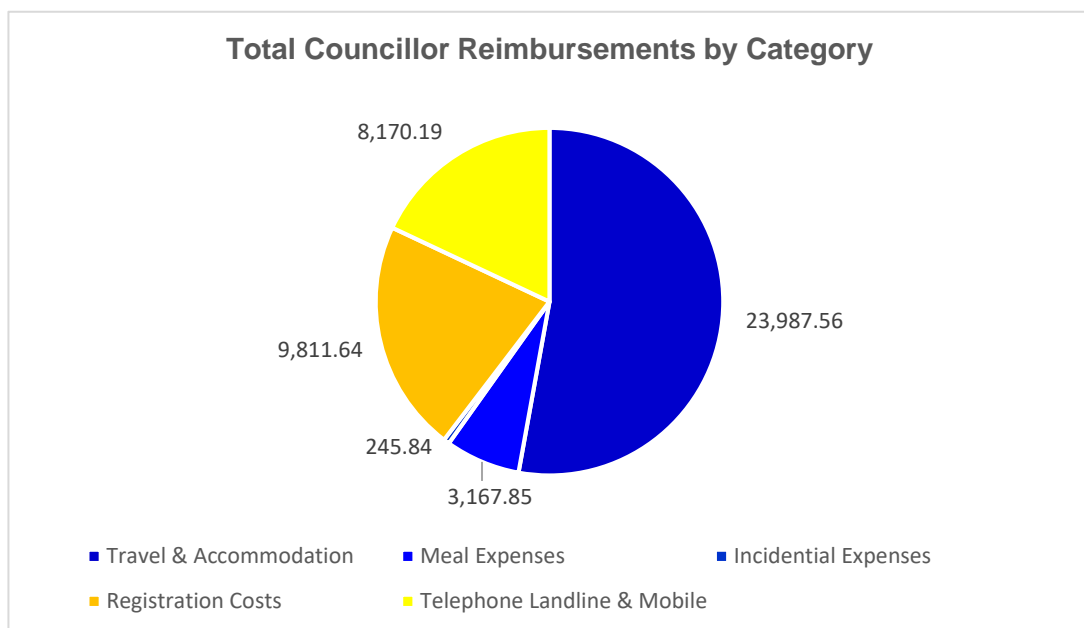
Please note in each of the following displayed graphs we have not disclosed Councillor names, but instead have allocated each Councillor a number from 1 to 7 in no particular order. Below, is a graph representing the total Councillor reimbursements from the period 1 July 2018 to 29 March 2019. The total reimbursements for this period total \$45,411.08.



Each Councillor's expenditure has then been further broken down into 5 expense categories, telephone landline & mobile, registration costs, incidental expenses, meal expenses and travel & accommodation, as seen in the below graph. Through review of the *Reimbursement of Expenses and Provision of Facilities for Councillors* Policy audit has deemed these categories of expenses reimbursable.

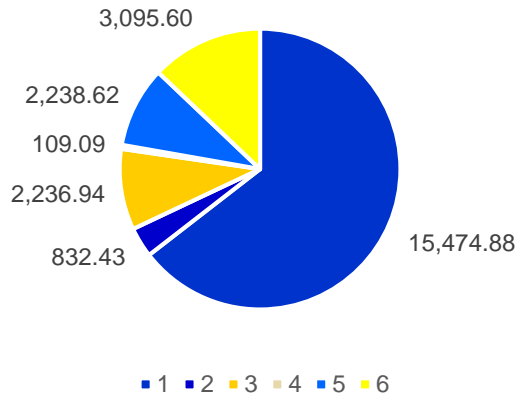


To further depict each category of reimbursement, the below graph shows the amount per category that has been reimbursed during the period 1 July 2018 to 29 March 2019. As shown, Travel & Accommodation is the largest Councillor expense with a total of \$23,987.56.

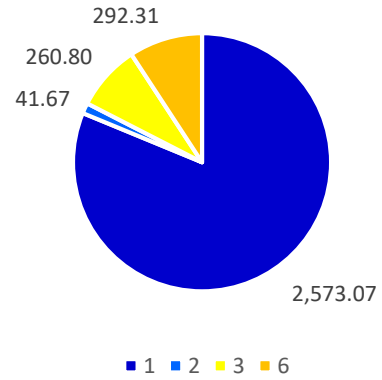


Each of the categories have been broken down to show expenditure per Councillor 1 to 7 for the period 1 July 2018. We have removed Councillor's from the graph if they have \$nil expenditure for the period, however, each Councillor's number has remained consistent throughout all graphs.

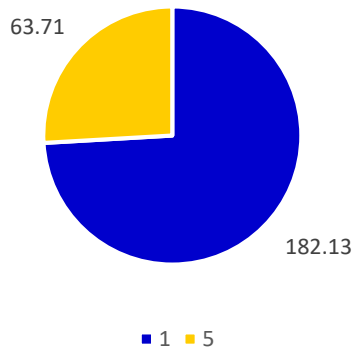
Total Travel & Accommodation by Councillor



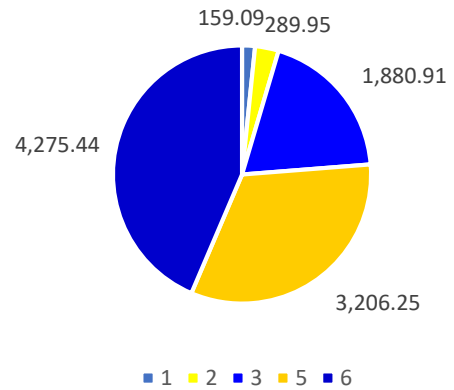
Total Meal Expenses by Councillor



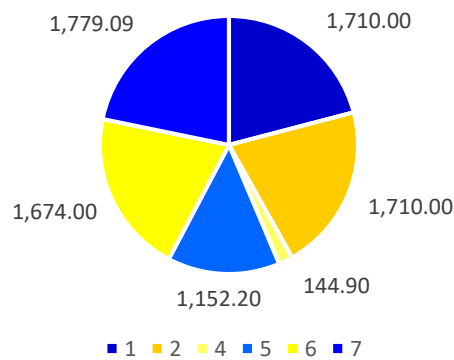
Total Incidental Expenses by Councillor



Total Registration Costs by Councillor



Total Telephone Landline & Mobile by Councillor



3. Summary of Findings at a Glance

The table below includes a high level summary of the findings identified within the Internal Audit and the Internal Audit rating (refer to Appendix 2 for details of the rating scale) attributable. Further information relating to the findings is included in Section 4 of this report.

All policy references, except where otherwise stated are relating to *Reimbursement of Expenses and Provision of Facilities for Councillors Policy*.

Finding Ref.	Brief Summary of Finding	Internal Audit Rating	Management Action	Action date
4.1	Broadness of Policy Whilst reviewing the <i>Reimbursement of Expenses and Provision of Facilities for Councillors Policy</i> , we identified that there are numerous contradictions within the one policy. There is also repetition within the Policy between different sections. Specific identified irregularities are noted in the detailed finding.	Medium	Agree. 02/2020 Policy will be reviewed to coincide with incoming Council in April 2020. Policy needs clarity and detail to be effective.	April 2020
4.2	Uniform Allowance for Councillors Currently the Councillor's receive an allowance in line with the <i>Uniform and Clothing Policy</i> , however, this is not kept track of when Councillors seek reimbursement. Furthermore, the uniform allowance amount is unknown for Councillors as their employment classification is unknown as it could not be verified to supporting documentation. In addition, for all Council employees, no check is performed to ensure shoes purchased are in line with Council policy. Additionally, the <i>Uniform and Clothing Policy</i> has not been updated since 13 January 2011.	Medium	Agree. Policy that applies to Councillors – should be cross-referenced in the Uniform Policy which is under review.	April 2020
4.3	Reimbursements Older Than 3 Months Through sample-based testing it was identified that expenses older than 3 months have been reimbursed to Councillors, which is not in line with Policy.	Medium	Agree. Where the CEO/Delegate approves the reimbursements after 3 months, it should be sufficiently noted on the form the reason for the exception.	Immediate

Finding Ref.	Brief Summary of Finding	Internal Audit Rating	Management Action	Action date
4.4	Hospitality Allowance Currently the Councillor's each have a hospitality allowance in line with policy, however, this is not kept track of over the course of the year.	Medium	Agree. Councillor hospitality reimbursement records shall be kept and monitored to ensure that they do not exceed their annual limit as designated within the policy.	Immediate
4.5	Telecommunications When seeking reimbursement for home phone, mobile and home internet Councillors are not currently providing monthly account invoices or contracts which is not in line with section 61. Due to this practice it is unknown if the reimbursement is for a valid and ongoing contract. Furthermore, in one instance it was noted that a detailed breakdown has not been provided to the finance team for reimbursement which does not allow for any excess charges to be identified which are not to be reimbursed by Council.	Medium	Agree. Policy should be amended to reflect current practice and reviewed again at start of term as part of overall policy review. All allowances to be identified.	April 2020
4.6	Incidental Cost Allowance Per section 23, Councillors should be getting reimbursed an allowance of \$20 per twenty-four hours for incidental costs, however, this is not currently being paid to any Councillor when they meet the requirements outlined in this section	Medium	Agree. The policy should be revised with regards incidental cost reimbursements, with a view to removing this provision.	April 2020
4.7	Travel Bookings by Councillors Through sample-based testing it was identified, in one instance, a travel booking was booked by a Councillor which is not in line with section 5 of the policy.	Low	Agree. The Council Support Officer should book all travel, accommodation and conference or other registration fees in order for Council to secure the best value for money.	Immediate
4.8	Supporting Documentation Through sample-based testing it was identified, in multiple instances, that a tax invoice is not always provided for reimbursement, but instead just the EFT slip which does not allow for verification that the expense is appropriate and for a business purpose.	Low	Agree. Councillors should retain all tax invoices when seeking reimbursement in order to be satisfied that the expenditure is appropriate and was incurred for a bona fide purpose. If a receipt or tax invoice is unable to be produced a Statutory Declaration will be filled out by the Councillor.	Immediate

4. Findings and Recommendations

4.1 BROADNESS OF POLICY		Rating of finding: Medium
Finding	Recommendations	Agreed Management action(s)
<p>Whilst reviewing the <i>Reimbursement of Expenses and Provision of Facilities for Councillors Policy</i>, we identified that there are numerous contradictions within the one policy. There is also repetition within the Policy between different sections. Specific identified irregularities are as below:</p> <ul style="list-style-type: none"> Section 1.1 acknowledges that expenses to Councillors shall be reimbursed subject to 'the limits outlined in this policy' however, there are minimal limits outlined for the various categories of expenses able to be reimbursed. By having no clear limits, 'reasonable' expenditure is up to interpretation and the discretion of the CEO when approving reimbursements. It was also identified that there are no guidelines for preferred mode of transport within the Local Government area. The policy references the use of council vehicles being the preferred mode of transport over private vehicles, however, section 18 states that 'any travel transfer expenses associated with official travel will be reimbursed by Council.' This indicates that although council vehicles are the preferred mode of transport, travel transfer expenses will still be reimbursed by Council if this method is chosen. During our testing it was identified in four instances car wash expenses were being reimbursed to a Councillor. This type of expenditure is not within the scope of the <i>Reimbursement of Expenses and Provision of Facilities for Councillors Policy</i>. Furthermore, two instances were claimed more than three months after the expense was incurred which is not in compliance with section 4 of the above-mentioned policy. Stated in the Policy at section 40, 'Councillors will be required to perform a monthly reconciliation and provide tax invoices for expenses', however, on discussion with the Council support staff it was identified that this process is completed by the Councillor Support Officer. 	<p>We recommend that a full policy review be conducted to ensure that the reimbursement of Councillors expenses is transparent and to ensure fair and consistent treatment of Councillors in relation to reimbursement of expenses.</p> <p>We note that Council has commenced preliminary reviews on the policy, and we encourage resources being allocated to action this review in a timely manner.</p>	<p>Agree. 02/2020 Policy will be reviewed to coincide with incoming Council in April 2020. Policy needs clarity and detail to be effective.</p> <p>Responsible Officer Coordinator Governance</p> <p>Date of Implementation April 2020</p>

4.2 UNIFORM ALLOWANCE FOR COUNCILLORS

Rating of finding: Medium

Finding	Recommendations	Agreed Management action(s)
<p>As stated in the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy, section 59.3, 'Council shall provide Councillors with a corporate uniform allowance in accordance with the staff Uniform Policy', however, based on our work performed it appears that this allowance is not kept track of when Councillors seek reimbursement for items purchased under this supporting policy.</p> <p>Furthermore, we could not identify, through supporting documentation the Councillors employment classification (i.e. full-time or part-time) and thus could not determine the amount of uniform allowance that each Councillor should receive; \$500 in line with a full-time employee or on a pro-rata basis for part-time employees, or something different given their role.</p> <p>In addition to the above, it was identified that when reimbursement is sought for shoes purchased under the <i>Uniform and Clothing</i> Policy, no check is performed to ensure that the shoes purchased are in line with the policy and also if the shoes purchased are being worn to work. To be in line with policy 'women are to purchase shoes with closed in toe and heel and men are to purchase closed in shoes'.</p> <p>Furthermore, it was identified that the <i>Uniform and Clothing</i> Policy had not been updated or reviewed since its original review date of 13 January 2011. It is noted that a draft of this policy has been completed, however, a signed version of this was on the incorrect template, the page the CEO signed had blank information at the top of the page and consequently it was not distributed to staff, nor put on the Council intranet. Additionally, there was a change in admin within corporate, and the above issues had not been rectified at the time of audit.</p>	<p>We recommend that when reimbursement is sought for items under the <i>Uniform and Clothing</i> Policy, by Councillors, a record is kept ensuring that they are not exceeding their annual limit as designated within this policy.</p> <p>We further recommend that practices are in place to ensure that purchases are made in accordance with the policy (Eg requirements around type of shoes to be worn)</p> <p>We recommend that the <i>Uniform and Clothing</i> Policy is updated within the next 6 months to ensure best practice and good governance processes.</p> <p>With this update, it is recommended that a separate line item be inserted specifically stating Councillor allowances to ensure easy interpretation of their entitlements.</p>	<p>Agree. Policy that applies to Councillors – should be cross-referenced in the Uniform Policy which is under review.</p> <p>Responsible Officer</p> <p>Coordinator Governance</p> <p>Date of Implementation</p> <p>April 2020</p>

4.3 REIMBURSEMENTS OLDER THAN 3 MONTHS		Rating of finding: Medium
Finding	Recommendations	Agreed Management action(s)
<p>As stated in the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy, section 4, 'Councillors cannot claim expenses more than three (3) months after the expenses were incurred', however, through testing, it was identified that in some instances Councillors are receiving reimbursements for expenses that were incurred more than 3 months ago.</p> <p>It was noted that the CEO had approved this expenditure to be reimbursed, which is allowable under the current policy.</p>	<p>We recommend, that Councillors provide their reimbursement claims in a timely manner to ensure that they are complying with section 4 of the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy.</p> <p>Where the CEO approves the reimbursements after 3 months, it should be sufficiently noted on the form the reason for the exception.</p>	<p>Agree.</p> <p>Where the CEO/Delegate approves the reimbursements after 3 months, it should be sufficiently noted on the form the reason for the exception.</p>
		Responsible Officer Director Corporate Services/Manager Governance and Administration
		Date of Implementation Immediate

4.4 HOSPITALITY ALLOWANCE		Rating of finding: Medium
Finding	Recommendations	Agreed Management action(s)
<p>As stated in the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy, section 35, 'Council shall reimburse the Mayor for hospitality expenses up to \$4,000.00 per annum for hospitality expenses deemed necessary in the conduct of Council business' and in section 36, 'each Councillor may claim reimbursement up to \$500.00 per annum for hospitality expenses deemed necessary in the conduct of Council business'. Based on testing performed however, the above allowances are not kept track of when Councillors seek reimbursement for hospitality items purchased.</p>	<p>We recommend that when reimbursement is sought for hospitality items by Councillors, a record is kept ensuring that they are not exceeding their annual limit as designated within the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> policy.</p>	<p>Agree.</p> <p>Councillor hospitality reimbursement records shall be kept and monitored to ensure that they do not exceed their annual limit as designated within the policy.</p>
		Responsible Officer Coordinator Governance
		Date of Implementation Immediate

4.5 TELECOMMUNICATIONS

4.5 TELECOMMUNICATIONS		Rating of finding: Medium
Finding	Recommendations	Agreed Management action(s)
<p>As stated in the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy, section 61, 'Council will provide and all-inclusive (home phone, mobile and home internet) reimbursement not exceeding \$190.00 per month to Councillors,' which should be read in conjunction with section 63 stating that 'Copies of relevant telephone/mobile/internet account invoices or current contracts are to be provided prior to reimbursement payment and requests for reimbursement', however, when Councillors are claiming a reimbursement each month, account invoices and contracts are not being provided to the finance team.</p> <p>On discussion with Council support staff and the finance team, it was identified that for Councillors seeking reimbursement they were required to provide only one monthly account invoice and each subsequent reimbursement has been based off of the original invoice provided. Due to this practice, we are unable to identify if telecommunication contracts are still valid and have not ceased since the original bill was provided.</p> <p>Additionally, while reviewing a Councillor's monthly bill provided, it was identified that a detailed breakdown has not been provided but instead a summary of amounts charged per service. In this instance we are unable to verify if excess usage charges have been applied, which according to section 62 'any excess call or data costs must be reimbursed to Council.'</p> <p>During the period, the responsibility for telecommunication reimbursements changed between Council departments and hence May 2018 to November 2018 telecommunication invoices were not reimbursed until December 2018, which is non-compliant with section 4 of the policy that 'Councillors cannot claim expenses more than three (3) months after the expenses were incurred.' We do note that this was signed off and approved by the CEO, which is in accordance with section 11 of the policy.</p> <p>Furthermore, it was noted that two Councillors are currently not seeking reimbursement for their telecommunications (i.e. home phone, mobile and home internet) each month.</p>	<p>We recommend, that if Councillors wish to claim a reimbursement under section 61, they should provide their monthly telecommunications invoice or contract to ensure that they are complying with section 63 of the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy. If Councillors do not wish to provide their monthly bills to the finance team for reimbursement, the policy should be updated to reflect this.</p> <p>As guidance, at a minimum we recommend that the initial contract detailing the service period and each individual service plan is provided to finance for reimbursement by all Councillors. This will ensure that reimbursement is done for the actual cost of the service, capped at \$190.00 per section 61, and no excess charges are included. Furthermore, it will allow for the finance team to be able to identify when the service period ends and hence when reimbursements should cease.</p>	<p>Agree. Policy should be amended to reflect current practice and reviewed again at start of term as part of overall policy review. All allowances to be identified.</p> <p>Responsible Officer Coordinator Governance</p> <p>Date of Implementation April 2020</p>

4.6 INCIDENTAL COST ALLOWANCE		Rating of finding: Medium
Finding	Recommendations	Agreed Management action(s)
<p>As stated in the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy, section 23, 'an amount of \$20 per twenty-four hours shall be paid by Council to cover any incidental costs incurred by Councillors required to travel and who are away from home overnight for Council business'. 'Incidental costs' are not defined in the policy and consequently it is not easily interpreted.</p> <p>On discussion with the Council support staff it was noted that no Councillors are receiving this allowance when they meet the requirements outlined in the section. The implication if this allowance was being paid could result in the Councillors breaching the remuneration thresholds documented in the Local Government Remuneration and Discipline Tribunal Report.</p>	<p>Currently the policy reads that Councillors should be paid this, i.e. it is not up to Council discretion, nor is it an optional payment. Council should review the policy to ensure this section and allowance is still applicable.</p> <p>Where Council intends to include this incidental cost allowance, care should be given to examine the annual remuneration for Councillors to ensure that the allowance paid does not exceed the thresholds required from the Department of Local Government, Racing and Multicultural Affairs.</p>	<p>Agree. The policy should be revised with regards incidental cost reimbursements, with a view to removing this provision.</p>
		Responsible Officer
		Coordinator Governance
		Date of Implementation
		April 2020

4.7 TRAVEL BOOKINGS BY COUNCILLORS		Rating of finding: Low
Finding	Recommendations	Agreed Management action(s)
<p>As stated in the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy, section 5, 'all Councillor travel, accommodation and conference or other registration fees shall be arranged by an officer in the Office of the Mayor and CEO', however, through testing, it was identified that in one instance Councillors are booking their own travel arrangements.</p>	<p>We recommend that the Council Support Officer books all travel, accommodation and conference or other registration fees in order for Council to secure the best value for money.</p>	<p>Agree. The Council Support Officer should book all travel, accommodation and conference or other registration fees in order for Council to secure the best value for money.</p>
		Responsible Officer
		Coordinator Governance
		Date of Implementation
		Immediate

4.8 SUPPORTING DOCUMENTATION		Rating of finding: Low
Finding	Recommendations	Agreed Management action(s)
Whilst performing testing over Councillor reimbursements, we found that tax invoices are not always provided as supporting documentation but rather just the EFT slip from the transaction. As such, the expense breakdown is unknown and consequently it cannot be verified that the expense is appropriate and for a business purpose. As stated in section 22, when a receipt or tax invoice is unable to be produced, Councillors shall be reimbursed upon successor Determination upon the submission of a correctly filled out Statutory Declaration, however, in the cases where only an EFT slip was provided, this requirement was not completed.	We recommend that Councillors retain all tax invoices when seeking reimbursement in order to be satisfied that the expenditure is appropriate and was incurred for a bona fide purpose. If a receipt or tax invoice is unable to be produced a Statutory Declaration should be filled out by the Councillor and signed as approved by an independent employee.	<p>Agree.</p> <p>Councillors should retain all tax invoices when seeking reimbursement in order to be satisfied that the expenditure is appropriate and was incurred for a bona fide purpose. If a receipt or tax invoice is unable to be produced a Statutory Declaration will be filled out by the Councillor.</p>
		Responsible Officer
		Coordinator Governance
		Date of Implementation
		Immediate

Summary comment from Management

The age of this internal audit and its response is unacceptable as the report is nearing 12 months since it was undertaken. With the Local Government Election due in March 2020, the policy and processes will all be reviewed and updated to reflect the current Council intentions and improved internal processes. There also needs to be a mechanism when Internal Audits are not completed in a timely manner that these are referred directly to the CEO and Chair of the Audit and Risk Committee. Actions will be taken to implement the practical changes of this report.

5. Process Improvement Opportunities

A Process Improvement Opportunity (PIO) does not represent a control weakness and should have no impact on the ability of Whitsunday Regional Council to achieve its process objectives. PIO's are included to allow Management to consider if further development of the identified areas would add value to the organisation.

We recommend that Management consider the PIO's and make a decision as to whether the PIO should be actioned.

5.1 CEO DISCRETION	Process Improvement Opportunity
Improvement Opportunity	Recommendations
<p>Whilst reviewing the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy it was identified that section 11 states 'any deviation from this policy is at the discretion of the CEO' which implies that all sections and compliance can be overruled by the CEO making all policy sections unenforceable.</p> <p>By having section 11, within the Policy it can lead to inconsistencies between what each individual Councillor can and cannot claim for reimbursement. Favouritism towards individual Councillors could also occur.</p>	<p>We recommend that section 11 is refined as it currently makes the entire policy redundant or it is amended to reference emergency/unique situations whereby CEO discretion could be applied. Furthermore, we recommend that a full policy review be conducted to ensure that the reimbursement of Councillors expenses is transparent and to ensure fair and consistent treatment of Councillors in relation to reimbursement of expenses.</p> <p>Noted. JB</p>
5.2 TRAVEL PREFERENCES	Process Improvement Opportunity
Improvement Opportunity	Recommendations
<p>Through discussions with Council support staff, it was identified that in some instances, accommodation for conferences was booked in line with Councillor preference for hotels and not in accordance with the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy.</p> <p>As detailed in section 21, accommodation bookings should be 'the most economic, convenient to the event and where possible a minimum of 4 stars should be booked' and as per section 5, 'all Councillor travel, accommodation and conference or other registration fees shall be arranged by an officer in the Office of the Mayor and CEO.' Therefore, preference should not be a factor when booking accommodation in line with section 21, unless it also meets the above criteria.</p> <p>Through audit investigation, it was identified that in some instances the hotel booked did not present the best value for money in the area being booked.</p>	<p>We recommend that Council support staff be solely responsible for accommodation bookings to ensure that the hotel booked complies with section 21 of the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy.</p> <p>As guidance, the ATO (Australian Taxation Office) release, per financial year, reasonable amounts for domestic travel expenses according to salary levels and destinations. This details reasonable amounts to be paid for accommodation according to destination.</p> <p>Noted. JB</p>

5.3 MEAL ALLOWANCES & ACCOMMODATION RATES	Process Improvement Opportunity
Improvement Opportunity	Recommendations
<p>Currently there is no limit or allowance set within the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy for meals and accommodation for Councillors.</p> <p>At present the only criteria, as detailed in section 24, for accommodation bookings is: 'suitable accommodation that is the most economic, convenient to the event and where possible a minimum of 4 stars should be booked.'</p> <p>Furthermore, currently all meal costs are being reimbursed by Council to Councillors when incurred, in accordance with section 21.</p>	<p>We recommend that the <i>Reimbursement of Expenses and Provision of Facilities for Councillors</i> Policy be reviewed to include reimbursement limits for all meals and accommodation per day paid to Councillors.</p> <p>If this is not Council preference, we recommend that an allowance be paid prior to travel. As guidance, the ATO (Australian Taxation Office) release, per financial year, reasonable amounts for domestic travel expenses according to salary levels and destinations. This details reasonable amounts to be paid for accommodation, breakfast, lunch, dinner and incidentals.</p> <p>Noted. JB.</p>

6. Appendices

6.1 Appendix 1 – Council comparisons of Meals allowances, Accommodation and use of CEO discretion

Council	Type of Expense		CEO Discretion
	Accommodation	Meal Allowance	
Whitsunday	All Councillor travel, accommodation and conference or other registration fees shall be arranged by an officer in the Office of the Mayor and CEO. Accommodation shall be the package deal recommended by the event or if this is not possible or offered, suitable accommodation that is the most economic, convenient to the event and where possible a minimum of 4 stars should be booked.	Council shall reimburse actual costs of meals for a Councillor when a Councillor is attending to Council business	Any deviation from this policy is at the discretion of the CEO
1	All accommodation associated with Council business will be booked and paid for by Council Suitable accommodation will be sought within a reasonable distance to the venue in which the Councillor is to attend.	Reimburse the reasonable cost of meals (generally in line with the meal allowance limits). Breakfast: \$25.90 Lunch \$29.15 Dinner \$49.65	No CEO discretion line item
2	All Councillor travel approved by Council will be booked and paid for by Council. Accommodation should be selected that provides: <ul style="list-style-type: none"> • Council with the best price value; and • Convenient to the conference/meeting 	Councillors will be reimbursed for the actual cost of meals	No CEO discretion line item
3	All Councillor Travel approved by Council will be booked and paid for by Council. Council will pay for the most economical deal available. Where possible, the minimum standards for Councillors' accommodation should be three or four star rating.	The following limits apply to the amount Councils will reimburse for meals: Breakfast \$23.00 Lunch \$26.00 Dinner \$45.00	No CEO discretion line item
4	All Councillor travel approved by Council will be booked and paid for by Council. Accommodation should be selected that provides: <ul style="list-style-type: none"> • council with the best price value; and In determining accommodation locations and standards for all councillors, every effort will be made to minimise the total cost associated with attendance at the event. <ul style="list-style-type: none"> • convenient to the conference/meeting. 	Councillors will be reimbursed for the actual cost of meals, associated with official business.	Any expenses not provided for by this policy will not be reimbursed without express approval from the Chief Executive Officer.
5	All Councillor travel will be booked and paid for by Council Councillors will be entitled to stay at hotel accommodation when it is considered necessary to attend to Council business,	Councillors are entitled to be reimbursed for the cost of a meal when travelling of attending to Council business outside the region.	No CEO discretion line item
6	All Mayor and Councillor travel approved by Council will be booked and paid for by Council. Council will pay for the most economical deal available. Where possible, the minimum standards for the Mayor and Councillors' accommodation should be three or four star rating.	The following limits apply to the amount councils will reimburse for meals: Breakfast \$25.90 Lunch \$29.15 Dinner \$49.65	No CEO discretion line item

7	<p>Council must decide legitimate accommodation costs to be reimbursed.</p> <p>When attending conferences, councillors must normally take advantage of the package provided by conference organisers unless alternative accommodation is more advantageous.</p> <p>In all other cases Council must decide legitimate accommodation costs to be reimbursed</p>	<p>Any meal reimbursement shall not be more than \$40 per meal or more than \$100 per day</p>	<p>No CEO discretion line item</p>
8	<p>For Councillors, all travel bookings and event attendance must be booked by the Mayors Personal Assistant.</p> <p>Council will pay for an appropriate standard of accommodation at reasonable rates and acknowledges the economic and practical benefits of being accommodated at the venue of the event to be attended.</p>	<p>Council will meet reasonable costs, to a maximum determined by the Australian Taxation Office (ATO) for reasonable costs of main meals, for any main meal that is not provided as part of the conference or accommodation.</p> <p>Breakfast \$27.55 Lunch \$31.00 Dinner \$52.80</p>	<p>Approval by the CEO of properly made Councillor Expenses Reimbursement Vouchers with supporting documentation such as receipts and log book extracts.</p>
9	<p>All Councillor travel approved by Council will be booked and paid for by Council</p> <p>Council will pay for the most economical deal available. Where possible, the minimum standards for Councillors' accommodation should be three or four star rating.</p>	<p>The following limits apply to the amount Councils will reimburse for meals:</p> <p>Breakfast \$25.00 Lunch \$28.00 Dinner \$45.00</p>	<p>In the case of reimbursement of expenses, production of receipts and tax invoices or evidence that such expenses have been paid is required prior to reimbursement</p>
10	<p>All Councillor travel approved by Council will be booked and paid for by Council</p> <p>Council will pay for the most economical deal available. Where possible, the minimum standards for Councillors' accommodation should be three or four star rating.</p>	<p>Council will reimburse the actual cost of meals, however the current Australian Taxation Office determination in this regard will be considered with regard to the reasonableness of the claim.</p> <p>Breakfast \$23.00 Lunch \$25.00 Dinner \$43.00</p>	<p>No CEO discretion line item</p>

6.2 Appendix 2 – Internal Audit Scope (extract)

Scope

Our audit visit in quarter 2 encompassed a policy review, where we evaluated the effectiveness and efficiency of the adopted Councillors Expenses policy. In performing this assessment, we cast WRC's current practices against 4 Councillors of similar size or location. Our review in quarter 3 plans to perform sample-based testing key controls identified in code of conduct process to check operating effectively.

This review will provide the committee with assurance of the level and nature of Councillor expenses that have been paid for or reimbursed by Council.

Crowe will also provide Internal Audit recommendations and process improvement opportunities that are realistic and add value to WRC.

Specific internal audit procedures will include

We plan to review the adequacy of Councillors' expenses payment processes with respect to:

- Ensuring reimbursements or expenses awarded are in accordance with the policy
- Performed analysis on transactions for the period. The sample size will be based on the table below
- Documented the process through high-level process maps.
- Evaluated differences between individual Councillors and what is being paid
- Summarised observations and management action plans.

6.3 Appendix 3 – Classification of Internal Audit Findings

The following framework for internal audit ratings has been developed and agreed with Whitsunday Regional Council for prioritising internal audit findings according to their relative significance depending on their impact to the process. The individual internal audit findings contained within the report was discussed and rated with Management.

Rating	Definition	Action Required
High	Issue represents a control weakness, which could cause or is causing major adverse effect on the daily ability to achieve process objectives.	Urgent treatment required; and A detailed plan of action to be approved by Management with resolution within no later than 90 days.
Medium	Issue represents a control weakness, which could cause or is causing significant adverse effect on the daily ability to achieve process objectives.	Treatment required; Action within a reasonable time period; and Timeframe for action is subject to competing priorities and cost benefit analysis, but should not exceed 6 months.
Low	Issue represents a control weakness, with minimal but reportable impact on the ability to achieve process objectives.	No treatment required – risk managed within normal operations; or Minor treatment desirable.

6.4 Appendix 4 – Basis and Use of this Report

This report is prepared on the basis of the limitations set out below.

We were engaged by the Whitsunday Regional Council (the client) to provide internal audit services and the scope of our activities is determined by Management and reviewed by the Audit and Risk Committee.

This report has been prepared in accordance with the objectives and approach agreed in the engagement document (refer Appendix 1) and subject to the following limitations:

- Our procedures were designed to assist in the understanding and testing of your control environment, in operating on your behalf in an advisory capacity. This report provides limited assurance which recognises that absolute assurance is rarely attainable, due to such factors as the use of judgment in gathering and evaluating evidence and forming conclusions, and the use of selective testing, and because much of the evidence available for review is persuasive rather than conclusive in nature;
- Because of the inherent limitations of any internal control structure, it is possible that errors or irregularities may occur and not be detected. Our procedures were not designed to detect all weaknesses in control procedures as they were not performed continuously throughout a specified period and any tests performed were on a sample basis;
- Any projection of the evaluation of the control procedures to future periods is subject to the risk that the systems may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate;
- The matters raised in this report are only those which came to our attention during the course of performing our procedures and are not necessarily a comprehensive statement of all the weaknesses that exist or improvements that might need to be made. We cannot, in practice, examine every activity and procedure, nor can we be a substitute for management's responsibility to maintain adequate controls over all levels of operations and their responsibility to prevent and detect irregularities, including fraud. Accordingly, Management should not rely on our report to identify all weaknesses that may exist in the systems and procedures under examination, or potential instances of non-compliance that may exist;
- We believe that the statements made in this report are accurate, but no warranty of completeness, accuracy or reliability is given in relation to statements and representations made by, and the information and documentation provided by, the client Management and personnel. We have indicated within this report the sources of the information provided. We have not sought to independently verify those sources unless otherwise noted within the report. We are under no obligation in any circumstance to update this report, in either oral or written form, for events occurring after the report has been issued in final form unless specifically agreed with the client. The internal audit findings expressed in this report have been formed on the above basis;
- Recommendations for improvement should be checked by Management for their full commercial impact, before they are implemented;
- This report is not to be used by any other party for any purpose nor should any other party seek to rely on the opinions, advice or any information contained within this report. In this regard, we recommend that parties seek their own independent advice. Crowe disclaims all liability to any party other than the client for which it was prepared in respect of or in consequence of anything done, or omitted to be done, by any party in reliance, whether whole or partial, upon any information contained in this report. Any party, other than the client for which it was prepared, who chooses to rely in any way on the contents of this report, does so at their own risk; and
- The information in this Report and in any related oral presentation made by Crowe is confidential between Crowe and the client for which it was prepared and should not be disclosed, used or duplicated in whole or in part for any purpose except with the prior written consent of Crowe. An electronic copy or print of this document is an UNCONTROLLED COPY



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Councillor Facility and Expenses Policy

Corporate Services
CP_CORP_32

COUNCIL POLICY			
Date Adopted by Council		Council Resolution	
Effective Date	July 2020	Next Review Date	June 2022
Responsible Officer(s)	Manager, Governance and Administration	Revokes	LSP_OMCEO_10 Adopted 11 October 2017

Purpose

The purpose of this policy is to provide a transparent and accountable process for: -

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

Scope

This policy is applicable to all Councillors who incur expenses while undertaking Council Business, but does not apply to the:

- conduct of Civic Functions; or
- remuneration of councillors or making superannuation payments on behalf of councillors.

Where a councillor has special needs or suffers from some form of impairment, the special access and equity needs of the Councillor may result in the provision of modified furniture, voice activated software, larger computer monitors, or other changes to this policy as required.

Applicable Legislation

This policy applies to the Mayor, Deputy Mayor and Councillors of the Whitsunday Regional Council and is made pursuant to section 250 and 251 of the *Local Government Regulation 2012* and is consistent with the Local Government Principles (section 4 of the *Local Government Act 2009*).

Policy Statement

1. Principles

1.1 Councillors are entitled to be reimbursed for expenses incurred in undertaking council business and provided with facilities to assist them in undertaking their duties and responsibilities as Councillors, as described below. This policy has been written to reflect the following underpinning principles:

- The use of Public Money must be in the public interest;
- Allocation of Council resources must be fair and reasonable;
- Public disclosure of policy and resolutions promotes transparent decision making; and
- Councillors must accept accountability for their expenditure and use of facilities.

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2. Provision of Facilities

Access to Council office amenities

- 2.1 Council shall provide facilities for the use by Councillors for Council business. Council shall be responsible for the ongoing maintenance of facilities and office amenities which are supplied to Councillors for business use. All facilities and administrative tools provided to Councillors remain the property of Council and must be returned to Council when a Councillor's term of office ends.
- 2.2 Councillors may be provided with the following administrative tools to assist them in their roles:
- Desk, private office space and meeting rooms in one of the Council Offices;
 - Access to office equipment, including a multi-purpose photocopier / scanner / printer;
 - Stationery;
 - Secretarial and Administrative support;
 - A range of electronic devices (e.g. a smart phone, laptop computer and internet access);
 - Business cards; and
 - A name badge.

Notes:

- Provision of Council provided electronic devices are primarily for Council business, however, incidental private use is allowed where usage complies with Council's policies; and
- Council facilities (including stationery) are not to be used for personal or political purposes.

Confidentiality

- 2.3 Councillors are to ensure that in the use of computing and mobile devices, that the confidentiality of information is maintained in accordance with the Confidentiality for Councillors Policy. Councillors should also not store Council information on any device that is not Council owned nor store any council information on any private online storage service.

Personal Protective Equipment (PPE)

- 2.4 Councillors are expected to observe the appropriate Workplace Health and Safety measures when at any workplace. Where necessary, Councillors will be provided with all necessary safety equipment (to the standard supplied to employees).

Identification, uniform, etc.

- 2.5 Councillors will be provided with business cards, name badges and access cards and be eligible to participate in the Corporate Wardrobe scheme under the same conditions that applies to full-time employees.

Maintenance costs of any Council owned equipment

- 2.6 Council will be responsible for the ongoing maintenance and reasonable wear and tear costs of Council-owned equipment that is supplied to Councillors for official business use. This includes the replacement of any facilities that fall under Council's asset replacement program.

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Insurance

- 2.7 Council is obliged (LGA s107) to insure for public liability and professional indemnity. Councillors are included as insured persons under Council's cover and will pay for any motor vehicle, personal accident and/or international and domestic travel insurance effected from time to time.

3 Expenses

Professional development

- 3.1 Council will pay for, or reimburse Councillors for all associated reasonable costs (including registration, travel, accommodation, meals, etc.) where Councillors undertake approved professional development activities. All requests by Councillors (other than the Mayor) for Professional Development activities will be endorsed at a Council meeting.

Note:

- Councillors are encouraged to submit their registrations in sufficient time to take advantage of any 'early bird' discounts.
- A Councillor who undertakes professional development shall present a written report to Council on the particular event/course and its benefit to Council within three (3) months of the event.

Hospitality

- 3.2 Council recognises that the Mayor and Councillors may have occasion to incur hospitality expenses while conducting Council business, in addition to civic receptions organised by Council.
- 3.3 The Mayor may incur hospitality expenses up to the value of \$4,000.00 per annum where it is deemed necessary (by the Mayor) in the conduct of Council business.
- 3.4 Each Councillor may incur hospitality expenses up to \$500.00 per annum for hospitality expenses deemed necessary (by the Councillor) in the conduct of Council business.

Note:

- Reasonable alcohol costs may be included as a hospitality expense where any Councillor attends a function or dinner for the purposes of professional networking or in relation to Council business; and
- All hospitality expenses shall be reimbursed only where such expenses are consistent with Council's Entertainment and Hospitality Policy.

Travel Costs

- 3.5 Council will pay for or reimburse Councillors for all associated reasonable travel costs (including local, regional, intrastate and overseas travel) when on approved Council business.
- 3.6 Councillor flight arrangements must be booked and paid for by Council. Economy airfares are to be used where possible although upgrades may be approved by the Chief Executive Officer in certain circumstances (e.g. business class where the duration of the flight exceeds 4 hours). Airline tickets will not be transferable, but flight insurance will be paid to cover Councillors travelling for official Council businesses.

Notes:

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- Requests for travel should be made in sufficient time to take advantage of discounts and gain access to the widest range of flights (where applicable);
- Councillors are to travel via the most direct route, using the most economical and efficient mode of transport;
- Any fines incurred while travelling in either Council or privately-owned vehicles when attending to Council business will be the responsibility of the Councillor incurring the fine, but this does not include toll fees;
- Councillors will be responsible for any associated private costs (e.g. applying for or renewing their passports or where a spouse of family member accompanies the Councillor).

Vehicles

- 3.7 To acknowledge the fact that the role of Mayor requires extensive 'after hours' work, the Mayor shall be provided with a Council vehicle with full private use.
- 3.8 Councillors may elect to either:
- Use their personal vehicle for Council business within the local government area and claim an allowance for the kilometres travelled. Such allowance will be the rate set by the Australian Taxation Office for vehicle usage and based on a log kept by the Councillor that records the purpose of each trip for business purposes; or
 - Use a Council provided vehicle to attend Council business. Council will make a suitable 'pool' vehicle available for priority use of a Councillor, garaged at a Council office.
- 3.9 Council will meet all operating costs and provide fuel cards for Councillors driving a Council-owned vehicle. Councillors shall complete a log book when using Council vehicles and should specify if any of the kilometres driven were for private use. Any private use by a Councillor shall be reimbursed using the ATO's business use of motor vehicle cents per kilometre method applicable at the time of travel.
- 3.10 Vehicle expenses for private vehicle use shall only be reimbursed for Council business, noting that the Australian Taxation Office considers that trips between home and work is considered private travel and not claimable.

Transfer and Parking Expenses

- 3.11 Councillors are entitled to be reimbursed for transfer costs (e.g. taxis fares or public transport tickets (rail, ferry, bus, etc.)) and parking costs associated with travelling for Council business.

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Accommodation

- 3.12 Councillors will be entitled to stay at motel / hotel accommodation (3 or 4 star) when it is considered necessary to attend to Council business. When attending conferences, seminars or workshops, accommodation will be booked and paid for by Council and may, where practical and convenient, take advantage of the package provided by conference organisers. Should the Councillor seek an upgrade, any additional cost will be the responsibility of the Councillor.
- 3.13 When travelling outside the local government area, accommodation may be provided for one night prior to a function only when travel to the event on the day of the event is impractical or necessary for fatigue management.

Meals

- 3.14 Councillors are entitled to be reimbursed for the cost of a meal when travelling or attending to Council business outside the region, provided:
- The Councillor incurs the cost personally; and
 - The meal was not provided as part of the registration costs of the activity/event or part of a funded flight.
- 3.15 If a Councillor, for some legitimate reason, is unable to produce a receipt or tax invoice and seeks reimbursement for meals while attending Council business, they shall be reimbursed in accordance with the ATO's Taxation Determination TD 2016/13 or successor.

Cancellation of Professional Development, Travel or Accommodation

- 3.16 If a Councillor, wishes to cancel travel or accommodation previously planned and booked by the Council, then the Councillor will advise their support staff as soon as possible to maximise the opportunity to recover expenses paid on their behalf.

Partner Costs

- 3.17 Council shall reimburse Councillors for expenses incurred by a partner when accompanying a Councillor to a Federal Government, State Government, Council or community event at which the partner of the Councillor is specifically invited. For clarity, the partners of Councillors are encouraged to attend such official events with Councillors within the region, at Council's cost, recognising the intrinsic link between the 24/7 duties of an elected member and maintaining family harmony.

Telephone and Internet Costs

- 3.18 In addition to being provided with a range of electronic devices and facilities, such as a smart phone, laptop and internet access, Councillors may claim reimbursement of home phone, mobile and home internet costs up to and including the amount of \$190.00 per month.
- 3.19 Copies of relevant telephone and internet account invoices or current contracts are to be provided prior to reimbursement payment and requests for reimbursement.

4. Use of Corporate Cards

- 4.1 The CEO may authorise the provision of corporate cards to Councillors to enable them to make incidental expenses in accordance with this policy and Council's Credit Card Policy. Councillors will be required to perform a monthly reconciliation and provide tax invoices to match expenditure.

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5. Claims for Reimbursement

- 5.1 Where purchases have not been paid by Council, all claims for reimbursement will be made on the approved form and submitted with original tax invoices and receipts to the Councillor Support Officer.
- 5.2 Councillors are responsible for ensuring that claims made are truthful and correctly represent the circumstances. Where claims are certified by a Councillor as complying with this policy and receipts provided, no other authorisation for payment will be necessary and claims will be paid monthly, however, Claims must be presented within 3 months of incurring the expense.
- 5.3 Failure to comply with this policy, falsifying claims or logbooks or the misuse of facilities may represent corrupt conduct and be referred to the Crime and Corruption Commission.

No Reimbursement

- 5.4 Councillors cannot claim expenses more than three (3) months after the expenses were incurred.
- 5.5 Requests for reimbursement of expenses associated with the following will not be paid or reimbursed:
- Alcoholic mini bar purchases;
 - toiletries;
 - traffic infringements incurred in either a Council vehicle, private vehicle or hire car;
 - laundering or dry cleaning;
 - airline lounge membership;
 - in flight and in-house movies;
 - raffles or donations to groups;
 - expenses incurred by or on behalf of others such as partners, family members and associates except as per clause 3.17 or 6.1;
 - travel expenses incurred where a Councillor is unable to attend as part of a Council organised group inspection or meeting.

Reporting

- 5.6 The Manager, Governance and Administration shall submit monthly reports to Councillors on all categories of expenses reimbursed. A report summarising all expenditure in relation to this policy shall be included in the Council's Annual Report, as required by section 186 of the Local Government Regulation 2012.

Family Arrangements

- 6.1 Council may make arrangements for a spouse, partner or family member to accompany the Councillor to events. Any expenditure incurred is to be reimbursed by the Councillor.

Caretaker Period

- 7.1 Once the caretaker period commences, Councillors shall not use Council facilities for political or election purposes and only be eligible to claim expense reimbursement for costs relating to routine activities or as otherwise approved by Council resolution.

Definitions

Approved Council Business refers to activities approved specifically by Council or as provided for under this policy

ATO refers to the Australian Taxation Office

Caretaker Period refers to s90A of the Local Government Act 2009

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the Local Government Act 2009.

Council refers to the Whitsunday Regional Council

Council Business refers to business conducted on behalf of Council where a Councillor is required to undertake certain tasks to satisfy legislative requirements, perform ceremonial activities or achieve business objectives for the Council. Council business should result in a benefit being achieved either for Council, the local government area or the community. Council business includes functions that are a statutory requirement of the Councillor's role or are officially recorded in minutes or other public records. These might also include attending an event or function to perform duties or as a Council representative such as:

- ceremonial openings of buildings and facilities;
 - fetes and carnivals;
 - annual or presentation dinners;
 - public meetings;
 - private meetings arranged through Council administrative channels (i.e. documented in official records or diary) for the purpose of conducting discussions regarding the business of Council; or
 - other meetings, events or functions, such as:
 - meetings of the local government or of its committees that the Councillor is entitled or asked to attend, or at which the Councillor has business for a resident in their Division of the local government's area;
 - inspections, deputations, conferences and meetings at which the Councillor's attendance is permitted by the local government;
 - official functions organised for the local government; or
 - meeting with residents of their Division area for the purpose of local government business.
- Councillors refers to the Mayor, Deputy Mayor and Councillors of the Whitsunday Regional Council unless otherwise stipulated. Employee refers to any employee, contractor, volunteer etc. of the Council Expenses refers to payments made by Council to reimburse Councillors for their reasonable expenses incurred under this policy.

Facilities refers to 'tools of the trade' provided by Council, required to enable Councillors to perform their duties with relative ease and at a standard appropriate to fulfil their professional role for the community.

Professional Development refers to training that a Councillor identifies as a personal interest in attending on the basis that the training will improve their skills and knowledge relevant to their role as a Councillor and is directly related to Council business. Examples of this type of training include public speaking development courses or attending a Local Government conference.

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Related Documents

Councillor Code of Conduct

Entertainment and Hospitality Policy

Uniform Policy

Credit Card Policy