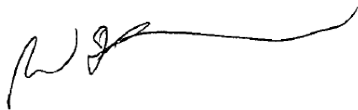




Notice of Meeting

Notice is hereby given that the **Ordinary Council Meeting** of the **Whitsunday Regional Council** will be held at the Council Chambers, 67 Herbert Street, Bowen on **Wednesday 27 November 2024**, commencing at **9:00 AM** and the Agenda is attached.

Councillors: Ry Collins (Mayor), Michelle Wright (Deputy Mayor), Jan Clifford, Clay Bauman, John Collins, Gary Simpson and John Finlay



Warren Bunker

CHIEF EXECUTIVE OFFICER

Agenda of the Ordinary Council Meeting to be held at
Council Chambers, 67 Herbert Street, Bowen on Wednesday 27 November 2024
commencing at **9:00 AM**

Council acknowledges and shows respect to the Traditional Custodian/owners in whose country we hold this meeting.

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1 APOLOGIES/LEAVE OF ABSENCE

This item on the agenda allows Council the opportunity to receive apologies/leave of absence from Councillors unable to attend the meeting.

2 CONDOLENCES

To acknowledge and observe a minute silence for the recently deceased throughout the Whitsunday Region.

3.1 - Confirmation of Minutes

MEETING DETAILS: Ordinary Council Meeting - Wednesday 27 November 2024

AUTHOR: Governance Administration Officer

AUTHORISING OFFICER: Director Corporate Services

PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 30 October 2024 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 30 October 2024.

BACKGROUND

In accordance with s254F of the Local Government Regulation 2012, minutes were taken at Council's Ordinary Council Meeting held on 30 October 2024 under the supervision of the person presiding at the meeting. These unconfirmed minutes were reviewed and are available on Council's website for public inspection.

DISCUSSION/CURRENT ISSUE

Council's options are:

Confirm the Minutes of the Ordinary Council Meeting held on 30 October 2024.

If Council is satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 30 October 2024 and comply with legislative requirements outlined in this report, no further action is required other than to confirm the minutes as per the recommendation.

Confirm the Minutes of the Ordinary Council Meeting held on 30 October 2024 with amendments.

If Council is not satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 30 October 2024 and comply with legislative requirements outlined in this report, then they move a motion that they be confirmed but with a list of amendments to ensure they are correct and compliant.

FINANCIAL IMPLICATIONS

The price for a member of the public to purchase a copy of the minutes must not be more than the cost to the local government of having the copy printed and made available for purchase, and if the copy is supplied to the purchaser by post, the cost of the postage.

CONSULTATION/ENGAGEMENT

Manager Governance & Administration

STATUTORY/COMPLIANCE MATTERS

In accordance with the Act, Council must record specified information in the minutes of a meeting regarding any declared conflicts of interest. At the Ordinary Council Meeting held on 30 October 2024, the following conflicts of interests were declared and recorded in the minutes:

Councillor/Officer	Prescribed or Declarable	Report No.	Particulars of the interest
Cr Clay Bauman	Declarable	11.2	Cr Clay Bauman acknowledged a declarable conflict of interest in item 11.2 regarding Development Application 20240011 as defined by section 150EQ of the <i>Local Government Act 2009</i>, due to the following: Nature of the Conflict of Interest: Cr Bauman has been provided tickets into the sponsors marquee for Hillery Investments Pty Ltd at the annual Bowen Cup for the last 2 years. The name of the related party: Hillery Investments Pty Ltd The nature of the relationship of the related party to the Councillor: Hillery Investments Pty Ltd provided tickets to Cr Bauman. The nature of the related party's interests in the matter: Hillery Investments Pty Ltd submitted a Development Application to Council for consideration for High Impact Industry. As a result of this conflict of interest, Cr Bauman determined that this interest is not of sufficient significance that it would lead him to make a decision on the matter that is contrary to the public interest. Cr Bauman was of the view that he would best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on the matter.
Cr Michelle Wright	Declarable	11.2	Cr Michelle Wright acknowledged a declarable conflict of interest in item 11.2 regarding Development Application 20240011 as defined by section 150EQ of the <i>Local Government Act 2009</i>, due to the following: Nature of the Conflict of Interest: Cr Wright has been provided tickets into the sponsors marquee for Hillery Investments Pty Ltd at the annual Bowen Cup for the last 2 years. Cr Wright also advised the meeting that the submitter is her neighbour. The name of the related party: Hillery Investments Pty Ltd The nature of the relationship of the related party to the Councillor: Hillery Investments Pty Ltd provided tickets to Cr Wright and also are neighbours. The nature of the related party's interests in the matter: Hillery Investments Pty Ltd submitted a Development Application to Council for consideration for High Impact Industry. As a result of this conflict of interest, Cr Wright determined that this interest is not of sufficient significance that it would lead him to make a decision on the matter that is contrary to the public interest. Cr Wright was of the view that she would best perform her responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on the matter.

Cr John Finlay	Prescribed	11.5	Cr John Finlay declared a prescribed conflict of interest in item 11.5 regarding Special Projects Grant Applications - Round 1 - July to September 2024 as defined by section 150EL of the <i>Local Government Act 2009</i>, due to the following: The name of any entity, other than the councillor, that has an interest in the matter: Client of SBB Partners The nature of the councillor's relationship with the entity: Cr Finlay is the manager and employee of SBB Partners and one of the applicants is a client of that company. Details of the councillor's, and any other entity's, interest in the matter: Client has put in an application to Council for Special Grants Projects. As a result of this conflict of interest, Cr John Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter. Cr Finlay left the meeting at 9.52am.
Cr John Finlay	Prescribed	11.7	Cr John Finlay declared a prescribed conflict of interest in item 11.7 regarding Amendment to Trustee Lease - Bowen Pastoral & Agricultural Association Inc. - Lot 111 on CP HR296 & Lot 55 on HR296 as defined by section 150EL of the <i>Local Government Act 2009</i>, due to the following: The name of any entity, other than the councillor, that has an interest in the matter: Bowen Pastoral & Agricultural Association Inc. The nature of the councillor's relationship with the entity: Cr Finlay is the manager and employee of SBB Partners and the applicant is a client of the company. Details of the councillor's, and any other entity's, interest in the matter: Amendment to Trustee Lease for Bowen Pastoral & Agricultural Association Inc. - Lot 111 on CP HR296 & Lot 55 on CP HR296. As a result of this conflict of interest, Cr Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter. Cr Finlay left the meeting at 10.03am.

Local Government Regulation 2012

Section 254F of the Local Government Regulation stipulates that the Chief Executive Officer must ensure that minutes of each meeting of a local government are taken under the supervision of the person presiding at the meeting.

Minutes of each meeting must include the names of councillors present at the meeting and if a division is called on a motion, the names of all persons voting on the motion and how they voted.

At each meeting, the minutes of the previous meeting must be confirmed by the Councillors present and signed by the person presiding at the later meeting.

RISK ASSESSMENT/DEADLINES

A copy of the minutes of each meeting must be available for inspection by the public, at a local government's public office and on its website, within 10 days after the end of the meeting. Once confirmed, the minutes must also be available for purchase at the local government's public office(s).

TABLED MATTERS

Unresolved Tabled Matters			
Date of Meeting	Resolution Number	Summary	Status
24/04/2024	Notice of Motion – Dingo Beach Stinger Net OM2024/04/24.2	That the item regarding Dingo Beach Stinger Net be deferred pending further community Consultation.	This matter is currently being actioned by officers and will be presented to a future meeting of Council.
25/09/2024	11.4 - Collinsville Flying Foxes OM2024/09/25.7	That the item be deferred to a future meeting this calendar year pending further information on the Roost Management Plan and the Flying Fox Management Policy.	This matter is proposed to be reported on at the December 2024 Ordinary Council Meeting.
25/09/2024	11.10 - Councillor Related Policies Review OM2024/09/25.13	That the item be deferred pending further discussions.	Ongoing consultation with Councillors, to be presented at the November 2024 Ordinary Council Meeting.

ATTACHMENTS

1. 30 October 2024 - Final Unconfirmed Ordinary Council Meeting Minutes [3.1.1 - 24 pages]



UNCONFIRMED

Minutes of the Ordinary Council Meeting held on Wednesday 30 October 2024 at Council Chambers, 83-85 Main Street, Proserpine

Council acknowledges and shows respect to the Traditional Custodian/owners in whose country we hold this meeting.

Councillors Present:

Ry Collins (Mayor/Chair), Michelle Wright (Deputy Mayor), Jan Clifford, Clay Bauman, John Collins, Gary Simpson, and John Finlay

Council Officers Present:

Warren Bunker (Chief Executive Officer); Julie Wright (Director Community Services and Facilitation); Neil McGaffin (Director Regional Strategy and Planning); Jason Bradshaw (Director Corporate Services); Gary Murphy (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); James Ngoroyemoto (Manager Governance and Administration); Tailah Jensen (Governance Administration Officer/Minute Taker)

Other Officers Present (Partial Attendance):

Craig Turner (Director Commercial Businesses); Adam Hagy (Director Capital Program and Network Planning)

UNCONFIRMED

This is page 2 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

This is page 11 of the Agenda of Council's Ordinary Council Meeting - 27 November 2024

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1 APOLOGIES/LEAVE OF ABSENCE

There were no apologies/leaves of absence requests for this meeting.

~~~~~

## 2 CONDOLENCES

Cr John Collins acknowledged the recent tragic incidents that have occurred around the Proserpine area and provided condolences to the families involved. Cr Collins also acknowledged the recent passing of Mrs Bessie Simpson and provided condolences to Cr Gary Simpson and family.

Council acknowledged and observed a minute silence for the recently deceased throughout the Whitsunday Region.

~~~~~

After condolences, Elite Athletes were presented with certificates by Mayor Ry Collins.

~~~~~

## 3 CONFIRMATION OF MINUTES

### 3.1 - Confirmation of Minutes

#### PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 25 September 2024 are provided for Councils review and confirmation.

#### OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 25 September 2024.

#### RESOLUTION OM2024/10/30.1

Moved By: CR J COLLINS

Seconded By: CR M WRIGHT

**That Council confirms the Minutes of the Ordinary Meeting held on 25 September 2024.**

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

~~~~~

This is page 4 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

4 BUSINESS ARISING

4.1 - Public Question Responses - 25 September 2024

Chief Executive Officer advised the meeting that Council received 3 public question submissions at the previous meeting and all responses to those questions have been provided in this section of the agenda as per Council's standing orders.

~~~~~

**5 MAYORAL MINUTE**

Mayor Ry Collins acknowledged the recent state election and congratulated the new Premier Hon David Crisafulli and re-elected State Members for Whitsunday, Ms Amanda Camm and State Member for Burdekin, Mr Dale Last.

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6 NOTICES OF MOTION

There were no notice of motions for this meeting.

~~~~~

**7 DEPUTATIONS**

There were no deputations for this meeting.

~~~~~

8 PETITIONS / QUESTIONS ON NOTICE

There were no petitions or questions on notice for this meeting.

~~~~~

**9 QUESTIONS FROM THE PUBLIC GALLERY**

There were no public questions submitted during this meeting.

~~~~~

UNCONFIRMED

This is page 5 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

10 COMMITTEES REPORTS

10.1 - Audit & Risk Committee Meeting Minutes - 17 September 2024

PURPOSE

To confirm the Audit and Risk Committee Meeting Minutes held on 17 September 2024.

OFFICER'S RECOMMENDATION

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting (**Attachment 1**) held on 17 September 2024.

RESOLUTION OM2024/10/30.2

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council endorse the Unconfirmed Minutes of the Audit & Risk Committee Meeting (**Attachment 1**) held on 17 September 2024.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

UNCONFIRMED

This is page 6 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

This is page 15 of the Agenda of Council's Ordinary Council Meeting - 27 November 2024

11 OFFICERS REPORTS

**11.1 - 20181617 - Request to Extend Currency Period - Development Permit for Operational Works - Tidal Works and Works Including Civil Works - Shute Harbour Road, Shute Harbour - Shute Harbour Marina Development Pty Ltd**

**PURPOSE**

To present the assessment of a request to extend the currency period of a development approval for operational works and to seeks Council's determination.

**OFFICER'S RECOMMENDATION**

That Council approve the Request to Extend the Currency Period for the Development Permit for Operational Works – Tidal Works for Construction of Breakwater, Dewatering and Reclaiming Land Above and Below High Tide Mark, Including the Removal of Marine Plants and Vegetation and Works including Civil Works for the Servicing of the Future Development Area including Road Access until 16 August 2026.

The currency period for the Development Permit for Material Change of Use – Environmentally Relevant Activity (ERA) 16.2(b) and 16.3(b) - Extraction and Screening Activities of Between 100,000 and 1,000,000 tonnes per annum remains unchanged.

**RESOLUTION OM2024/10/30.3**

**Moved By: CR J CLIFFORD**

**Seconded By: CR C BAUMAN**

**That the item be tabled pending further information.**

**MEETING DETAILS**

The motion was Lost 3 / 4.

**LOST**

~~~~~

The original motion was then put to the vote.

This is page 7 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

This is page 16 of the Agenda of Council's Ordinary Council Meeting - 27 November 2024

RESOLUTION OM2024/10/30.4

Moved By: CR G SIMPSON

Seconded By: CR M WRIGHT

That Council approve the Request to Extend the Currency Period for the Development Permit for Operational Works – Tidal Works for Construction of Breakwater, Dewatering and Reclaiming Land Above and Below High Tide Mark, Including the Removal of Marine Plants and Vegetation and Works including Civil Works for the Servicing of the Future Development Area including Road Access until 16 August 2026.

The currency period for the Development Permit for Material Change of Use – Environmentally Relevant Activity (ERA) 16.2(b) and 16.3(b) - Extraction and Screening Activities of Between 100,000 and 1,000,000 tonnes per annum remains unchanged.

MEETING DETAILS

The motion was Carried 5 / 2.

CARRIED

Cr Clay Bauman requested for a division:

For the motion: Cr G Simpson, Cr M Wright, Cr J Collins, Mayor R Collins, Cr J Finlay

Against the motion: Cr J Clifford, Cr C Bauman

~~~~~

Cr Clay Bauman acknowledged a declarable conflict of interest in item 11.2 regarding Development Application 20240011 as defined by section 150EQ of the *Local Government Act 2009*, due to the following:

Nature of the Conflict of Interest: Cr Bauman has been provided tickets into the sponsors marquee for Hillery Investments Pty Ltd at the annual Bowen Cup for the last 2 years.

The name of the related party: Hillery Investments Pty Ltd

The nature of the relationship of the related party to the Councillor: Hillery Investments Pty Ltd provided tickets to Cr Bauman.

The nature of the related party's interests in the matter: Hillery Investments Pty Ltd submitted a Development Application to Council for consideration for High Impact Industry.

As a result of this conflict of interest, Cr Bauman determined that this interest is not of sufficient significance that it would lead him to make a decision on the matter that is contrary to the public interest. Cr Bauman was of the view that he would best perform his responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on the matter.

~~~~~

This is page 8 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

RESOLUTION OM2024/10/30.5

Moved by: CR J COLLINS

Seconded by: CR J CLIFFORD

That Council agree it is in the public interest that Cr Bauman participates and votes on item 11.2, because no direct or indirect benefit or loss accrues to Cr Bauman and therefore it is reasonable that the final decision will be made in the public interest.

MEETING DETAILS:

Cr Wright and Cr Bauman did not vote on this resolution due to their conflicts of interest in the matter.

The motion was Carried 5 / 0

CARRIED

~~~~~  
Cr Michelle Wright acknowledged a declarable conflict of interest in item 11.2 regarding Development Application 20240011 as defined by section 150EQ of the *Local Government Act 2009*, due to the following:

Nature of the Conflict of Interest: Cr Wright has been provided tickets into the sponsors marquee for Hillery Investments Pty Ltd at the annual Bowen Cup for the last 2 years. Cr Wright also advised the meeting that the submitter is her neighbour.

The name of the related party: Hillery Investments Pty Ltd

The nature of the relationship of the related party to the Councillor: Hillery Investments Pty Ltd provided tickets to Cr Wright and also are neighbours.

The nature of the related party's interests in the matter: Hillery Investments Pty Ltd submitted a Development Application to Council for consideration for High Impact Industry.

As a result of this conflict of interest, Cr Wright determined that this interest is not of sufficient significance that it would lead him to make a decision on the matter that is contrary to the public interest. Cr Wright was of the view that she would best perform her responsibility of serving the overall public interest of the whole of the Council's area by participating in the discussion and voting on the matter.

~~~~~

RESOLUTION OM2024/10/30.6

Moved by: CR J CLIFFORD

Seconded by: CR J COLLINS

That Council agree it is in the public interest that Cr Wright participates and votes on item 11.2, because no direct or indirect benefit or loss accrues to Cr Wright and therefore it is reasonable that the final decision will be made in the public interest.

MEETING DETAILS:

Cr Wright and Cr Bauman did not vote on this resolution due to their conflicts of interest in the matter.

The motion was Carried 5 / 0

CARRIED

11.2 - 20240011 - Development Permit for High Impact Industry - Resource Recovery Facility & ERA 54-1(c), 3(a), ERA 62 1(a), 2 & ERA 33 - 824 Shute Harbour Road, Mount Marlow - Hillery Investments Pty Ltd

PURPOSE

To present the assessment of the development application for a resource recovery facility and seek Council's determination.

OFFICER'S RECOMMENDATION

That Council approve the Development Application for Development Permit for Material Change of Use for High Impact Industry (Resource Recovery Facility) & Environmentally Relevant Activity (ERA) 54-1(c), 3(a), ERA 62 1(a), 2 & ERA 33, made by Hillery Investments Pty Ltd, on L: 41 SP: 287945 and located at 824 Shute Harbour Road Mount Marlow, subject to the conditions outlined in **Attachment 4**.

RESOLUTION OM2024/10/30.7

Moved By: CR J FINLAY

Seconded By: CR J COLLINS

That Council approve the Development Application for Development Permit for Material Change of Use for High Impact Industry (Resource Recovery Facility) & Environmentally Relevant Activity (ERA) 54-1(c), 3(a), ERA 62 1(a), 2 & ERA 33, made by Hillery Investments Pty Ltd, on L: 41 SP: 287945 and located at 824 Shute Harbour Road Mount Marlow, subject to the conditions outlined in Attachment 4.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

This is page 10 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

11.3 - Proposal to make Subordinate Local Law (Amending) Subordinate Local Law No. 1 (Administration) 2024

PURPOSE

The report seeks a resolution to make Subordinate Local Law (Amending) Subordinate Local Law No.1 (Administration) 2024 to exclude a number of accommodation activities that are currently included by the definition of 'Operation of short-term accommodation' within Schedule 19 of Subordinate Local Law No.1 (Administration) 2014.

OFFICER'S RECOMMENDATION

Council resolves that:

1. Council propose to make Subordinate Local Law (Amending) Subordinate Local Law No. 1 (Administration) 2024, as detailed in Attachment A (the Proposed Subordinate Local Law).
2. Council delegate to the Chief Executive Officer the process and responsibilities to take all steps the Chief Executive Officer considers desirable under Chapter 3 of the *Local Government Act 2009* (Qld), including:
 - a. consulting with the public about the Proposed Subordinate Local Law and conducting a public interest test in relation to anti-competitive provisions contained within with the Proposed Subordinate Local Law for at least 21 days (Consultation Period); and
 - b. considering every submission properly made to Council about the Proposed Subordinate Local Law during the Consultation Period.

RESOLUTION OM2024/10/30.8

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

Council resolves that:

1. Council propose to make Subordinate Local Law (Amending) Subordinate Local Law No. 1 (Administration) 2024, as detailed in Attachment A (the Proposed Subordinate Local Law).
2. Council delegate to the Chief Executive Officer the process and responsibilities to take all steps the Chief Executive Officer considers desirable under Chapter 3 of the *Local Government Act 2009* (Qld), including:
 - a. consulting with the public about the Proposed Subordinate Local Law and conducting a public interest test in relation to anti-competitive provisions contained within with the Proposed Subordinate Local Law for at least 21 days (Consultation Period); and
 - b. considering every submission properly made to Council about the Proposed Subordinate Local Law during the Consultation Period.

MEETING DETAILS

The motion was Carried 6 / 1.

CARRIED

~~~~~  
This is page 11 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

#### 11.4 - Donation, Sponsorship and In Kind Requests Approved September 2024

##### PURPOSE

To advise Council of the donations, sponsorships, in-kind support and grants up to \$20,000 provided for the month of September 2024.

##### OFFICER'S RECOMMENDATION

That Council:

- a) Note the Financial Support for Junior Elite Athlete Grant applications approved for the month of September 2024 to the applicants identified in **Attachment 1**.
- b) Note the Financial Support for Donation applications approved for the month of September 2024 to the applicants identified in **Attachment 2**.
- c) Note the Financial Support for In-kind donation applications approved for the month of September 2024 to the applicants identified in **Attachment 3**.
- d) Note the Financial Support for Sponsorship applications approved for the month of September 2024 to the applicants identified in **Attachment 4**.
- e) Note the Financial Support for Sport & Recreation Club applications approved for the month of September 2024 to the applicants identified in **Attachment 5** and;
- f) Note the Financial Support for Donation on Council Fee applications approved for the month of September 2024 to the applicants identified in **Attachment 6**.

##### RESOLUTION OM2024/10/30.9

Moved By: CR J CLIFFORD

Seconded By: CR C BAUMAN

That Council:

- a) Note the Financial Support for Junior Elite Athlete Grant applications approved for the month of September 2024 to the applicants identified in Attachment 1.
- b) Note the Financial Support for Donation applications approved for the month of September 2024 to the applicants identified in Attachment 2.
- c) Note the Financial Support for In-kind donation applications approved for the month of September 2024 to the applicants identified in Attachment 3.
- d) Note the Financial Support for Sponsorship applications approved for the month of September 2024 to the applicants identified in Attachment 4.
- e) Note the Financial Support for Sport & Recreation Club applications approved for the month of September 2024 to the applicants identified in Attachment 5 and;
- f) Note the Financial Support for Donation on Council Fee applications approved for the month of September 2024 to the applicants identified in Attachment 6.

##### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~  
This is page 12 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

Cr John Finlay declared a prescribed conflict of interest in item 11.5 regarding Special Projects Grant Applications - Round 1 - July to September 2024 as defined by section 150EL of the *Local Government Act 2009*, due to the following:

The name of any entity, other than the councillor, that has an interest in the matter: Client of SBB Partners

The nature of the councillor's relationship with the entity: Cr Finlay is the manager and employee of SBB Partners and one of the applicants is a client of that company.

Details of the councillor's, and any other entity's, interest in the matter: Client has put in an application to Council for Special Grants Projects.

As a result of this conflict of interest, Cr John Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Finlay left the meeting at 9.52am.

~~~~~

#### 11.5 - Special Projects Grant Applications - Round 1 - July to September 2024

##### PURPOSE

For Council to consider the funding for the Special Projects Grant Applications for Round 1 of the 2024-25 Program.

##### OFFICER'S RECOMMENDATION

That Council:

1. Approve the payment of Special Project Grant – Round 1, to assist the following recipients:
  - a) Bowen Woodworkers & Woodturners Association Inc. - \$10,000
  - b) Whitsunday Songwriter Festival Inc. - \$6,650
  - c) Bowen Historical Society & Museum Inc. - \$6,336
  - d) Gloucester Sports & Recreation Association Inc. - \$7,174
  - e) Road Accident Action Group Inc. - \$5,000
  - f) Proserpine Hack & Pony Club Inc. - \$10,000

##### RESOLUTION OM2024/10/30.10

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

That Council:

1. Approve the payment of Special Project Grant – Round 1, to assist the following recipients:
  - a) Bowen Woodworkers & Woodturners Association Inc. - \$10,000
  - b) Whitsunday Songwriter Festival Inc. - \$6,650
  - c) Bowen Historical Society & Museum Inc. - \$6,336

This is page 13 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

- d) Gloucester Sports & Recreation Association Inc. - \$7,174
- e) Road Accident Action Group Inc. - \$5,000
- f) Proserpine Hack & Pony Club Inc. - \$10,000

#### MEETING DETAILS

Director Jason Bradshaw advised the meeting that he would take on notice Cr Bauman's question regarding the Proserpine Pony Club and their movements.

The motion was Carried 6 / 0.

**CARRIED**

~~~~~

Cr Finlay returned to the meeting at 9.54am.

UNCONFIRMED

This is page 14 of the Minutes of Council's Ordinary Council Meeting - 30 October 2024

This is page 23 of the Agenda of Council's Ordinary Council Meeting - 27 November 2024

11.6 - Bowen CBD Walking Network Plan

PURPOSE

This report presents the results of the Bowen CBD Walking Network Plan preparation and recommends the council adopt this plan to allow compliance with grant funding and allow the plan to be made public.

OFFICER'S RECOMMENDATION

That Council adopt the Bowen CBD Walking Network Plan.

RESOLUTION OM2024/10/30.11

Moved By: CR C BAUMAN

Seconded By: CR M WRIGHT

That Council:

- a) Adopt the Bowen CBD Walking Network Plan and capital prioritisation of the high priority works.
- b) Produces the other 5 Whitsunday walking Networks plans supported by Council resolution OM2021/12/08.06 at a minimum of one per financial year.

MEETING DETAILS

Cr Wright advised of error on a map for PCYC & Denison park (pg 146) and requested for it to be corrected.

The motion was Carried 7 / 0.

CARRIED

~~~~~  
Cr John Finlay declared a prescribed conflict of interest in item 11.7 regarding Amendment to Trustee Lease - Bowen Pastoral & Agricultural Association Inc. - Lot 111 on CP HR296 & Lot 55 on HR296 as defined by section 150EL of the *Local Government Act 2009*, due to the following:

The name of any entity, other than the councillor, that has an interest in the matter: Bowen Pastoral & Agricultural Association Inc.

The nature of the councillor's relationship with the entity: Cr Finlay is the manager and employee of SBB Partners and the applicant is a client of the company.

Details of the councillor's, and any other entity's, interest in the matter: Amendment to Trustee Lease for Bowen Pastoral & Agricultural Association Inc. - Lot 111 on CP HR296 & Lot 55 on CP HR296.

As a result of this conflict of interest, Cr Finlay advised that he will leave the meeting and take no part in the discussion or decision making of this matter.

Cr Finlay left the meeting at 10.03am.  
~~~~~

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11.7 - Amendment to Trustee Lease - Bowen Pastoral & Agricultural Association Inc. - Lot 111 on CP HR296 & Lot 55 on CP HR296

PURPOSE

To seek Council approval to amend the current Trustee Lease with Bowen Pastoral & Agricultural Association Inc by including both Lot & Plan numbers noted on the Title to correctly reflect the leased area

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to execute a lease on the same terms as the current lease expiring on 22 October 2029, with Bowen Pastoral & Agricultural Association Inc. for the whole of land being Lot 111 on CP HR296 & Lot 55 on CP HR296 also known as Bowen Showgrounds, Mt Nutt Road, Bowen in accordance with Section 236 1(b)(ii) and (c)(iii) of the Local Government Regulation 2012.

RESOLUTION OM2024/10/30.12

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

That Council authorise the Chief Executive Officer to execute a lease on the same terms as the current lease expiring on 22 October 2029, with Bowen Pastoral & Agricultural Association Inc. for the whole of land being Lot 111 on CP HR296 & Lot 55 on CP HR296 also known as Bowen Showgrounds, Mt Nutt Road, Bowen in accordance with Section 236 1(b)(ii) and (c)(iii) of the Local Government Regulation 2012.

MEETING DETAILS

The motion was Carried 6 / 0.

CARRIED

~~~~~

Cr Finlay returned to the meeting at 10.04am.

## 11.8 - Council Meeting Dates 2025

### PURPOSE

To propose the Ordinary Council Meeting dates and locations for the 2025 calendar year, for Councils consideration.

### OFFICER'S RECOMMENDATION

That Council adopt the following 2025 Ordinary Council Meeting Dates and Locations:

1. 29 January 2025 – Bowen
2. 26 February 2025 – Proserpine
3. 26 March 2025 – Bowen
4. 23 April 2025 – Proserpine
5. 28 May 2025 – Bowen
6. 18 June 2025 – Proserpine
7. 30 July 2025 – Bowen
8. 27 August 2025 – Proserpine
9. 24 September 2025 – Bowen
10. 29 October 2025 – Proserpine
11. 26 November 2025 – Bowen
12. 10 December 2025 - Proserpine

### RESOLUTION OM2024/10/30.13

Moved By: CR J CLIFFORD

Seconded By: CR R COLLINS (MAYOR)

That Council adopt the following 2025 Ordinary Council Meeting Dates and Locations:

1. 29 January 2025 – Bowen
2. 26 February 2025 – Proserpine
3. 26 March 2025 – Bowen
4. 23 April 2025 – Proserpine
5. 28 May 2025 – Bowen
6. 18 June 2025 – Proserpine
7. 30 July 2025 – Bowen
8. 27 August 2025 – Proserpine
9. 24 September 2025 – Bowen
10. 29 October 2025 – Proserpine
11. 26 November 2025 – Bowen
12. 10 December 2025 - Proserpine

### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

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11.9 - Budget Review 1 2024

PURPOSE

To review the current budget and make amendments to better reflect the current and forecast financial position of Council and to confirm priorities for capital projects to be delivered in the 2024/25 financial year.

OFFICER'S RECOMMENDATION

That Council resolve:

- A. In accordance with section 170(3) of the Local Government Regulation 2012, to revise the Whitsunday Regional Council Budget adopted for the financial year 2024/25, as presented in the following statements prepared in accordance with section 169 of the Local Government Regulation 2012:
 - 1) Revised Statement of Comprehensive Income,
 - 2) Revised Statement of Financial Position,
 - 3) Revised Statement of Cash Flows,
 - 4) Revised Statement of Changes in Equity for the financial year 2024/25,
 - 5) The resulting Revised Long-Term Financial Forecast for the financial years 2024/25 through 2033/34, inclusive,
 - 6) The Revised Measures of Financial Sustainability; and
- B. To make the following transfers to and from reserves for the financial year 2024/25:
 - 1) \$2,010,337 from the Infrastructure Reserve to fund capital works projects, and
 - 2) A net transfer of \$19,023,619 from the Capital Works Reserve, as follows:
 - a) \$2,456,935 to the Capital Works Reserve, and
 - b) \$21,480,554 from the Capital Works Reserve to fund capital works projects.
- C. To agree in principle to the transfer of \$1,320,000 from Operational Reserves to fund long term capital planning projects in Budget Review 2.

RESOLUTION OM2024/10/30.14

Moved By: CR J FINLAY

Seconded By: CR J CLIFFORD

That Council resolve:

- A. In accordance with section 170(3) of the Local Government Regulation 2012, to revise the Whitsunday Regional Council Budget adopted for the financial year 2024/25, as presented in the following statements prepared in accordance with section 169 of the Local Government Regulation 2012:
 - 1) Revised Statement of Comprehensive Income,
 - 2) Revised Statement of Financial Position,
 - 3) Revised Statement of Cash Flows,
 - 4) Revised Statement of Changes in Equity for the financial year 2024/25,
 - 5) The resulting Revised Long-Term Financial Forecast for the financial years 2024/25 through 2033/34, inclusive,
 - 6) The Revised Measures of Financial Sustainability; and

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B. To make the following transfers to and from reserves for the financial year 2024/25:

- 1) \$2,010,337 from the Infrastructure Reserve to fund capital works projects, and
- 2) A net transfer of \$19,023,619 from the Capital Works Reserve, as follows:
 - a) \$2,456,935 to the Capital Works Reserve, and
 - b) \$21,480,554 from the Capital Works Reserve to fund capital works projects.

C. To agree in principle to the transfer of \$1,320,000 from Operational Reserves to fund long term capital planning projects in Budget Review 2.

MEETING DETAILS

The motion was Carried 6 / 1.

CARRIED

~~~~~

#### 11.10 - Monthly Finance Report

##### PURPOSE

To inform Council of the current unaudited financial performance and position for the reporting period.

##### OFFICER'S RECOMMENDATION

That Council receive the Financial Report and the Unaudited Financial Statements for the period ended 30 September 2024.

##### RESOLUTION OM2024/10/30.15

Moved By: CR J FINLAY

Seconded By: CR M WRIGHT

That Council receive the Financial Report and the Unaudited Financial Statements for the period ended 30 September 2024.

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

~~~~~

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12 LATE REPORT ITEMS

There were no late items for this meeting.

~~~~~

**13 CONFIDENTIAL MATTERS**

**PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION)  
OM2024/10/30.16**

Moved by: CR J CLIFFORD

Seconded by: CR M WRIGHT

That Council close the meeting to the public at 10.21am in accordance with Section 254J of the Local Government Regulations 2012 for closed meetings, for the purpose of discussing the following items and the reasons for going into closed session:

**13.1 - Shute Harbour Marine Terminal**

- (g) *negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.*

**13.2 - Request to Enter into Infrastructure Agreement - Paluma Industrial Pty Ltd**

- (g) *negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.*

**13.3 - Outstanding Rates and Charges - Sale of Land**

- (d) *rating concessions.*

**MEETING DETAILS:**

The procedural motion was Carried 7 / 0

**CARRIED**

~~~~~

During closed session, Council adjourned for the purpose of morning tea at 10.37am.

The meeting reconvened from morning tea at 11.04am.

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PROCEDURAL MOTION - REOPEN MEETING OM2024/10/30.17

Moved by: CR J CLIFFORD

Seconded by: CR C BAUMAN

That Council reopen the meeting to the general public at 11.36am.

MEETING DETAILS:

The motion was Carried 7 / 0

CARRIED

~~~~~

**13.1 - Shute Harbour Marine Terminal**

**PURPOSE**

To present to Council for consideration a potential opportunity to enter into a new licencing agreement for the Cafe at the Shute Harbour Marine Terminal.

**OFFICER'S RECOMMENDATION**

That Council authorise the Chief Executive Officer to enter into negotiations and execute a 1 + 1 year Licence to Occupy Agreement over area Lease B at the Shute Harbour Marine Terminal being part of the land at Lot 297 on SP184769.

**RESOLUTION OM2024/10/30.18**

**Moved By:** CR J CLIFFORD

**Seconded By:** CR J FINLAY

**That Council authorise the Chief Executive Officer to enter into negotiations and execute a 1 + 1 year Licence to Occupy Agreement over area Lease B at the Shute Harbour Marine Terminal being part of the land at Lot 297 on SP184769.**

**MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

~~~~~

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13.2 - Request to Enter into Infrastructure Agreement - Paluma Industrial Pty Ltd

PURPOSE

To present a request to enter into an infrastructure agreement and seek direction from Council.

OFFICER'S RECOMMENDATION

That Council:

1. Delegates to the Chief Executive Officer to negotiate an infrastructure agreement with the Paluma Industrial Pty Ltd; and
2. Delegates to the Chief Executive Officer to negotiate a cost for Whitpro to connect to water and sewer infrastructure.

RESOLUTION OM2024/10/30.19

Moved By: CR M WRIGHT

Seconded By: CR J FINLAY

That Council:

1. Delegates to the Chief Executive Officer to negotiate an infrastructure agreement with the Paluma Industrial Pty Ltd; and
2. Delegates to the Chief Executive Officer to negotiate a cost for Whitpro to connect to water and sewer infrastructure.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

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### 13.3 - Outstanding Rates and Charges - Sale of Land

#### PURPOSE

Council has been undertaking recovery action on several properties to recover outstanding rates. It is proposed to commence sale of land proceedings and debt recovery action on fifteen (15) properties as listed in **Schedule 1**, in accordance with the provisions of the Local Government Regulation 2012.

#### OFFICER'S RECOMMENDATION

That Council commence the sale of land proceedings for the properties listed in Schedule 1 for overdue rates and charges in accordance with section 140 of the Local Government Regulation 2012:

##### Schedule 1

| Assessment | RPD                              |
|------------|----------------------------------|
| 1205942    | L 102-103 MPH 13504 & L 1 MPH 21 |
| 1205904    | L 26 MPH 13504                   |
| 1206336    | L 4 MPH 13515                    |
| 1103473    | L 250 SP 194903                  |
| 1300067    | L 5 SP 230515 EMT F              |
| 1110358    | L 39 SP 184783                   |
| 1205641    | L 19 C 74021                     |
| 1106132    | L 16 RP 837382                   |
| 1205592    | L 15 MPH 40254                   |
| 1205439    | L 38 MPH 13508                   |
| 1207841    | L 150 SP 157801                  |
| 1104108    | L 95 RP 737367                   |
| 1107104    | L 63 RP 891516                   |
| 1105300    | L 272 RP 746320                  |
| 1302000    | L 16 SP 232108 CTS & COV U       |

#### RESOLUTION OM2024/10/30.20

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council commence the sale of land proceedings for the properties listed in Schedule 1 for overdue rates and charges in accordance with section 140 of the Local Government Regulation 2012:

##### Schedule 1

| Assessment | RPD                              |
|------------|----------------------------------|
| 1205942    | L 102-103 MPH 13504 & L 1 MPH 21 |
| 1205904    | L 26 MPH 13504                   |
| 1206336    | L 4 MPH 13515                    |

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|         |                            |
|---------|----------------------------|
| 1103473 | L 250 SP 194903            |
| 1300067 | L 5 SP 230515 EMT F        |
| 1110358 | L 39 SP 184783             |
| 1205641 | L 19 C 74021               |
| 1106132 | L 16 RP 837382             |
| 1205592 | L 15 MPH 40254             |
| 1205439 | L 38 MPH 13508             |
| 1207841 | L 150 SP 157801            |
| 1104108 | L 95 RP 737367             |
| 1107104 | L 63 RP 891516             |
| 1105300 | L 272 RP 746320            |
| 1302000 | L 16 SP 232108 CTS & COV U |

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

~~~~~

14 MATTERS OF IMPORTANCE

Cr Wright provided specific recognition to staff members Mark Callaghan (Manager Parks and Gardens), Drew Cookson (Coordinator Parks and Gardens Northern Region) and Jason Hensel (Senior Workplace Health and Safety Advisor) for their involvement in the Bowen State High School hands on learning and experience.

~~~~~

The Meeting closed at 11.39am.

Confirmed as a true and correct recording this 27 November 2024.

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**Cr Ry Collins  
MAYOR**

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#### **4 BUSINESS ARISING**

This item on the agenda allows Councillors the opportunity to seek clarification or updates on business arising from the minutes of the previous meeting.

## **5 MAYORAL MINUTE**

This item on the agenda allows the Mayor to introduce, by a signed minute, a matter for consideration at the meeting. In accordance with Council's Standing Orders, such a matter takes precedence over all other matters for consideration at the meeting and may be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

In accordance with Council's Standing Orders, Councillors may give notice of any business they wish to be discussed at an Ordinary Meeting by way of a Notice of Motion. This item on the agenda allows Councillors to introduce and move any motions they have submitted to the Chief Executive Officer for inclusion in the agenda.

## **7            DEPUTATIONS**

This item on the agenda allows persons to make a deputation to Council. Deputations are managed in accordance with Council's adopted Standing Orders.

This item on the agenda allows for the following two options:

1. Councillors to present a petition to the meeting in accordance with Council's Standing Orders, no debate on or in relation to the tabled petition shall be allowed and the only motion which may be moved is that the petition either be received, referred to a Committee or Council officer for consideration and report back to Council, or not be received because it is deemed invalid.
2. The inclusion of any responses prepared by officers in response to questions taken on notice at previous meetings of Council.

Excerpt from Council's Standing Orders:

1. In each 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.
2. Questions from the Public Gallery will be taken on notice and may or may not be responded to at the Meeting.
3. The time allotted shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at any one (1) meeting.
4. Any person addressing the Council shall stand, act and speak with decorum and frame any remarks in respectful and courteous language.

## 10 COMMITTEES REPORTS

This item on the agenda is for consideration of any Council Committee's business.

### 11.1 - 2024/25 Operational Plan Q1 Review

**MEETING DETAILS:** Ordinary Council Meeting - Wednesday 27 November 2024

**AUTHOR:** Manager - Governance and Administration Services

**AUTHORISING OFFICER:** Director Corporate Services

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#### PURPOSE

The purpose of this report is to present Council's progress towards implementing the annual Operational Plan 2024/25 for the period ending 30th September 2024 (Quarter One Review).

#### EXECUTIVE SUMMARY

Local Governments must prepare and adopt an Annual Operational Plan for each financial year and must discharge its responsibilities in a way that is consistent with its annual operational plan and report on Council's progress on a quarterly basis as an accountability and performance measure.

The Quarter One progress review has been completed as at 30<sup>th</sup> of September 2024. The quarter one review has been provided as **Attachment 1** to this report.

#### OFFICER'S RECOMMENDATION

That Council receive the Operational Plan 2024/25 Quarter One Progress Report for the period to 30 September 2024 (**Attachment 1**).

#### BACKGROUND

Council adopted its 2024/25 Operational Plan in June 2024. The Operational Plan outlines activities proposed to be undertaken during the 2024/25 financial year which will contribute to the achievement of the strategies outlined in Council's Corporate Plan.

Monitoring of the delivery of the Operational Plan provides Council with oversight of the performance of the organisation in delivering Council's objectives and longer-term goals under the Corporate Plan.

#### DISCUSSION/CURRENT ISSUE

The Operational Plan provides the basis for reporting to Council on the quarterly progress towards achieving the Corporate Plan outcomes through the implementation of the annual Operational Plan. This includes measuring performance and managing risk.

Actions have been identified that are linked to the Corporate Plan. Reporting on these actions in the attached report is based on progress against time, budget spend, or other applicable milestones as outlined in reports to Council.

A summary of Quarter One (Q1) progress for all actions against the 2024/25 Operational Plan is provided below:

| Action Status   | Number of Actions | % Completion |
|-----------------|-------------------|--------------|
| Not Started     | 1                 | 5.55         |
| Progressing     | 15                | 83.3         |
| Not Progressing | 0                 | 0            |
| Completed       | 1                 | 5.55         |
| On Hold         | 1                 | 5.55         |
| <b>Total</b>    | <b>18</b>         |              |

The details of progress on each action are included within **Attachment 1**.

## FINANCIAL IMPLICATIONS

The Operational Plan has been structured within the bounds of the resources available to Council and is consistent with the 2024/25 Budget.

## CONSULTATION/ENGAGEMENT

Executive Leadership Team  
All Managers and designated Responsible Officers

## STATUTORY/COMPLIANCE MATTERS

This report for Q1 is presented to Council in accordance with section 174(3) of the Local Government Regulation 2012 that requires the Chief Executive Officer to present a written assessment of the local government's progress towards implementing the annual operational plan.

## RISK ASSESSMENT/DEADLINES

Failure to present and adopt the quarterly performance report on the Operational Plan, presents a non-compliance risk under the *Local Government Act 2009*. As well an opportunity being lost to inform the community on the implementation of the Operational Plan 2024-2025 which may result in reputational risks for Council for not being seen as transparent and accountable in its delivery of the Operational Plan.

Under the Local Government Regulation 2012, the Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

## STRATEGIC IMPACTS

Corporate Plan Reference:-

Support the organisation in ensuring appropriate compliance with legislation and to support the elected council in its decision-making processes and obligations as a local government.

## ATTACHMENTS

1. Quarter One Report - Operational Plan 24-25 [11.1.1 - 23 pages]

# 2024/25 OPERATIONAL PLAN

## QUARTER 1 REPORT



Whitsunday Regional Council acknowledge the traditional owners and custodians of the lands where we live and work. We pay respect to Elders past and present and we recognise their continuing connection to country and the important role Aboriginal and Torres Strait Islander peoples play within the Whitsunday Region.





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## CEO'S MESSAGE

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I am pleased to present the Whitsunday Regional Council Organisational Quarterly Report for the period ending 30 September 2024.

Congratulations to the new Council on adopting its first budget for the term. This milestone sets a strong financial foundation for the region, following the successful finalisation of the Audited Annual Financial Statements, which met all sustainability measures and addressed internal control matters.

Council was honoured with the 2024 LGMS Risk Excellence Award at the recent LGAQ Conference. This award recognises our Key Risk Indicators for Strategic Risks Program, showcasing our commitment to exceptional risk management and enhancing regional safety and resilience. Congratulations to everyone involved.

With the adoption of the Local Housing Action Plan, the new Council is taking proactive steps to address the ongoing housing crisis at a local level. Council will continue to advocate for increased support from other levels of government to address these pressing challenges.

As we head into disaster season, we have undertaken some important projects to enhance our community resilience. The addition of three new flood cameras, installed at Queens Road, Inverdon Road, and Soldiers Road in Bowen will enable our community to make informed decisions during times of heavy rain. These can be accessed via the Disaster Dashboard. Additionally, a new shed extension at the Cannonvale SES has enabled enhanced operations and a new communications office to support their expanding volunteer team.

I would like to express my gratitude to our dedicated staff for their ongoing efforts and commitment, which have led to the successful completion of a wide range of projects within the first three months of the year. I encourage you to explore the details of these achievements in this report.

**Warren Bunker**  
**Chief Executive Officer**





### WHITSUNDAY COAST AIRPORT WELCOMES FIRST ADELAIDE FLIGHT

Jetstar Australia's exciting new direct flight route between the Whitsunday Coast and Adelaide officially launched on 1 September 2024, with Mayor Ry Collins and Director Commercial Businesses, Craig Turner flying in on the inaugural flight to mark the occasion.

This new connection enhances accessibility between these two popular destinations, offering greater convenience for travelers and unlocking fresh opportunities for tourism and economic growth in the Whitsundays.

The direct service is already bringing more visitors to the region, bolstering local businesses and further establishing the Whitsundays as a top travel destination in Australia.

Securing the new route is a massive achievement for Council and we hope to introduce more flights in the future.

### WHITSUNDAY COAST AIRPORT MASTERPLAN ADOPTED

Council adopted the *Whitsunday Coast Airport Master Plan 2024* which outlines a strategic vision for the airport's development over the next 20 years, aiming to support the region's growing tourism and business demands while enhancing operational efficiency and sustainability.

The plan focuses on expanding airport infrastructure to accommodate increased passenger numbers, optimising land use, and improving the airport experience for travellers.

Key initiatives include the expansion of terminal facilities, upgrades to airfield infrastructure and the development of new commercial opportunities. These actions are all aligned to position the Whitsunday Coast Airport as a central hub for economic growth, connectivity, and regional prosperity.

### AIRPORT BREAKS MAJOR PASSENGER MILESTONE

Whitsunday Coast Airport reached an impressive milestone in July, surpassing 500,000 annual passengers for the first time in its 73-year history. This achievement, up from 280,000 passengers in 2021, highlights the airport's essential role as a gateway to the Whitsundays, supporting both tourism and regional economic growth.

Increased flight frequencies and the introduction of new routes have contributed significantly to this growth.

### RAMPED UP WHITSUNDAYS

In August, Whitsunday Regional Council proudly supported the

\*Ramped Up Whitsundays\*

Bowl & Vert Skateboarding Competition, a high-energy two-day event that brought

skateboarders and enthusiasts from across the country to our region.

With the picturesque Whitsundays as a backdrop, the event kicked off on Saturday, 24 August, at Cannonvale Skatepark with thrilling bowl skateboarding, live music, and local markets.

This free-to-watch competition not only highlighted the Whitsundays as a premier skateboarding destination but also attracted a new visitor demographic, contributing to increased local spending and a vibrant community atmosphere.

### WHITSUNDAY HOLIDAY PARKS OFFERS NEW WEBSITE AND BOOKING PLATFORM

Council was excited to launch a new online booking platform in

conjunction with a new website for Whitsunday Holiday Parks, enhancing the experience for travellers seeking to explore the Whitsundays.

Since the launch of the online booking platform, Council has seen a notable increase in visitors to our holiday parks.

The new website and booking platform not only streamline the reservation process but also showcase the unique features of each holiday park, making it easier for visitors to find the perfect spot for their getaway.

With the added convenience of online bookings, we are excited to welcome even more guests to the Whitsunday Holiday Parks.





### 2024 MAYOR'S CHARITY BALL

The Proserpine Entertainment Centre shone brightly on 21 September, hosting the 2024 Mayor's Charity Ball with a touch of sparkle.

Over 200 guests enjoyed a memorable evening filled with gourmet dining, exciting entertainment and generous fundraising.

Mayor Ry Collins selected two vital charities: BMA CQ Rescue and the Whitsunday Suicide Prevention Network (WSPN), both dedicated to life-saving work in our region.

A huge thank you to our Platinum Sponsors Hillery Group, Airlie Beach Hotel and Abbot Point Operations as well as our Gold and Silver sponsors. We also want to acknowledge every contribution, large and small, that came together to make an event of this magnitude possible.

Through ticket sales, raffles, and a lively auction, an impressive \$66,000 was raised in support of these important causes.

### COUNCIL CO-HOSTS AUSTRALIAN WATER ASSOCIATION CONFERENCE

In July, Whitsunday Regional Council co-hosted the Australian Water Association's North Queensland conference, 'Jewels of the North', on Hamilton Island. The event focused on unearthing hidden gems in the northern water industry, showcasing excellence and exploring growth opportunities.

With water essential to life and regional wellbeing in the Whitsundays, the conference highlighted how our natural water assets, like the Great Barrier Reef and unique wetlands, play a crucial role in driving economic growth.

Attendees addressed pressing challenges, including extreme climate conditions, infrastructure needs, and skills shortages.

The conference featured presentations from municipal providers, engineers, scientists, and industry leaders, sharing valuable insights and innovations shaping the future of water in North Queensland.

### PROSERPINE TREATMENT PLANT BORES

Council continued to progress the second stage works on the project for additional bores for Proserpine Water Treatment Plant. The second stage of works commenced late last year in the production drilling. In September, contractors successfully drilled

the second of a series of six new production holes aimed at providing increased operational efficiency and enhanced resiliency.

The first three sites are located within close proximity to the Proserpine WTP. Another to be sited opposite the WTP along an existing raw water main, while a further two bores will be drilled about 1 to 1.5 kilometres upstream from the plant near existing cane land. These bores are expected to increase raw water production capacity to the Proserpine WTP and the production of treated water supply to the community.

Works to bring the bores online is expected to commence progressively from mid to late 2025.



### YELLOW CRAZY ANT SURVEY

The Shute Harbour Detailed Yellow Crazy Ants (YCA) Survey occurred from 2 to 5 September. There were 32 staff from five different agencies participating in the survey. The personnel collected 8,485 GPS points to record the presence or absence of the Yellow Crazy Ants. The detailed survey covered 48ha over the four days. The data collected was mapped and showed that the YCA infestation covers approximately 3.7ha at Shute Harbour over scattered small infestations.



### ADOPTION OF THE LAST ANNUAL REPORT AND ANNUAL FINANCIAL STATEMENTS

Council finalised the Audited Annual Financial Statements in mid-August and received an Unmodified Audit Opinion and certification of the financial

statements from the Queensland Audit Office in August 2024. The Annual report was then finalised and presented to Council for adoption in September 2024.

The Closing Audit Report for 2023/24 indicated that Council had met all the requirements for the financial sustainability measures with all ratios within the guidelines, and the internal control matters raised were recognised as being addressed.

The report is available on Council's website for viewing.

### PARKS AND OPEN SPACES

Extensive research has been conducted to establish the specifications for our Parks and Open Spaces 24/25 Capital Works program.

We are eager to bring these projects to fruition soon, as they promise to enhance the quality and accessibility of our green spaces.

Council have made significant progress in revitalising garden beds and lawns across all townships this quarter. This initiative includes planting of new plants, applying fresh mulch, and conducting thorough irrigation system checks.

These efforts are crucial to ensuring that our plants remain healthy and well-watered during

this particularly dry period in the region.

Additionally, effective turf management plays a vital role in fostering lush, vibrant grass for the enjoyment of both the community and visitors to the region.

Our turf management practices encompass essential activities such as aeration, fertilisation, and the removal of weeds.





### COLLINSVILLE SWIMMING POOL UPGRADES

Council has undertaken a refurbishment of the Collinsville Swimming Pool during the winter closure.

Works included:

- New bulkhead to create a Swimming Australia approved competition 25m pool
- Remaining 7.5m wide pool area on the other side of the bulkhead will remain as general pool usage for all users
- Replacement of tiles inside and around both kids and full-size pool
- Chlorine tank removal and replace
- Refurbish and replacement of pumps

The upgrade has provided an improved facility for squad swimmers and the general community.

### CAPITAL PROJECT DELIVERY

We are pleased to report the successful completion of several major capital projects, marking a productive end to the first quarter. Key achievements include:

Chapman Street Sewer Rising Main Upgrade: Enhanced sewer infrastructure supporting community growth and reliability.

Jubilee Pocket Sewage Pump Station 1 Upgrade: Improved pumping capacity for efficient wastewater management.

Bowen Landfill Clear Water Diversion and Monitoring Bores: Enhanced environmental safeguards through water diversion and ground monitoring.

Proserpine Water Park Switchboard Renewal: Renewed electrical systems for safer, more reliable park operations.

Bowen Sewage Treatment Plant Site Erosion Protection: Strengthened site integrity for long-term functionality and resilience.

Resheeting Across the Region:

Over \$6 million invested in road resheeting under DRFA and WRC initiatives, significantly improving road conditions and safety.

### CANNONVALE SES COMMUNICATIONS UPGRADES

In 2020, the Cannonvale SES received funding for a shed extension, allowing for enhanced operations and improved community services.

With the increased space, they successfully secured additional grant funding to establish a new communications office to support their growing volunteer team.

This project, awarded to a local contractor in May 2024, received an extension due to resource limitations, with a revised completion date of 30 September. Practical completion was achieved within this timeframe.

### LOCAL HOUSING ACTION PLAN

Council has adopted a Local Housing Action Plan (LHAP), in partnership with the Queensland Government and Local Government Association of Queensland.

The LHAP identifies key priorities and actions to address the region's housing needs, which hinges on strong partnerships between all levels of government, as well as private and not-for-profit organisations.

Some of the actions to be addressed in the Plan include a review of the Planning Scheme to identify options to expand development and explore opportunities to extend critical infrastructure networks in the growth areas of the region.

It also defines opportunities to advocate state and federal agencies for more funding for social and affordable housing.

The plan will explore housing

needs and consider new housing stock for workforce accommodation.

### NEW BOWEN FLOOD CAMERAS

We are pleased to report the addition of three new flood cameras to our network, enhancing community safety with real-time updates every 15 minutes throughout the wet season.

Installed at Queens Road, Inverdon Road, and Soldiers Road in Bowen, these cameras offer timely monitoring of flood-prone areas.

Developed by our IT team at a cost of approximately \$50,000, these new cameras are significantly more cost-effective than previous models, which averaged \$60,000 per camera.

This initiative demonstrates our commitment to improving service efficiency and achieving substantial savings for ratepayers.

### COLLINSVILLE EFFICIENT RESILIENT SOLAR

The Collinsville Efficient Resilient Solar Program and the Collinsville High Level Reservoir roof renewal, delivered by Council, have received positive feedback for their impressive outcomes.

The installation of solar panels at the water treatment plant is expected to significantly reduce ongoing operational costs, particularly through the upgrade of several pumps aimed at reducing power consumption.

Additionally, the reservoir roof replacement was carried out while the tank remained in operation, demonstrating a high level of quality control and minimising disruption to the community.



### FOXDALE QUARRY IN NEW SUPPLY ARRANGEMENT WITH DEPARTMENT OF TRANSPORT & MAIN ROADS

Whitsunday Regional Council is excited to announce a successful Supply Arrangement Agreement with Transport and Main Roads (TMR) that will leverage the resources from Foxdale Quarry to significantly benefit the region's infrastructure projects.

Under this agreement, TMR will source materials from Foxdale Quarry as needed until 30 September 2026. This partnership underscores the importance of local suppliers in supporting the region's development and ensures that high-quality materials are readily available for various infrastructure projects.

### WHITSUNDAY REGIONAL LIBRARIES: FACILITY UPGRADE & IMPROVEMENTS

On Monday, 8 July, the Bowen Library temporarily relocated to the newly refurbished training room in the Bowen Administration Building for six weeks while maintenance work was conducted on the library ceiling and new air conditioners were installed. The project created a safer and more comfortable environment for patrons.

Additionally, the Junior area at Cannonvale Library underwent a much-needed refresh, with plastering and painting completed in August. The rejuvenated space now offers a brighter and more welcoming environment for young visitors.

### 2024 LGMS RISK EXCELLENCE

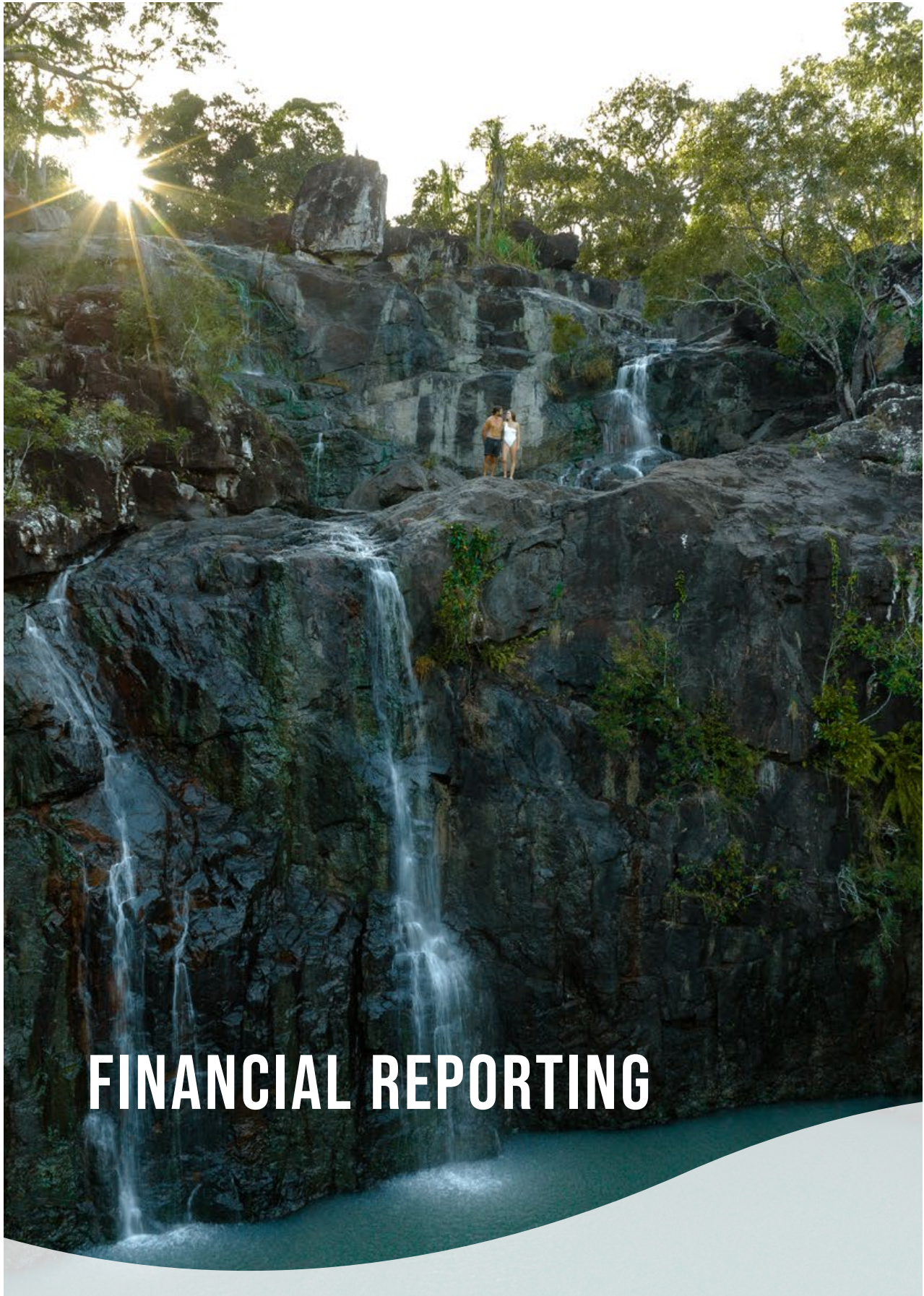
At the recent LGAQ Conference, Whitsunday Regional Council was honored with the 2024 LGMS Risk Excellence Award, accepted by the Mayor on behalf of Council.

This prestigious award, under the LGMS mutual self-insurance schemes—including LGM Liability, LGW Workcare, and LGM Assets—highlights Queensland councils that demonstrate exceptional risk management initiatives.

The award recognizes Council's Key Risk Indicators for Strategic Risks Program, developed in alignment with Australian Standard ISO 31000:2018 for risk management.

This achievement reflects Council's commitment to enhancing risk management practices and supporting the safety and resilience of the Whitsunday region.



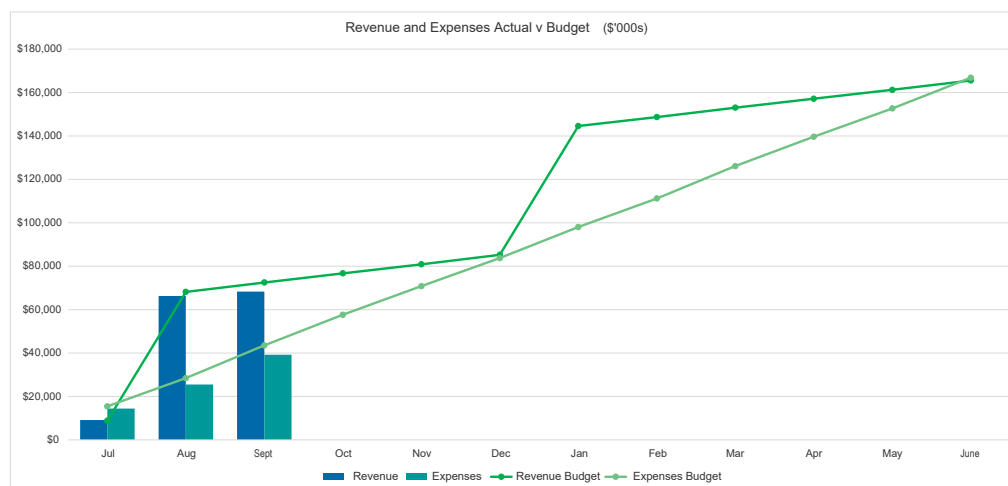


# FINANCIAL REPORTING

## REVENUE & EXPENSES ACTUAL v BUDGET

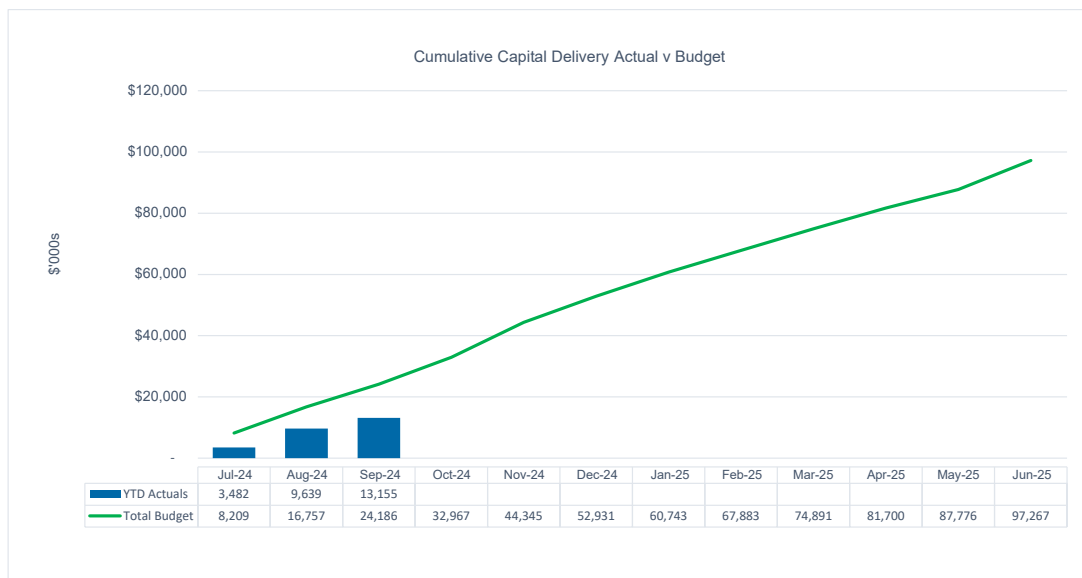
### OPERATIONAL BUDGET

Throughout the year, revenue and expenditure are consumed at different rates depending on timing of deliverables. The below graph presents where we are at the end of the quarter against the budgeted position.

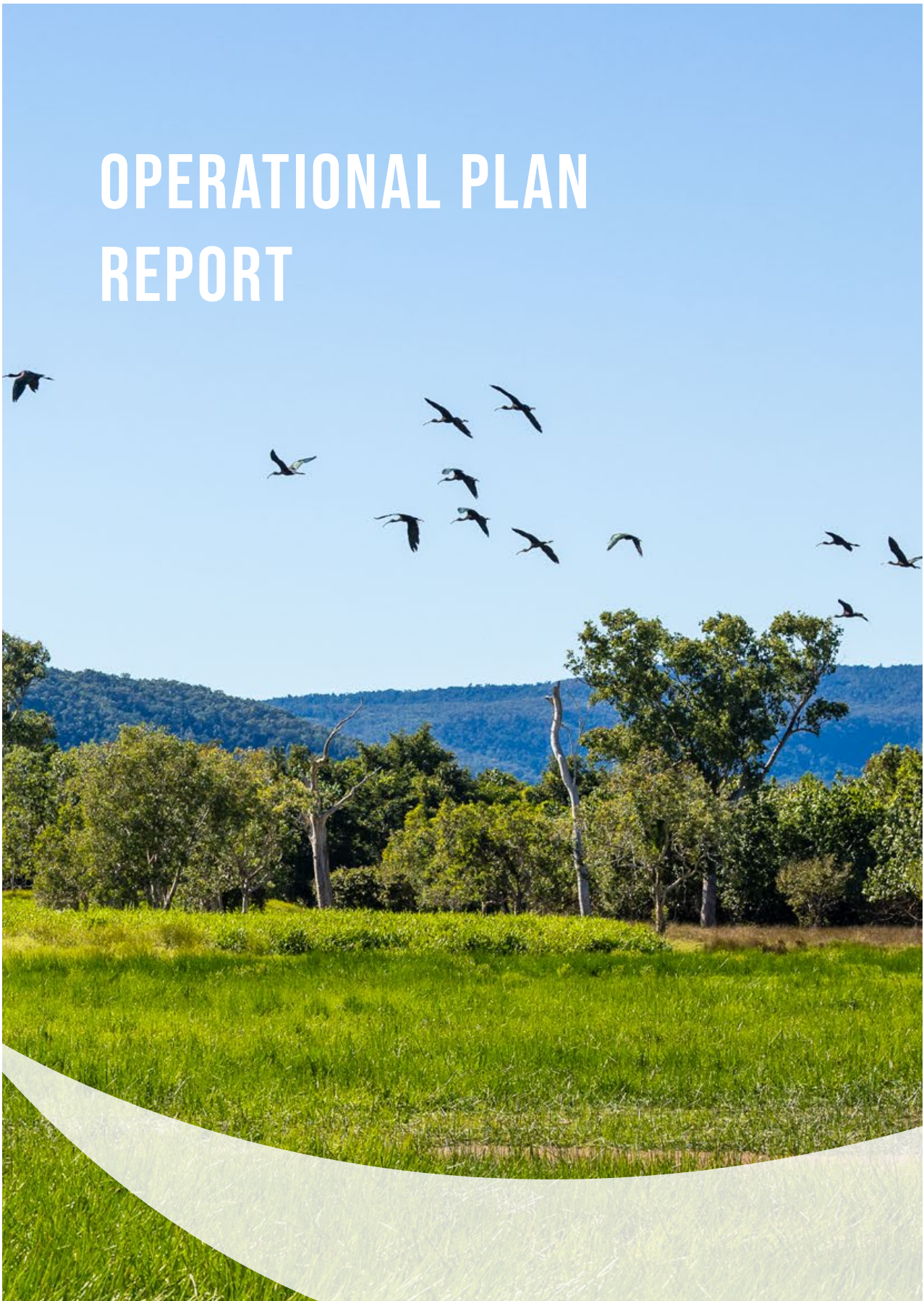


## FINANCIAL SUSTAINABILITY RATIOS

| Type                    | Measure                               | Target (Tier 4)       | As at September 2024 | 5 Year Average |
|-------------------------|---------------------------------------|-----------------------|----------------------|----------------|
| Audited ratios          |                                       |                       |                      |                |
| Liquidity               | Unrestricted Cash Expense Cover Ratio | Greater than 4 months | 54 months            | N/A            |
| Operating Performance   | Operating Surplus Ratio               | Greater than 0%       | 43%                  | 12%            |
|                         | Operating Cash Ratio                  | Greater than 0%       | 57%                  | 33%            |
| Asset Management        | Asset Sustainability Ratio            | Greater than 80%      | 93%                  | 100%           |
|                         | Asset Consumption Ratio               | Greater than 60%      | 69%                  | 72%            |
| Debt Servicing Capacity | Leverage Ratio                        | 0 to 3 times          | 1.6 times            | 1.87 times     |



# OPERATIONAL PLAN REPORT



## Q1 OPERATIONAL PLAN REVIEW

| Reference | Operational Initiative                  | Action                                                                                                                                                                                                                   | Authorising Officer Name                     | Status      | Progress | Comments                                                                                                                                                                                                                                                        |
|-----------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OI1       | Economic Development Events             | Contributions towards events across the region to enhance the economic drivers across all industries                                                                                                                     | Director Commercial Businesses               | <div></div> | 20%      | Delivered one event, Ramped Up. Identified and met with 6 national event providers to investigate and discuss other events. Plan and policy updates in progress to define event investment for Council.                                                         |
| OI2       | Economic Development Strategy           | Develop and write a new Economic Development Strategy                                                                                                                                                                    | Director Commercial Businesses               | <div></div> | 40%      | Engaged Consultant and Draft Economic Development Strategy will be presented to Council in January 2025.                                                                                                                                                        |
| OI3       | Enhance Customer Service Knowledge Base | To build more functionality to Customer Services's knowledge base including training documents and modules to the capability framework                                                                                   | Director Community Services and Facilitation | <div></div> | 25%      | Working Group has been formed and have begun changes to OfficerAssist. Training Modules have been created for Customer Service and additional functionality has been identified for upgrades. Also scaling project to roll out to the rest of the organisation. |
| OI4       | Explore Omni-Channel Service Streams    | Investigate digital channels and additional functions within website to allow fully integrated omni-channel experience. This will allow a more responsive 24/7 service offer and reduce the cost of delivering services. | Chief Executive Officer                      | <div></div> | 10%      | Customer Service Strategy to be completed in Q3, including view to explore expansion of website capability, Snap-Send-Solve and dedicated payment channels.                                                                                                     |

NOT STARTED 
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  ON HOLD 
  PROGRESSING 
  NOT PROGRESSING

| Reference | Operational Initiative                    | Action Name                                                                                                                                                                               | Authorising Officer Name                     | Status                                                                                | Progress | Comments                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|---------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OI5       | Implement Customer Experience Strategy    | Formalise and Implement Customer Experience Strategy to enhance the customer experience ecosystem across all touchpoints with Council.                                                    | Director Community Services and Facilitation |    | 20%      | Strategy is being formalised to implement Q3 of 2024/25.                                                                                                                                                                                                                                                                                                                                             |
| OI6       | Corporate Plan Refresh                    | Redevelopment of the Corporate plan to capture new priorities for the remaining Council term.                                                                                             | Director Corporate Services                  |    | 30%      | Initial consultation workshops with Councillors and management completed. Draft plan on a page developed, community consultation material prepared and community engagement to commence in November.                                                                                                                                                                                                 |
| OI7       | Asset Management Strategy Implementation  | Implementation of actions to achieve objectives identified in Council's Asset Management Strategy 2022 - 2026.                                                                            | Director Corporate Services                  |    | 25%      | Asset Management Plans for Whitsunday Coast Airport, Holiday Parks, Open Spaces, ICT and Fleet are currently under development. A consultant has been engaged to undertake a current Asset Management maturity assessment and the Asset Management Improvement (AMI) Project is progressing well, with the team working across Council to ensure the system fits our needs while refining processes. |
| OI8       | Service Planning Assessment and Framework | Assess current position of the Service Planning landscape across Council to identify services, services cost summary, priority services and framework required to improve sustainability. | Director Corporate Services                  |  | 5%       | Initial reporting developed and future workshop planned with Council on priority services.                                                                                                                                                                                                                                                                                                           |

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| Reference | Operational Initiative             | Action Name                                                                                | Authorising Officer Name         | Status      | Progress | Comments                                                                                                                                                                                                                                                                                                                                                  |
|-----------|------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------|-------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OI9       | Business Continuity Planning       | Develop Business Continuity Plans for Commercial Business Operations.                      | Director Corporate Services      | <div></div> | 20%      | Business Impact Analysis completed for Whitsunday Coast Airport.                                                                                                                                                                                                                                                                                          |
| OI10      | Bio-solids Reuse Plan              | Undertake Reuse options analysis and develop a master plan.                                | Director Infrastructure Services | <div></div> | 100%     | The biosolids reuse project plan was completed and a development approval gained for the Lascelles site.                                                                                                                                                                                                                                                  |
| OI11      | Cemetery Management Strategy       | Develop Cemetery Management Strategy                                                       | Director Infrastructure Services | <div></div> | 5%       | Finalisation of the Cemetery Strategy Specifications has been completed.                                                                                                                                                                                                                                                                                  |
| OI12      | Stormwater Strategy Implementation | Implement key deliverables identified in Stormwater management plan at priority locations. | Director Infrastructure Services | <div></div> | 5%       | Investigations commencing into future and proactive renewal, replacement and upgrades of stormwater assets as per key projects outlined by the stormwater management strategy. In addition progress is underway in amalgamating asset datasets. Furthermore, commencement of a review into coastal and stormwater asset maintenance and management plans. |

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| Reference | Operational Initiative                                      | Action Name                                                                                                                                | Authorising Officer Name         | Status                                                                                | Progress | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OI13      | Transport Infrastructure Asset Management Priorities        | Assessment of bus stops, bridge structural assessments and predictive modelling across Transport class                                     | Director Infrastructure Services |    | 30%      | <p>Assessment of bus stop condition and compliance against Disability Standards Accessible Public Transport requirements has been completed and a program of works has been prepared for a submission within the 25/26 round of capital bids; if funded it is anticipated that the works will be delivered progressively between FY 25/26 and 29/30.</p> <p>Bridge and culvert structural assessments have proceeded with level 2 and 3 assessments undertaken on some of the high priority assets.</p> <p>Works are nearing completion on the predictive asset condition model for transport assets utilising recent network condition data, with a completed model expected to be available to use by the end of 2024.</p> |
| OI14      | Waste & Recycling Strategy                                  | Undertake community consultation on draft waste & recycling strategy to deliver on strategic objectives.                                   | Director Infrastructure Services |  | 0%       | Commencement of this action is subject to completion of a draft Waste & Recycling Strategy. The draft Waste & Recycling Strategy is not yet developed to a point where community consultation can occur.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| OI15      | Water & Sewerage Infrastructure Asset Management Priorities | Electrical, Instrumentation and Controllers condition assessment and predictive modelling for capital and maintenance program implemented. | Director Infrastructure Services |  | 5%       | This project is funded and commenced with Works 4 Queensland funding approved - awaiting signed funding schedule. Tender is written and awaiting release to the market once the signing of funding schedule is confirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| Reference | Operational Initiative                                          | Action Name                                                                                        | Authorising Officer Name              | Status      | Progress | Comments                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------|---------------------------------------|-------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OI16      | Water & Sewer Telemetry Upgrade Strategy                        | Telemetry strategy completed. 5 year integrated solution delivery plan developed.                  | Director Infrastructure Services      | <div></div> | 35%      | Stage 1 Requirements - User complete report. Condition assessment site work - complete. Workshop 2 - Draft Strategy options analysis - pending                                                                                                                                                                                                                                            |
| OI17      | Implementation of Workplace Health & Safety Management Software | Research & implement a safety management system that streamlines process and integrates with HRIS. | Chief Executive Officer               | <div></div> | 5%       | The scope for the Safety Management Software Solution has been developed with vendor selection and implementation planned for 2025.                                                                                                                                                                                                                                                       |
| OI18      | Growth Management & Housing Strategy                            | Future amendments to Planning Scheme                                                               | Director Regional Strategy & Planning | <div></div> | 5%       | Grant funding for the project has recently been approved in October. The Request For Quotation documentation is being progressed to engage consultant support to determine the scope and deliverables over the next 2 years. Once Scope and Deliverables as drafted including the Community Engagement plan this information will be briefed to council for consideration and next steps. |

NOT STARTED
  COMPLETED
  ON HOLD
  PROGRESSING
  NOT PROGRESSING



### **CONNECTING WITH COUNCIL**

PO Box 104 Proserpine QLD 4800

E: [info@whitsundayrc.qld.gov.au](mailto:info@whitsundayrc.qld.gov.au)

T: 1300 972 753

To receive Council news and information, please follow our updates via the following platforms:

**Website:** [www.whitsundayrc.qld.gov.au](http://www.whitsundayrc.qld.gov.au)

**Social Media:** Instagram, Facebook, LinkedIn

**Online Engagement Portal:** Your Say Whitsunday

## **11.2 - Trustee Lease for Whitsunday Sportspark Operations Inc – 2489 Shute Harbour Road, Jubilee Pocket (Lot 10 on SP 345163) 11.3 - Trustee Lease for Whitsunday Sportspark Operations Inc – 2489 Shute Harbour Road, Jubilee Pocket (Lot 10 on SP 345163)**

**MEETING DETAILS:** Ordinary Council Meeting - Wednesday 27 November 2024

**AUTHOR:** Senior Property Officer

**AUTHORISING OFFICER:** Acting Director Corporate Services

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### **PURPOSE**

To seek Council approval to enter into a ten (10) year trustee lease with Whitsunday Sportspark Operations Inc.

### **EXECUTIVE SUMMARY**

Whitsunday Sportspark Limited previously held a trustee lease with Council which was due to expire until 31 August 2038. As a result of the construction of the new Clubhouse and proposed operational model, the State required the land to be held freehold. To enable this to occur the previous lease was surrendered to allow the new freehold parcel to be created and the remaining land to remain as Trustee land for sporting fields. The freehold parcel was created in August 2024.

Following discussions with Council officers and the Whitsunday Sportspark Ltd it was advised following the clubs annual General Meeting (AGM) that a separate incorporated body would be created for the sporting club management separate from that of the new Clubhouse Operations.

It is now necessary to negotiate a new trustee lease with the new incorporated body, Whitsunday Sportspark Operations Inc., which will be responsible for the playing fields and change rooms and operating as a separate entity. Whitsunday Sportspark Operations Inc. has advised they have lodged their application with the Office of Fair Trading for incorporation and when completed the lease will be able to be executed and lodged with Titles.

### **OFFICER'S RECOMMENDATION**

That Council authorise the Chief Executive Officer to enter into negotiations and execute a new ten (10) year peppercorn trustee lease with Whitsunday Sportspark Operations Inc for part of the land being Lot 10 on SP 345163 (Lease F) also known as 2489 Shute Harbour Road, Jubilee Pocket in accordance with Section 236(b)(ii) of the Local Government Regulation 2012.

### **BACKGROUND**

Council is trustee for the newly subdivided land now described as Lot 10 on SP 345163 known as 2489 Shute Harbour Road, Jubilee Pocket.

Whitsunday Sportspark Limited previously held a trustee lease with Council over part of the land (Lease B being part of Lot 105 on CP 894264) that did not expire until 31 August 2038.

For Whitsunday Sportspark Ltd to successfully operate the newly constructed clubhouse with bistro and gaming facilities it was necessary to subdivide the land and have separate Titles issued to allow Council to remain consistent with the permitted use and purpose of the trustee land. This required Whitsunday Sportspark Ltd purchasing the freehold land of Lot 5

on SP 345163, which includes an Easement for the road access. The remaining state land of Lot 105 remains trustee land and is now described as Lot 10 on SP 345163.

## **DISCUSSION/CURRENT ISSUE**

Whitsunday Sportspark Ltd held a trustee lease with Council over the original parcel of land since 2018 at a peppercorn rate. They have established infrastructure such as a clubhouse, sporting fields and amenities which allow their Club to function successfully.

Their original Trustee lease was not due to expire until 31 August 2038 however they have had to surrender that lease to enable the organisation to establish separately defined committees and organisational incorporated bodies to effectively operate the newly established clubhouse with bistro and gaming facilities separate to the community sporting fields. Being a trustee lease there are no available options to renew therefore a new lease agreement is required to be entered into to allow them to continue having tenure of the land to facilitate the community groups sporting events on the playing fields together with the ability to apply for community grants to enable upgrades of facilities and equipment.

As a result of the Furthermore the lease area has changed from their initial lease signed back in 2018 and separate titles have now issued to define the freehold and trustee land as well as the road access.

It is recommended to enter into a new trustee lease, once the Whitsunday Sportspark Operations Inc has finalised the incorporation of the new entity by Office of Fair Trading, in line with Council's other community organisation leases for a term of ten (10) years at a peppercorn rate.

## **FINANCIAL IMPLICATIONS**

The trustee lease will be at a peppercorn rate, therefore will not be providing Council with revenue. Taking this cost away from the community organisations allow them to invest it back into the Club and benefit their members.

Further in lieu of a peppercorn lease, the lessee is responsible for all general maintenance of the assets and land within their leased area.

As a multi-sport facility and an incorporated body, the Whitsunday Sportspark Operations Inc would be eligible to apply to Council for the annual facility management grant.

## **CONSULTATION/ENGAGEMENT**

Director Corporate Services  
Executive Manager Procurement, Property & Fleet  
Committee Members for Whitsunday Sportspark Operations Inc

## **STATUTORY/COMPLIANCE MATTERS**

Section 236 (b)(ii) of the Local Government Regulation 2012 allows Council to enter into a leasing agreement with a Community Organisation without the requirement of going to a public tender.

*Land Act 1994*

## **RISK ASSESSMENT/DEADLINES**

Council's community leases have provisions to mitigate Council's risk in relation to land and building condition management, pest management, sub-leasing and public liability.

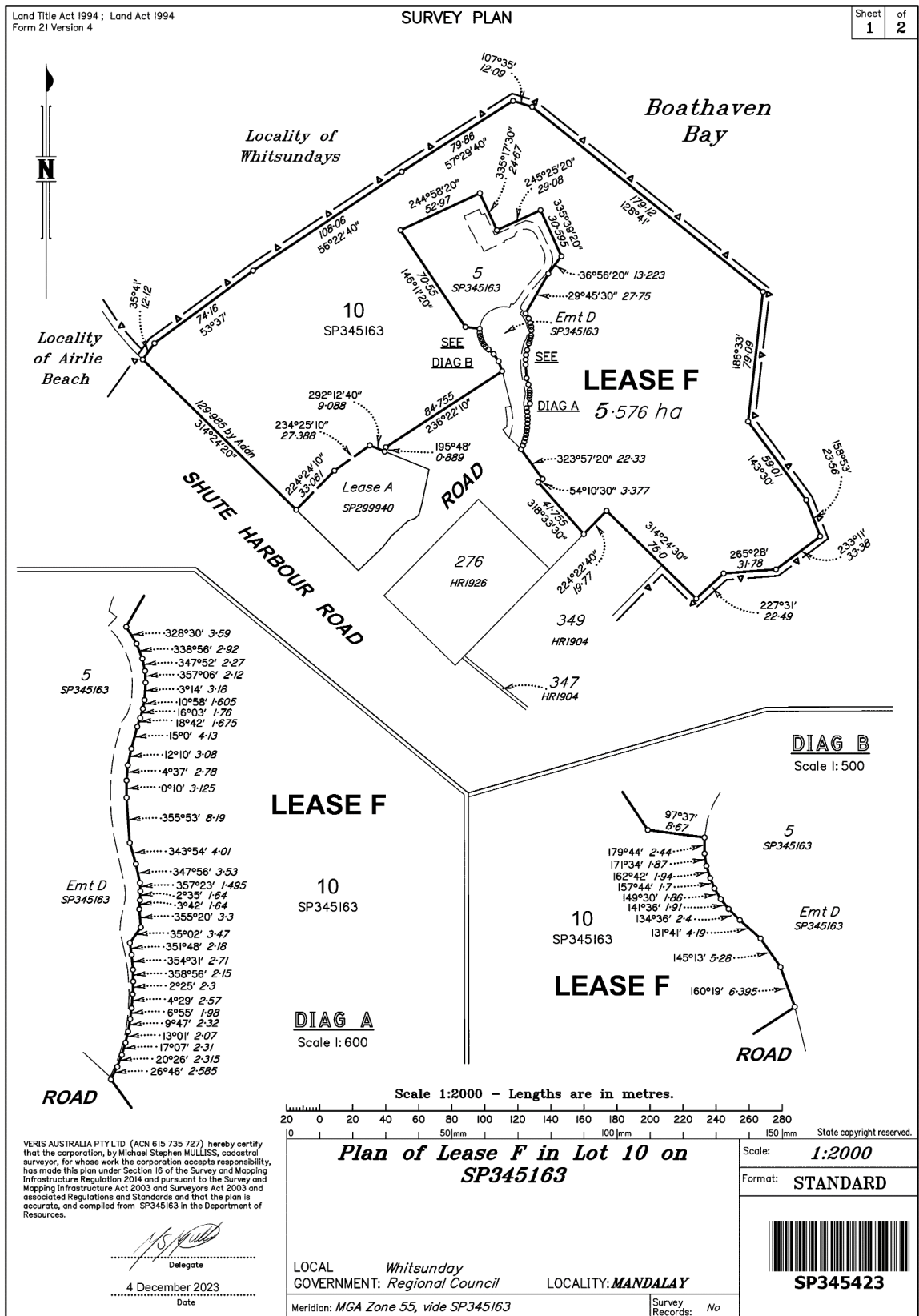
## STRATEGIC IMPACTS

Corporate Plan Reference:

Manage Council's property and building assets to ensure optimal community outcomes.

## ATTACHMENTS

1. Plan - Lease F [**11.2.1** - 1 page]
2. Whitsunday Sportspark - Aerial [**11.2.2** - 1 page]



## Whitsunday Sportspark Operations Inc proposed lease

20°16'24"S 148°43'28"E

20°16'24"S 148°43'57"E



20°16'51"S 148°43'28"E

20°16'51"S 148°43'57"E

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Scale: 1:4513

Printed at: A4

Print date: 12/11/2024

Not suitable for accurate measurement.

Projection: Web Mercator EPSG 102100 (3857)

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<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>



### **11.3 - Trustee Lease - Creative Connections Whitsunday - Part of Land at 192 Main Street, Proserpine (Lot 129 on RP903593)**

**MEETING DETAILS:** Ordinary Council Meeting - Wednesday 27 November 2024

**AUTHOR:** Senior Property Officer

**AUTHORISING OFFICER:** Director Corporate Services

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#### **PURPOSE**

To seek Council approval to enter into a new part of land lease following a request received from Creative Connections Whitsundays for the purpose of establishing a Community Art Gallery.

#### **EXECUTIVE SUMMARY**

Council owns the land at 192 Main Street, Proserpine known as Lot 129 on RP 903593.

Creative Connections Whitsunday do not currently have a lease with Council and have made contact with Council requesting a 10 year peppercorn lease agreement over part of the land at 192 Main Street, Proserpine (Lot 129 on RP 903593) for the purposes of a Community Art Gallery. The building they wish to lease has previously been leased by Anglicare (Foodbank) however that lease has since expired and the building is currently vacant.

To determine if there were other interested Community Groups wishing to lease the building Council sought expressions of interest via Councils "Have Your Say" facility. Two parties registered their interest but were subsequently withdrawn following confirmation of the requirements of the lease being public liability insurance and the current interest shown.

#### **OFFICER'S RECOMMENDATION**

That Council authorise the Chief Executive Officer to enter into negotiations and execute a ten (10) year peppercorn lease with Creative Connections Whitsunday Inc for part of the land being Lot 129 on RP 903593 also known as 192 Main Street, Proserpine in accordance with Section 236 1(b)(ii) of the Local Government Regulation 2012.

#### **BACKGROUND**

Council is the owner of the land at 192 Main Street, Proserpine. The requested building had previously been leased by Anglicare (Foodbank) however, is now currently vacant.

Community interest was sought and there is no other interested not for profit community groups wishing to progress to lease the building other than Creative Connections.

As Creative Connections Whitsunday are a not-for-profit community organisation, the lease is proposed to be at a peppercorn rate and will be using Council's Community Lease Template.

#### **DISCUSSION/CURRENT ISSUE**

Entering into a formal arrangement with Creative Connections Whitsundays is beneficial to both parties. Creative Connections Whitsundays have submitted a Project Proposal to transform a vacant Council building into a vibrant Community Art Gallery and Art Hub. Their aim is to provide a cultural hub and tourist attraction offering a cultural showcase of local art.

This will be a community benefit and also mitigates Council's risks associated with the land as it will be managed by a formal lease agreement.

Council will undertake some minor building maintenance requirements prior to occupation as part of Council's lessor requirements.

### **FINANCIAL IMPLICATIONS**

The lease will be at a peppercorn rate, therefore will not be providing Council with revenue. Taking this cost away from the community organisations allow them to invest in the Club and benefit the operations.

Further in lieu of a peppercorn lease, the lessee is responsible for all general maintenance of the assets and land within their leased area.

### **CONSULTATION/ENGAGEMENT**

Director Corporate Services  
Executive Manager Procurement, Property & Fleet  
Committee Members for Creative Connections Whitsunday  
Community Consultation via Have Your Say Communication post

### **STATUTORY/COMPLIANCE MATTERS**

Section 236 1(b)(ii) of the Local Government Regulation 2012 allows Council to enter into a leasing agreement with a Community Organisation without the requirement of going to a public tender.

*Land Act 1994.*

### **RISK ASSESSMENT/DEADLINES**

Council's community leases have provisions to mitigate Council's risk in relation to land and building condition management, pest management, sub-leasing and public liability.

### **STRATEGIC IMPACTS**

Corporate Plan Reference:

Manage Council's property and building assets to ensure optimal community outcomes.

### **ATTACHMENTS**

1. Proposed Lease Area Map -192 Main Street [**11.3.1** - 1 page]



**192 Main Street, Proserpine (129 RP903593)**  
**Proposed Lease Area**



This map is a representation of the information currently held by Whitsunday Regional Council and contains data extracted from Queensland's Digital Cadastral Database. Use of this data set may be approved with the written permission of the Director General, Department of Natural Resources and Mines. © The State of Queensland (Dept of Natural Resources and Mines). No liability accepted for any loss or damage that may arise from the use of or reliance on this data.

## 11.4 - Sport & Recreation Facility Management Grant - Bowen Sporting Complex Co-Ordinating Association Inc.

**MEETING DETAILS:** Ordinary Council Meeting - Wednesday 27 November 2024

**AUTHOR:** Arts & Community Programs Officer

**AUTHORISING OFFICER:** Director Community Services and Facilitation

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### PURPOSE

For Council to consider the payment of the Facility Management Grant in accordance with Council's Facility Management Grant Guidelines.

### EXECUTIVE SUMMARY

The Facility Management Grant is only available for groups that oversee/manage facilities that are utilised by more than one type of sport.

If a facility has more than one sport utilising the facility but does not reach the 201 active participants minimum threshold, they will not be eligible for funding from the Facility Management Grant.

### OFFICER'S RECOMMENDATION

That Council approve the payment of a \$20,000 Sport & Recreation Facility Management Grant to Bowen Sporting Complex Co-Ordinating Association Inc.

### BACKGROUND

The Sport and Recreation Facility Management Grant is designed to outline council's commitment to supporting communities in the region by providing financial and/or in-kind assistance to sporting facilities that build community capacity, encourage participation, and make a positive and ongoing contribution to the region.

To be eligible for the Facility Management Grant an organisation must meet the following criteria:

- Is incorporated and meets its obligations with the Office of Fair Trading;
- Is covered with the appropriate level of public liability insurance (\$20 million);
- Processes a current lease/licence agreement with Council, unless situated on privately owned land and
- Submit an operational budget for the facility with the application, as well as quarterly budget updates.

Funding is based on the total number of active participants utilising the facility per year. The funding level is based on the following:

| Band Level | No. of Active Participants | Grant Allocation (\$) |
|------------|----------------------------|-----------------------|
| Band 1     | >400                       | 20,000                |
| Band 2     | 201 – 400                  | 10,000                |

### DISCUSSION/CURRENT ISSUE

The Bowen Sporting Complex Co-Ordinating Association currently has 8 clubs:

This is page 74 of the Agenda of Council's Ordinary Council Meeting - 27 November 2024



- Bowen Junior Cricket
- Bowen Senior Cricket
- Bowen Football
- Bowen Touch Football
- Bowen Athletics Club
- Bowen Rugby Union
- Bowen Netball Association
- Bowen Polocrosse

| Organisation Name                                    | Junior Members | Senior Members | Total Members | Grant Type / Band | Amount Requested (\$) |
|------------------------------------------------------|----------------|----------------|---------------|-------------------|-----------------------|
| Bowen Sporting Complex Coordinating Association Inc. | 300            | 650            | 950           | Facility / 1      | 20,000                |
|                                                      |                |                |               | <b>Total</b>      | <b>20,000</b>         |

It should be noted, the Facility Management Grant is a separate matter to the leasing arrangements between Whitsunday Regional Council and Bowen Sporting Complex, however provides funding to assist with the management and on-going maintenance of the Facility.

### FINANCIAL IMPLICATIONS

The funds will be taken from budget code: JC:2967.10250 – Community Donations (2967) / Club Grants (10250).

| Description                 | Amount (\$)   |
|-----------------------------|---------------|
| 2024/2025 Budget            | 110,000       |
| Actual + Commitment         | 11,000        |
| <b>YTD Remaining Budget</b> | <b>99,000</b> |

### CONSULTATION/ENGAGEMENT

Director Community Services and Facilitation

### STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009  
Local Government Regulation 2012  
LSP\_COMM\_03 - Community Grants Policy

### RISK ASSESSMENT/DEADLINES

Reputational Risk – Providing funding support to the community and recognising the efforts of local Sport & Recreational Clubs is a positive outcome for Council.

Payment to be made within one month of approval.

## **STRATEGIC IMPACTS**

Facilitate, foster, and encourage region wide activities and programs that engage our community.

Provide high quality recreational facilities that are well utilised by the local community and visitors alike.

Provide fun, welcoming spaces that connect and engage the community through a variety of innovative resources, programs, and activities.

## **ATTACHMENTS**

Nil

## **11.5 - Donations, Sponsorships, In Kind Requests and Grants Approved October 2024**

**MEETING DETAILS:** Ordinary Council Meeting - Wednesday 27 November 2024

**AUTHOR:** Community Development Officer

**AUTHORISING OFFICER:** Director Community Services and Facilitation

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### **PURPOSE**

To advise Council of the donations, sponsorships, in-kind support and grants up to \$20,000 provided for the month of October 2024.

### **EXECUTIVE SUMMARY**

Council is often approached by community groups for financial assistance, requesting support to help them deliver their endeavours and events within the community. These requests are assessed and approved or declined as they are received by the Community Services team and a monthly report is submitted to Council advising of the assistance that has been approved, as per resolution 2024/06/26.19.

Approvals outlined in this report include:

- a) Financial Support for Junior Elite Athlete Grants
- b) Donations
- c) In-kind donations
- d) Sponsorships
- e) Sport and Recreation Club Grants
- f) Donation on Council Fees

### **OFFICER'S RECOMMENDATION**

That Council:

- a) Note the Financial Support for Junior Elite Athlete Grant applications approved for the month of October 2024 to the applicants identified in Attachment 1.
- b) Note the Financial Support for Donation applications approved for the month of October 2024 to the applicants identified in Attachment 2.
- c) Note the Financial Support for In-kind donation applications approved for the month of October 2024 to the applicants identified in Attachment 3.
- d) Note the Financial Support for Sponsorship applications approved for the month of October 2024 to the applicants identified in Attachment 4.
- e) Note the Financial Support for Sport & Recreation Club applications approved for the month of October 2024 to the applicants identified in Attachment 5 and;
- f) Note the Financial Support for Donation on Council Fee applications approved for the month of October 2024 to the applicants identified in Attachment 6.

### **BACKGROUND**

As per resolution 2024/06/26.19, Council resolved to:

- 1) Adopt the following amended policies:
  - a. Community Donations Policy
  - b. Community Sponsorship Policy
  - c. Community Grant Policy
- 2) Revoke the Financial Support for a Junior Elite Athlete Policy

## DISCUSSION/CURRENT ISSUE

Below is an overview of the financial approvals that were made in the month of October 2024. A detailed description of each can be found in the attachments.

### Junior Elite Athlete Grant

7 approved, totalling \$1,750

### Donations

5 approved, totalling \$5,550

### In-Kind Donations

1 approved, totalling \$280

### Sponsorships

1 approved, totalling \$5,000

### Sport & Recreation Club Grants

2 approved, totalling \$3,000

### Donation on Council Fees

6 approved, totalling \$2,018

## FINANCIAL IMPLICATIONS

The funds for Junior Elite Athlete Grants and Donations will be taken from JC: 2967.11074.63150 – Community Donations (2967) / Donations (11074)

| Description                 | Amount (\$)   |
|-----------------------------|---------------|
| 2024/25 Budget              | 80,000        |
| Actual + Commitment         | 53,854        |
| <b>YTD Remaining Budget</b> | <b>26,146</b> |

The funds for In-kind Donation of Council labour will be taken from JC: 2967.10642.60002 – Community Donations (2967) / Council In-kind Support (10642) / Salary-Overtime (60002)

| Description                 | Amount (\$)   |
|-----------------------------|---------------|
| 2024/25 Budget              | 45,000        |
| Actual + Commitment         | 11,905        |
| <b>YTD Remaining Budget</b> | <b>33,095</b> |

The funds for Sponsorships will be taken from JC: 2967-10249-63150

| Description                 | Amount (\$)    |
|-----------------------------|----------------|
| 2024/25 Budget              | 120,000        |
| Actual + Commitment         | 12,334         |
| <b>YTD Remaining Budget</b> | <b>107,666</b> |

The funds for Sport & Recreation Club Grant will be taken from JC: 2967-10250-63151

| Description                 | Amount (\$)   |
|-----------------------------|---------------|
| 2024/25 Budget              | 110,000       |
| Actual + Commitment         | 11,000        |
| <b>YTD Remaining Budget</b> | <b>99,000</b> |

The funds for Donation on Council Fees will be taken from JC: 2967-10249-63150

| Description                 | Amount (\$)    |
|-----------------------------|----------------|
| 2024/25 Budget              | 120,000        |
| Actual + Commitment         | 12,334         |
| <b>YTD Remaining Budget</b> | <b>107,666</b> |

## CONSULTATION/ENGAGEMENT

Director Community Services and Facilitation

## STATUTORY/COMPLIANCE MATTERS

*Local Government Act 2009*

Local Government Regulation 2012

Community Donations Policy

Community Sponsorships Policy

Community Grants Policy

## RISK ASSESSMENT/DEADLINES

There is a financial cost to Council, however the assistance provided will support the activities of community and sporting groups in the Whitsunday Region.

To be completed by 30 June 2025 in line with the 2024/25 financial year budget.

## STRATEGIC IMPACTS

Corporate Plan Reference:

Facilitate, foster and encourage region wide activities and programs that engage our community.

## ATTACHMENTS

1. Attachment 1 - Approved Financial Support for Junior Elite Athlete Grant Applications - October 2024 [**11.5.1** - 1 page]
2. Attachment 2 - Approved Donation Applications - October 2024 [**11.5.2** - 1 page]
3. Attachment 3 - Approved In kind Donation Applications - October 2024 [**11.5.3** - 1 page]
4. Attachment 4 - Approved Sponsorship Applications - October 2024 [**11.5.4** - 1 page]
5. Attachment 5 - Approved Sport & Recreation Club Grants - October 2024 [**11.5.5** - 1 page]
6. Attachment 6 - Approved Donation on Council Fees Applications - October 2024 [**11.5.6** - 1 page]



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 ABN 63 291 580 128

**Attachment 1 – Approved Financial Support for Junior Elite Athlete Grant Applications – October 2024**

| Name             | Age | Competition                                            | Competition Level | Sport        | Received Funding Previously | Amount (\$)  |
|------------------|-----|--------------------------------------------------------|-------------------|--------------|-----------------------------|--------------|
| Van Angel        | 10  | QRSS Track and Field                                   | NQ                | Athletics    | No                          | 250          |
| Keeleigh Muir    | 15  | QRSS 13-19YR State Championships Track and Field       | NQ                | Hammer Throw | No                          | 250          |
| Murphy Aitken    | 12  | NQ U12 Cricket State Championships                     | NQ                | Cricket      | No                          | 250          |
| Eli Gerrand      | 12  | UK Futsal Trip Representing Australia                  | AUS               | Futsal       | No                          | 250          |
| Shailee Mewha    | 11  | QLD State Championships 10-12 YRS Track and Field      | NQ                | Athletics    | Yes                         | 250          |
| Charlie Williams | 13  | 13-19 YR old QLD Schools Track and Field Championships | NQ                | Athletics    | Yes                         | 250          |
| Harrison Squires | 14  | National Futsal Association Brazil Tour                | AUS               | Futsal       | Yes                         | 250          |
|                  |     |                                                        |                   |              | <b>TOTAL</b>                | <b>1,750</b> |

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**Attachment 2 – Approved Donation Applications – October 2024**

| Organisation Name                      | Description                                                      | Donation Amount (\$) |
|----------------------------------------|------------------------------------------------------------------|----------------------|
| Bowen Potters Group                    | Fortnightly Waste Collection Service                             | 630                  |
| Murroona Gardens                       | 2024 Annual Christmas Carols                                     | 2,000                |
| Queensland Country Women's Association | 2024 Annual waste collection service                             | 1,560                |
| Bowen State High School                | 2024 Career Academy Closing Event                                | 800                  |
| Proserpine Nursing Home                | Donation for costs of scanning construction plans at WRC library | 560                  |
| <b>Total for October 2024</b>          |                                                                  | <b>5,550</b>         |

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**Attachment 3 – Approved In-Kind Donation Applications – October 2024**

| Organisation Name  | Description                                           | In-Kind Support (\$) |
|--------------------|-------------------------------------------------------|----------------------|
| Bowen Lions Ladies | Baby Welcoming Ceremony – 35 small trees to be gifted | 280                  |
| Total              |                                                       | 280                  |

**Declined In-Kind Donation Applications – October 2024**

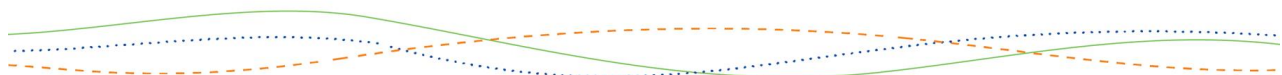
| Organisation Name            | Description              | Reason                                      |
|------------------------------|--------------------------|---------------------------------------------|
| Proserpine State High School | Donation of Garden Mulch | Request does not align with donation policy |

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**Attachment 4 – Approved Sponsorship Applications – October 2024**

| Organisation Name              | Description             | Donation Amount (\$) |
|--------------------------------|-------------------------|----------------------|
| Airlie Beach Festival of Music | 2024 Silver Sponsorship | 2,500                |
| <b>Total for October 2024</b>  |                         | <b>2,500</b>         |

**Approved Sponsorship Applications – In-kind – October 2024**

| Organisation Name              | Description                                                                                                                                    | In-Kind Support (\$) |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Airlie Beach Festival of Music | 2024 Silver Sponsorship – waste & recycling bins delivery, service and collection, advertising installation and removal & sewerage waste fees. | 2,500                |
| <b>Total for October 2024</b>  |                                                                                                                                                | <b>2,500</b>         |

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**Attachment 5 – Approved Sport and Recreation Club Grant Applications – October 2024**

| Organisation Name                    | Junior Members | Senior Members | Total Members | Band | Public Liability | Amount Approved (\$) |
|--------------------------------------|----------------|----------------|---------------|------|------------------|----------------------|
| Whitsunday Weightlifting Association | 55             | 61             | 116           | 3    | Yes              | 2,000                |
| Airlie Beach Darts Club Inc.         | 0              | 32             | 32            | 1    | Yes              | 1,000                |
|                                      |                |                |               |      | <b>Total</b>     | <b>3,000</b>         |

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**Attachment 6 – Approved Donation on Council Fees Applications – October 2024**

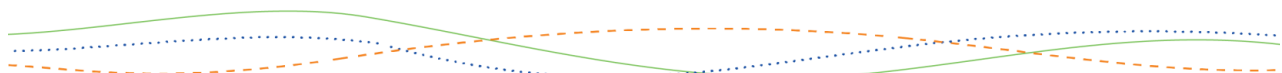
| Organisation Name                 | Description                                       | Donation Amount (\$) |
|-----------------------------------|---------------------------------------------------|----------------------|
| Queens Beach State School         | Queens Beach State School End of Year Celebration | 745                  |
| Collinsville Lions Club           | Collinsville Lions Melbourne Cup Fair             | 448                  |
| Red Frogs                         | Red Frogs Recharge Zone Schoolies 2024            | 448                  |
| Healthy Kids Project Inc.         | Happy Hike 2024                                   | 448                  |
| Proserpine Nursing Home           | Annual Food Licence Renewal                       | 505                  |
| Whitsunday Community Gardens Inc. | Annual Local law Licence Renewal                  | 224                  |
| <b>Total</b>                      |                                                   | <b>2,818</b>         |

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## 11.6 - Councillor Related Policies Review

**MEETING DETAILS:** Ordinary Council Meeting - Wednesday 27 November 2024

**AUTHOR:** Manager - Governance and Administration Services

**AUTHORISING OFFICER:** Director Corporate Services

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### PURPOSE

To review the Councillor related policies in alignment with Council's recently adopted Policy Framework.

### EXECUTIVE SUMMARY

Council has undertaken a complete review of all its Councillor related policies, and the policies are being presented for Council's consideration. Some policies have no changes, some have changes which are identified in the report and some policies are being recommended for deletion.

The policies that are recommended for adoption were workshopped with Councillors and independently reviewed by Local Government Association Queensland to ensure practicality and adherence to legislative requirements.

The proposed policies were also reviewed by Council Lawyers to ensure compliance to legislation.

### OFFICER'S RECOMMENDATION

That Council:

1. Adopt the following policies:
  - a. Councillor Acceptable Requests Guidelines, as shown in **Attachment 1**;
  - b. Councillor Expenses and Resources Policy, as shown in **Attachment 2**;
  - c. Entertainment and Hospitality Policy, as shown in **Attachment 3**;
  - d. Councillor Conduct Investigations Policy, as shown in **Attachment 4**;
  - e. Social Media Policy, as shown in **Attachment 5**;
  - f. Media Relations Policy, as shown in **Attachment 6**; and
  - g. Councillor Roles in development matters, as shown in **Attachment 7**
2. Rescinds the following policies:
  - a. Gifts, Benefits Policy, as shown in **Attachment 8**;
  - b. Related Party Disclosure Policy, as shown in **attachment 9**;
  - c. Confidentiality for Councillors Policy, as shown in **attachment 10**; and
  - d. Private Email and Social Media Platforms, as shown in **attachment 11**

### BACKGROUND

The Quadrennial Local Government elections were conducted in March 2024, and a new Council was elected for the 2024-28 term. As one of its priorities Council reviewed and adopted a new policy framework and committed to review all the Councillor related policies to set the tone and protocols for the rest of the term for Council. The Councillor related policies have been reviewed and are presented for Council's consideration.

## DISCUSSION/CURRENT ISSUE

In undertaking this review the following approach was taken:

- Obtaining Clear Council Direction.
- Statutory (Legislation) driven – Head of Power.
- Utilised Department of Local Government and LGAQ policy models templates (where available).
- Followed Local Government best practice.
- Separated Councillors related matters and employees related matters.
- Consolidated policies where possible
- Consultation with Councillors

The following policies have been reviewed in consultation with the Councillors and the suggested changes are detailed below:

### Councillors Acceptable Request Policy, refer to **Attachment 1**

**Purpose:** Section 170A (7) of the Act requires that Council adopts Acceptable Requests Guidelines about the way in which a Councillor may ask local government employees for advice to help them carry out their responsibilities under the Act. Section 170A (7) (a) Sets out the guidelines for requests for assistance, advice or information by Councillors to local government employees to assist Councillors to carry out their responsibilities under the Act. Section 170A (7) acceptable requests guidelines are guidelines, adopted by resolution of the local government.

#### Proposed Changes

- Contact point for Councillors aligned with Functional Lead within Council who has overall ownership and responsibility of the relevant function.
- Removal of reference to non-existent Council positions
- Removal of appendix 2 which contained Council roles and positions
- Response times aligned with legislative timeframes

### Councillor Expenses and Resources, refer to Attachment 2

**Purpose:** To meet the requirements of section 250 of the Local Government Regulation 2012 which requires that Council adopt an expenses reimbursement policy. Parameters to authorise payment of reasonable expenses incurred, or to be incurred, by Councillors; and provide resources including administrative support to assist Councillors to discharge their duties and responsibilities. S 250 (1) of the LGR, A local government must adopt an expenses reimbursement policy. S250 (2) LGR A local government may, by resolution, amend its expenses reimbursement policy at any time.

#### Proposed Changes:

- Clarification of Head of Power
- Defined Policy Statement
- Clarification of councillor administrative resource
- Inclusion of legal costs coverage and reimbursement
- Expansion of 'Council business' definition to include community external groups meetings/events
- Addition of requirement to align Purchasing cards and financial delegations

- Expansion of Council vehicles usage into neighbouring Councils for Council business
- Change of process to allow for domestic professional development to be approved by CEO in consultation with Mayor, and international by Council resolution

### Entertainment and Hospitality, refer to attachment 3

The purpose of this policy is to ensure compliance with section 196 of Local Government Regulation 2012 (the Regulation) and that Council's expenditure in relation to entertainment or hospitality is reasonable and appropriate. To ensure that public sector standards of accountability are maintained and that there is consistency in the way that entertainment and hospitality expenditure is administered.

Under section 196 of the LGR - A local government must prepare and adopt a policy about the local government's spending on entertainment or hospitality (an entertainment and hospitality policy). All entertainment and hospitality expenditure must meet reasonable community expectations of an effective local government advancing the common good. A local government may spend money on entertainment or hospitality only in a way that is consistent with its entertainment and hospitality policy.

### Proposed Changes

- Alignment to model template
- Clarification of Head of Power
- Approvals for spending as follows:
  - a. Council officers should not authorise their own spending
  - b. Spending by a Council officer should be authorised by the officer's supervisor/manager
  - c. Spending by the Chief Executive Officer may be authorised by a member of the Executive Leadership Team or the Mayor
  - d. Spending by a Councillor should be authorised by the Mayor, Chief Executive Officer, or the appropriate Director
  - e. Appropriate documentation must be supplied when claiming reimbursement for expenses incurred (e.g. tax invoices, receipts etc.); and
  - f. Where there is some doubt about the validity of claiming particular spending, the principles of this policy should be used to make the determination.

### Councillor Conduct Investigations, refer to Attachment 4

**Purpose:** Section 150AF of the Local Government Act 2009 identifies how Council deals with suspected inappropriate conduct of Councillors referred by the Office of the Independent Assessor (OIA) to the local council. It states the process for investigating suspected inappropriate conduct of councillors referred to council by the OIA. And further states the circumstances in which an entity other than council may investigate the conduct.

### Proposed Changes

Department of Local Government provides a template for this policy, and this template was recently updated as follows:

- any recommendations from the OIA made under section 150AC(3)
- the investigation policy itself, where it is not inconsistent with the OIA's recommendation (section 150AF(2)(a))
- any other way of investigating that the local government decides by resolution (section 150AF(2)(b))

- section 150AF(3) requires that the resolution states the decision and reasons for the decision to conduct the investigation in another way.

#### Social media policy, refer to Attachment 5

**Purpose:** The Public Records Act 2002, Information Privacy Act 2009, Local Government Act 2009 all identify a policy is needed. This is to set out the standards of behaviour expected in relation to professional use of social media on behalf of Council, and the use of social media by Council employees and Elected Members

#### Proposed Changes

- Alignment to Department of Local Government policy template
- Removal of procedural information from policy
- Rescind Private Email and Social Media Platforms Policy, and content incorporated into this policy

#### Media Relations, refer to Attachment 6

**Purpose:** This Policy is required under the Local Government Act, section 9, to establish protocols for managing communication between the Council and the media to ensure coordinated, coherent, accurate and reliable presentation of Council information, so that Council maintains credibility, integrity and customer confidence, and Council's corporate values and brand are reinforced.

#### Proposed Changes

- Alignment to Department of Local Government policy template
- Scope redefined
- Inclusion of record keeping and compliance requirements

#### Councillors Role in Development Matters refer to attachment 7

**Purpose:** The objective of this policy is to ensure that ethical and transparent interactions occur between Councillors and developers, lobbyists and submitters. This policy will assist Councillors when interacting with these stakeholders and promote good decision making and enhanced community confidence in the good governance of Whitsunday Regional Council.

#### Proposed Changes

- Pre-Application (when there is no application) Councillors should not feel inhibited in promoting the benefits of developing in Whitsunday Region and encouraging responsible and appropriate development. Councillors may also express their understanding of community views and attitudes in relation to development related matters.
- Post-lodgement and Assessment of Development Applications (after an application is lodged) Once a development application is lodged and is being assessed by Council officers, Councillors should not initiate or seek to be involved in internal meetings or meetings with the developer or lobbyist about the application under assessment.
- Development Application Decision (when an application is being decided) development application is being decided by Council officers under delegation, it is generally not appropriate for Councillors to interact with a developer, lobbyist or submitter about the development application. If the application is to be decided by Council, and not by officers under delegation, it is acceptable for Councillors to interact with a developer, lobbyist and submitter(s) leading up to the meeting where the decision is to be made.

- Post Development Decision and Appeal (after an application has been decided)  
Once a decision has been made, Councillors are required to respect the decision of Council.

#### Policies to be deleted

The following policies have been reviewed and are not required as the content in the policies is considered to be adequately covered by legislation and represents duplication of matters covered in legislation:

- Gifts, and Benefits Policy – covered by legislation (to be rescinded)
- Related Party Disclosure Policy – covered by legislation (to be rescinded)
- Confidentiality for Councillors Policy – covered by code of conduct (to be rescinded)
- Private Email and Social Media Platforms – incorporated into Social Media policy (to be rescinded)

### **FINANCIAL IMPLICATIONS**

All Councillor spending associated with the proposed policies, is budgeted for in the 2024-25 budget

### **CONSULTATION/ENGAGEMENT**

Councillors  
Director Corporate Services  
Director Community Services and Facilitation  
Director Infrastructure Services  
Director Regional Strategy and Planning  
Chief Executive Officer  
Local Government Association of Queensland  
McCullough Robertson Lawyers

### **STATUTORY/COMPLIANCE MATTERS**

*Section 9(1) Local Government Act 2009*, A local government has the power to do anything that is necessary or convenient for the good rule and local government of its local government area.

### **RISK ASSESSMENT/DEADLINES**

It is important to regularly update and review policies to ensure they remain current. During the review risk is mitigated by referring to the latest legislation, standards and guidelines relevant to Council business.

Once this review is complete and policies are updated, policy owners are responsible for:

- Communicating changes
- provide all Councillors and employees with access to the updated documents
- arrange training, as needed and if required

Outdated policies can leave Council at risk. Old policies may fail to comply with new laws and regulations. They may not address new systems or technology, which can result in inconsistent practices.

## STRATEGIC IMPACTS

Corporate Plan Reference:

Lead and coordinate the organisation's corporate governance and risk management, in addition to the delivery of efficient and customer focused administration support for the organisation to ensure high levels of performance and compliance.

Support the organisation in ensuring appropriate compliance with legislation and to support the elected council in its decision-making processes and obligations as a local government.

## ATTACHMENTS

1. Draft Councillors Acceptable Request Policy - clean [11.6.1 - 8 pages]
2. Draft Councillor Facility and Expenses Policy [11.6.2 - 10 pages]
3. Draft Entertainment and Hospitality Policy [11.6.3 - 6 pages]
4. Draft Investigation Policy [11.6.4 - 21 pages]
5. Draft Social Media Policy [11.6.5 - 8 pages]
6. Draft Media Relations Policy [11.6.6 - 4 pages]
7. Draft Councillor Roles in Development Matters [11.6.7 - 9 pages]
8. Gifts and Benefits Policy [11.6.8 - 9 pages]
9. Related Party Disclosure Policy [11.6.9 - 4 pages]
10. Confidentiality for Councillors Policy [11.6.10 - 5 pages]
11. Private Email and Social Media Platforms Policy [11.6.11 - 4 pages]



## STRATEGIC POLICY

### Councillors Acceptable Request Policy

Endorsed by Council

8 June 2022

## 1. Purpose

- 1.1 Whitsunday Regional Council is committed to ensuring that its elected representatives have appropriate access to relevant advice or information they require to fulfil their roles and to facilitate informed decision making.
- 1.2 This policy establishes the way in which Councillors are expected to interact with Employees. This Policy also incorporates the acceptable requests guidelines as required by section 170A(7) of the *Local Government Act 2009 (Qld)*.
- 1.3 Councillors and Employees should be able to interact to deliver positive outcomes for the community. However, the divide between Councillors and the Council organisation comprised of Employees established by the LGA should be respected.
- 1.4 It is important that the right balance is achieved to ensure:
  - 1.4.1 constraints on the flow of information are not unduly onerous;
  - 1.4.2 Council Employees' time and resources are appropriately respected;
  - 1.4.3 appropriate controls are in place to protect both Council Employees and Councillors; and
  - 1.4.4 the principles of good governance are respected.

## 2. Scope

- 2.1 This policy applies to all Councillors and Employees. However, nothing in this policy overrides or derogates from the Mayor's power to direct the CEO pursuant to section 170 (A) (2) of the LGA, or any Councillor's rights under section 170A(2).

## 3. Policy Statement

### Acceptable Requests Guidelines Outline

- 3.1 Councillors may seek advice or information from Employees in order to perform their responsibilities under the LGA.
- 3.2 To maintain the integrity of the relationship between the elected and administrative elements of Council, this policy specifies:
  - 3.2.1 the way in which Councillors may request advice or information from Employees, including the reasonable limits on requests that a Councillor may make;
  - 3.2.2 the Employees who may respond to requests; and
  - 3.2.3 the manner in which Employees are to respond to Councillor requests.





## STRATEGIC POLICY

### Councillors Acceptable Request Policy

Endorsed by Council

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#### General Requirements For Requests

3.3 When asking for advice or information, Councillors should:

3.3.1 act in accordance with the LGA (particularly section 170A), Local Government Principles and Code of Conduct for Councillors in Queensland;

3.3.2 not direct, or attempt to direct an Employee to do anything;

**[Note: Section 170(3) prohibits a Councillor directing an Employee, other than the Mayor directing the CEO. It is misconduct to breach this prohibition.]**

3.3.3 not behave towards an Employee in an overbearing or threatening manner;

3.3.4 not coerce or entice, or attempt to coerce or entice an Employee to do anything that does not comply with these Guidelines;

3.3.5 not unduly disrupt or burden an Employee in the undertaking of that Employee's routine employment obligations;

3.3.6 not place, or attempt to place, an Employee in a position that would create a conflict of interest for that Employee, or that would compromise the integrity and honest performance of that Employee;

3.3.7 comply with all laws that apply to Council, as well as Council's policies, procedures and guidelines;

3.3.8 not breach or request an Employee directly or indirectly breach any confidentiality obligations under legislation, particularly in circumstances where information is not to be disclosed by Councillors (for example, the *Information Privacy Act 2009*, *Crime and Corruption Act 2001*, *Public Interest Disclosure Act 2010* and the *Workers Compensation and Rehabilitation Act 2003*);

3.3.9 during the caretaker period not request advice or information that involves or relates to major policy decisions of Council or which will result in or be likely to result in any inappropriate political gain or advantage for the Councillor (as per sections 90A – 90D of the LGA);

3.3.10 act in good faith; and

3.3.11 be respectful, reasonable and professional.

3.4 Councillors should be aware that any request for advice or information and response provided may be subject to disclosure if an application for access is made under the *Right to Information Act 2009*.

3.5 Councillors may request advice or information with assistance from an allocated Councillor Support Officer. However, when doing so, the Councillor Support Officer should not be utilised in a way to deliberately circumvent the requirements of this policy.





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#### How A Councillor Can Make A Request For Advice Or Information

3.6 A Councillor may ask:

- 3.6.1 for information - the CEO (only) for information that Council has access to, relating to Council; or
- 3.6.2 for advice - the CEO or relevant Function lead for advice to assist the Councillor to carry out his or her responsibilities under the LGA.

3.7 A Councillor may ask for advice or information by lodging the request either:

- 3.7.1 via a Councillor Support Officer;
- 3.7.2 via email;
- 3.7.3 via telephone; or
- 3.7.4 in person.

3.8 The CEO or Function Lead may require that the request be made (or remade) in writing to ensure that the request is able to be fulfilled and meets the requirements of this policy and the LGA.

#### Process For Requests

3.9 Requests for advice or information may be managed by assigned Councillor support staff and sent to the most appropriate Employee for response.

3.10 Requests will be acknowledged by the relevant employee and responses must be provided in accordance with section 170A of the LGA, being:

- 3.10.1 within 10 business days of receiving the request; or
- 3.10.2 if it is not practicable to comply with the request within 10 business days, within 20 business days after receiving the request. For complex matters, an interim response (to the extent possible) must be provided within 10 business days.

#### Service Requests

3.11 Service requests made by residents or by Councillors on behalf of residents are not considered requests for advice or information.

3.12 Where the Councillor has made a request on the status, and/or the process to be followed for the actioning of a service request, this is considered a request for advice.

#### Reasonable Limits On Requests For Advice Or Information

3.13 A Councillor may not ask for information:

- 3.13.1 that is capricious or which will place an unreasonable burden on Council's resources;





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- 3.13.2 that is a record of the conduct tribunal or former conduct review body;
- 3.13.3 if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal;
- 3.13.4 that would be privileged from production in a legal proceeding on the grounds of legal professional privilege;
- 3.13.5 that would disclose personal information, including employees' bank accounts details, child support deductions or tax file number;
- 3.13.6 which is protected under legislation, including information that:
  - 3.13.6.1 relates to a public interest disclosure under the *Public Interest Disclosure Act 2010*;
  - 3.13.6.2 is confidential information under the *Crime and Corruption Act 2001*;
  - 3.13.6.3 is about matters relating to the conduct of any councillor pursuant to Part 3, Chapter 5A of the LGA; and or
- 3.13.7 that is a record in relation to an Employee's recruitment and performance with the exception of the recruitment and performance of the CEO.

### Provision Of Documents Or Information In Response To Requests

- 3.14 In line with Council's commitment to the environment and a reduction in paper usage, access to electronic copies of documents will be provided wherever possible. However, there may be circumstances where it is appropriate for Council to provide a paper copy only, including for documents where no electronic copy exists, or due to the sensitivity of the document.
- 3.15 Councillors should be aware of their responsibilities under the Act regarding the sharing or further distribution of advice or information. The right of Councillors to have access to information is for the sole purpose of exercising the roles and responsibilities of a Councillor. It does not carry with it the right to disclose any information obtained by a Councillor to another person, unless the information is already publicly available.
- 3.16 While not every document will be considered 'Confidential', Councillors should be aware that information provided may contain confidential material and should be handled appropriately to ensure that Council maintains its reputation and good standing within the community.

**[Note: Section 171 of the LGA makes it an offence to use information acquired as a Councillor to gain a financial advantage for the Councillor or another, or to cause detriment to Council. It is misconduct to release information that a Councillor knows, or should reasonably know, is information that is confidential to Council.]**





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3.17 Providing details of discussions held with Employees regarding Council projects, internal policy considerations or technical opinion with third parties should be avoided.

3.18 Councillors should not by-pass the provisions of the *Right to Information Act 2009* by providing members of the public with information made available to a Councillor as an elected representative that is not already publicly available.

**[Note: The Right to Information Act 2009 provides important safeguards for the release of Council information, including exemptions, public registers of released documents and cost recovery. The purpose of this restriction is not to prevent the release of information, but to ensure information is released in accordance with Council's processes.]**

3.19 Councillors should ensure that hardcopy documents provided by Council are kept secure at all times and securely destroyed when the documents are no longer required.

#### Provision Of Documents Or Information Relating To Reports To A Committee Or Council

3.20 Where a request for the provision of advice or information relates to a matter on an upcoming agenda of a committee or Council meeting, the response should be provided to all members of the relevant committee or Council.

3.21 The timing of responses to requests in relation to items on an agenda of a committee or Council should have consideration to the meeting date and prioritise providing the advice or information in advance of the meeting.

#### 'View Only' Access To Documents

3.22 Council may have documents which, due to their nature, cannot be shared (electronically or in hardcopy) with Councillors, but can be viewed by Councillors.

3.23 Where 'view only' access to documents is the preferred option available for requested documents, Councillor Support Officers will organise a suitable time in a meeting room.

3.24 Appropriate reasons to only allow 'view access' to a Councillor include if:

3.24.1.1 a document is of historical significance and could be damaged if copied or scanned;

3.24.1.2 copying or scanning a document would unreasonably divert the resources of Employees (e.g. due to length or complexity);

3.24.1.3 a document cannot be copied or reproduced by law or agreement; or

3.24.1.4 the contents of the document are considered by the CEO to be of such a confidential or sensitive nature, that a risk could arise in the provision of the document in hardcopy or electronic format.





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#### Request A Review

- 3.25 If a Councillor is not satisfied with a response to their request for advice or information, the Councillor may ask the CEO for a review. That review shall be undertaken by CEO's nominee under Council's Complaints General Management Policy.
- 3.26 Councillors should not directly contact an Employee regarding a complaint about a request for advice or information. All complaints should be directed to the CEO.

#### Customer Requests

- 3.27 Where a community member/customer is unwilling or unable to contact Council directly, a Councillor may submit a request for support on their behalf via Councillor Support Staff.
- 3.28 Community members/customers will not receive preferential treatment by lodging service requests via Councillors. Any requests raised through this channel will be processed in accordance with usual service level standards.
- 3.29 Council should endeavour to keep the requesting Councillor informed of how the request is being dealt with.

#### Raising A General Operational Matter With Council

- 3.30 If a Councillor has identified an ordinary operational matter, (e.g. reporting a pothole, missed bin service or submitting an application) that requires attention, the Councillor may raise this request via any existing channels available to external customers and also via the allocated councillor administrative support.
- 3.31 In these circumstances the Councillor is considered to be a customer. The same service level standards that apply to external community members/customers will be applicable for these issues.

#### Complaints Regarding Operational Performance

- 3.32 Feedback from the community regarding operational performance is an important aspect of a Councillors legislated role of monitoring the performance of Council.
- 3.33 If a community member raises a concern with the performance or service provided by Council, the Councillor should in the first instance raise the concern with the CEO or Function Lead.
- 3.34 Councillors shall be mindful of adopted service response standards when monitoring service requests. A Councillor shall not directly contact an Employee regarding a complaint about operational performance.
- 3.35 Where the complaint is about a decision or action taken by Council's administration, the complainant should be directed to make a complaint under Council's General Complaints Management Policy.





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### Councillors Acceptable Request Policy

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#### Emergency And After Hours Service

- 3.36 Councillors should use the after-hours emergency service process if they become aware of an after hours emergency. This will ensure the effective operation of the afterhours service as well as duty of care for On-call Employees.
- 3.37 When an issue arises after-hours that is not an emergency, but is of such urgency that to delay contact would bring harm to Council or damage the reputation of Council, Councillors may contact the CEO or relevant Function Lead.

#### Suspected Breaches Of Policy

- 3.38 A breach of this policy by a Councillor may constitute a breach of the Code of Conduct for Councillors in Queensland. The Office of the Independent Assessor is the responsible agency for complaints about the performance or conduct of a councillor in Queensland.
- 3.39 A breach of this policy by Employees may constitute a breach of the Employee Code of Conduct and is reported to the CEO or relevant Director who is to handle the complaint in accordance with adopted Council process.

## 4. Related Policies and Legislation

*Crime and Corruption Act 2001* (Qld)  
*Information Privacy Act 2009* (Qld)  
*Local Government Act 2009* (Qld), in particular sections 4, 12, 13, 170, 170A, 170AA, 171 and 171A  
*Public Interest Disclosure Act 2010* (Qld)  
*Public Sector Ethics Act 1994* (Qld)  
*Right to Information Act 2009* (Qld)  
*Workers Compensation and Rehabilitation Act 2003* (Qld)  
Code of Conduct for Councillors in Queensland  
Council's Employee Code of Conduct; and  
General Complaints Management Policy

## 5. Definitions

**Advice** means advice to assist a Councillor to carry out his or her responsibilities under the LGA.

**CEO** means the Chief Executive Officer of Council.

**Council** means Whitsunday Regional Council.

**Councillor** means the elected representatives who hold (current) office with Council, including the Mayor.

**Councillor Support Officer** means an Employee whose primary roles is to support a Councillor regardless of position title and includes the Executive Assistance to the Mayor.





## STRATEGIC POLICY

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**Employee** means a person who carries out work in any capacity for Council, including for example temporary, or permanent employees, contractors, sub-contractors, employees of a labour hire company, outworkers, trainees, apprentices, volunteers and work experience students.

**Function Lead** means an employee nominated by the CEO as the responsible officer for a service or function.

**Information** means information relating to Council that the local government has access to. It includes records and documents (in printed and electronic form) that Council possesses or can access.

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

**Local Government Principles** has the meaning given by the LGA.

**Requests** refers to any request by a Councillor for information or advice.

| COUNCIL POLICY          |                                                |                    |               |
|-------------------------|------------------------------------------------|--------------------|---------------|
| Date Adopted by Council | 8 July 2020                                    | Council Resolution | 2020/07/08.06 |
| Effective Date          | 8 July 2020                                    | Next Review Date   | June 2022     |
| Responsible Officer(s)  | Manager Governance and Administration Services | Revokes            | LSP_OMCEO_01  |





## STRATEGIC POLICY

### Councillor Expenses and Resources

Endorsed by Council

8 July 2020

## 1. Purpose

- 1.1 The broad principle adopted by Council in connection to the provision and use of Council-owned assets to Councillors is to enable Councillors to effectively discharge the requirements of their office. Limitations about the use of these assets are adopted to ensure that Council-owned assets are not utilised for purposes other than those directly related to the office holder.
- 1.2 Section 250(1) of the Local Government Regulation 2012 (Qld) requires Council to adopt an expenses reimbursement policy. Section 249(2) of the LGR states that an expenses reimbursement policy provides for the following:
  - 1.2.1 payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors; and
  - 1.2.2 provision of facilities to councillors for that purpose.

## 2. Scope

- 2.1 This policy applies to Councillors and sets out guidelines for the reimbursement of legitimate expenses incurred or to be incurred by a Councillor while carrying out Council Business. It also deals with the provision of administrative support to enable Councillors to discharge their duties and responsibilities.
- 2.2 This policy does not provide for, or add to, the remuneration received by Councillors for the performance of their roles. Councillors' remuneration is determined by the Local Government Commission and as such, falls outside the scope of this policy.
- 2.3 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 additional support or other changes to this policy as required.

## 3. Policy Statement

- 3.1 Council is committed to ensuring that Councillors are not financially disadvantaged in the conduct of their role. This policy underpins that commitment by providing that reasonable expenses incurred by Councillors in carrying out their duties and responsibilities will be reimbursed. This policy also sets out the facilities and resources that Council will provide to Councillors.
- 3.2 The payment or reimbursement of expenses and the provision of facilities and resources for Councillors will be:
  - 3.2.1 open and transparent;



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- 3.2.2 financially responsible and accountable;
- 3.2.3 based on ensuring economy and efficiency;
- 3.2.4 subject to budget provisions; and
- 3.2.5 in accordance with all statutory requirements.
- 3.3 This policy has been written to reflect the following underpinning principles:
  - 3.3.1 the use of public money must be in the public interest;
  - 3.3.2 the allocation of Council resources must be fair and reasonable;
  - 3.3.3 public disclosure of policy and resolutions promotes transparent decision making; and
  - 3.3.4 Councillors must accept accountability for their expenditure and use of facilities.

## 4. Guiding Principles – General

### Budget Provisions

- 4.1 A budget will be allocated to each Councillor each financial year for reasonable expenses incurred under this policy.
- 4.2 Budget allocations are available for one financial year only. Unspent funds in a single financial year will not be carried over to the next financial year.
- 4.3 All entitlements under this policy are subject to Council's budgetary constraints.

### Professional Development

- 4.4 Councillors are encouraged to undertake relevant Professional Development, including conferences, seminars and training.
- 4.5 Council will organise and pay for business costs for Professional Development where the activity level is reasonable, and the activity is:
  - 4.5.1 directly related to a Councillor's official duties; or
  - 4.5.2 organised by a government agency or an industry body (e.g. LGAQ, ALGA).

**[Note: Councillors are encouraged to attend a LGAQ and/or ALGA conference during the term.]**

- 4.6 Requests by Councillors to attend Professional Development are to be made in writing to the CEO outlining the details of the event and the benefits to Council. The CEO may approve professional development within Australia in consultation with the Mayor where there is sufficient budget allocations to cover the costs.



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**Councillor Expenses and Resources**

**Endorsed by Council**

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- 4.7 Any funds expended at the event on personal pursuits should be payable by the Councillor from private funds.

**Council Business**

- 4.8 To be entitled to reimbursement under this policy, expenses must be incurred conducting Council Business.
- 4.9 Any expenses of a personal nature are not reimbursable. Expenses of a personal nature include, but are not limited to:
- 4.9.1 tourism related costs;
  - 4.9.2 social events;
  - 4.9.3 in-flight and in-house movies;
  - 4.9.4 Mini bar purchases;
  - 4.9.5 Airline club fees;
  - 4.9.6 Alcohol not consumed as part of a meal; and
  - 4.9.7 Payment of costs associated with the return of personal items which have been left behind.

**5. Guiding Principles – Travel Expenses**

**Travel Expenses Generally**

- 5.1 Council will reimburse travel expenses where travel is undertaken for Council Business.
- 5.2 All requests for travel are to be made in sufficient time to gain the required approval and should enable Council to take advantage of travel discounts and deals.
- 5.3 The following approval is required to incur travel expenses:
- 5.3.1 local and interstate travel – CEO approval;
  - 5.3.2 international travel – a resolution of Council
- 5.4 Economy class air travel is the standard. Where flight time exceeds five hours, the Mayor is eligible for Business Class travel and other Councillors are eligible for Premium Economy class (or equivalent).
- 5.5 Councillors are required to travel by the most direct and cost effective route available.



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## Meals

- 5.6 Council will reimburse the actual cost of meals associated with Council Business, when:
  - 5.6.1 the Councillor incurs the cost personally;
  - 5.6.2 the councillor can produce original documents sufficient to verify the actual meal cost (e.g. tax receipt); and
  - 5.6.3 the expenses are reasonable.
- 5.7 Reimbursement will be limited to a maximum of the ATO guidelines for meal allowance except for in exceptional circumstances (e.g. entertaining in an unusually expensive location outside the region) and approved by the CEO.
- 5.8 The approval of the CEO should be obtained for the reimbursement of costs of alcohol consumed with a meal. The CEO may place conditions on approval (e.g. financial limits).
- 5.9 Tips and gratuities are not reimbursable unless the meal is in a foreign country and there is a recognised cultural expectation that a tip will be provided. The approval of the CEO should be obtained for the reimbursement of tips and gratuity costs.

*[Note: Such approval is expected to be sought when travelling to countries with a tipping culture, e.g. the United States of America.]*

## Accommodation

- 5.10 Councillors are entitled to accommodation when it is necessary having regard to the length of travel for Council Business. Councillors are entitled to stay in accommodation to a standard of 3/4 stars or equivalent. However, where practical, Council will book accommodation offered as part of a conference package (which may exceed the 3/4-star standard).
- 5.11 Council will book and pay for accommodation in accordance with this policy.
- 5.12 Where a Councillor chooses to stay with friends or family, no accommodation expenses will be paid.
- 5.13 Councillors may be reimbursed for reasonable incidentals associated with accommodation in accordance with this policy, up to a maximum of the ATO guidelines.

## Parking and transport

- 5.14 Councillors may be reimbursed for parking or transport (public transport, taxis, etc.) when conducting Council Business.

*[Note – vehicles for travel within the Whitsunday Region are dealt with separately in this policy]*



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- 5.15 Any fines or infringements issued while undertaking such activities are the personal responsibility of the Councillor incurring the fine.

#### **Spouses, partners and family members**

- 5.16 Councillors are not entitled to reimbursements for expenses incurred for spouses, partners or other family members without the prior approval of the CEO.
- 5.17 Where Council has incurred unapproved costs for spouses, partners or other family members for the sake of expediency (e.g. booking flights), the expense associated with spouses, partners or other family members should be reimbursed to Council within 10 business days.

## **6. Guiding Principles – Other expenses**

#### **Advertising**

- 6.1 Councillors are not entitled to be reimbursed or provided with funds, services or facilities for advertising purposes.

#### **Alcohol**

- 6.2 Councillors are not entitled to be reimbursed or provided with funds for the purchase of alcoholic beverages without the approval of the Chief Executive Officer.

#### **Other exclusions**

- 6.3 Expenses related to functions and activities requested or organised by Council will be made from the relevant approved departmental budget.
- 6.4 It is reasonable that expenses associated with advocacy and representative activities undertaken by Councillors on behalf of Council should be adequately funded from existing budgets. Such expenses should not be a charge against the approved budget allocation for the Councillor.

#### **Operational Support**

- 6.5 Each Councillor may be provided with an administrative and operational support officer to assist them in the performance of their duties, and to undertake Council Business. Such officers are employees of Council and are subject to Council's usual terms and conditions of employment and reporting lines.
- 6.6 Councillor support officers should not assist councillors with matters other than Council Business.



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6.7 Communication support is provided on a professional basis to support or further the interests of Council, not those of an individual Councillor.

6.8 The arrangements for provision of operational support will be reviewed on a periodic basis and shall be subject to budgetary and operational parameters.

**Office Accommodation and Assets**

6.9 Councillors have access to office accommodation and meeting rooms located in Council premises. These assets should be booked through Council's ordinary processes.

**Business and Communication Tools**

6.10 Councillors will be issued with business and communication tools to assist them in performing their duties and undertaking Council Business. These tools should be utilised in accordance with any relevant policies, procedures, conditions of use and guidelines

6.11 Councillors should transact all Council Business using a Council supplied device connected to Council's information technology network. Councillors should not conduct Council Business on private electronic devices nor utilise private mail or messaging accounts for Council Business. Any incidental use of private electronic devices for Council Business (e.g. unprompted contact from the community) should be redirected to official channels and captured as a public record.

6.12 All business and communication tools are procured by Council and are of the same standard as those available to senior management.

6.13 All business and communication tools remain the property of Council and should be accounted for during any audit and returned at the end of the Councillor's term of office.

6.14 Business and communication tools will be replaced at the end of their working life.

6.15 Councillors may make incidental personal use of business and communication tools, but excessive or unreasonable personal use costs (as determined by the CEO) should be reimbursed by the Councillor.

6.16 Requests for additional or alternate business and communication tools will be assessed on their merit and determined by the CEO.

**Vehicles**

6.17 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.

6.18 Councillors other than the Mayor may elect to either:



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6.18.1 use a Council provided vehicle to attend Council Business. Council will make a suitable 'pool' vehicle available for priority use of a Councillor, located at a Council facility; or

6.18.2 use their personal vehicle for Council Business and claim an allowance for the kilometres travelled. Such allowance will be the rate set by the ATO for vehicle usage and be based on a log kept by the Councillor that records the purpose of each trip and distance travelled.

6.19 Council will meet all operating costs and provide fuel cards for Councillors driving a Council-owned vehicles.

6.20 Councillors should complete a logbook 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 by the Councillor using the ATO's business use of motor vehicle cents per kilometre method applicable at the time of travel.

6.21 Vehicle expenses for private vehicle use shall only be reimbursed for Council Business, in accordance with ATO guidelines.

### Corporate Wear, Personal Protective Equipment and Name Badges

6.22 An annual professional attire allowance of \$500 will be provided to Councillors to purchase professional attire or uniforms from the approved corporate uniform supplier.

6.23 Councillors will be provided with all necessary safety equipment and are expected to observe the appropriate Workplace, Health and Safety measures when at any workplace.

6.24 Councillors will be provided with business cards, name badges and access cards.

### Use of Corporate Cards

6.25 The CEO may authorise the provision of corporate cards to Councillors to enable them to make incidental expenses in accordance with this policy. Councillors must perform a reconciliation and provide tax invoices to match expenditure.

### Asset Maintenance Costs

6.26 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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**Hospitality**

- 6.27 Council recognises that Councillors may have occasion to incur hospitality expenses while conducting Council Business, in addition to entertainment or hospitality organised by Council under the Entertainment and Hospitality Policy.
- 6.28 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.
- 6.29 Each Councillor other than the Mayor may incur hospitality expenses up to \$500.00 per annum for hospitality expenses deemed necessary (by the Councillor) in the conduct of Council Business.
- 6.30 Any hospitality expense in excess of these amounts will require the prior approval of the CEO.
- 6.31 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, with the approval of the CEO; and
- 6.32 All hospitality expenses shall be reimbursed only where such expenses are otherwise consistent with Council's Entertainment and Hospitality Policy.

**Legal costs and Insurance Cover**

- 6.33 Council may decide, by resolution, pursuant to section 107 of the LGA, to cover costs incurred through any inquiry, investigation, hearing or legal proceedings into the conduct of a Councillor, or arising out of, or in connection with the Councillor's performance of their duties.
- 6.34 Councillors will be covered under Council insurance policies while discharging their duties. Specifically, insurance cover will be provided for public liability, professional indemnity, Councillors liability, personal accident and/worker's compensation, international and domestic travel insurance (subject to the terms and condition of the travel insurance policy).

**Caretaker Period under the LGA**

- 6.35 Once the caretaker period commences, Councillors must not use Council facilities for political or election purposes and only be eligible to claim expense reimbursement for costs relating to Council Business (not electoral expenses) or as otherwise approved by Council resolution.



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## 7. Reporting

- 7.1 As required by section 186 of the LGR, Council's Annual Report will include details of the expenses incurred by each Councillor during the financial year, as set out in this policy.

## 8. Related Polices and Legislation

Local Government Act 2009 (Qld)  
 Local Government Regulation 2012 (Qld)  
 Public Ethics Act 1994 (Qld)  
 Councillor Code of Conduct  
 Entertainment and Hospitality Policy

## 9. Definitions

**ATO** means the Australian Taxation Office.

**Caretaker Period** has the meaning given in the LGA.

**CEO** means the Chief Executive Officer of Council.

**Council** means Whitsunday Regional Council.

**Council Business** means 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 Whitsunday region 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 Council or of its committees that the Councillor is entitled or asked to attend, or at which the Councillor has business for the benefit of the Whitsunday region;



## STRATEGIC POLICY

## Councillor Expenses and Resources

Endorsed by Council

8 July 2020

- inspections, deputations, conferences and meetings at which the Councillor's attendance is permitted by Council;
- Meetings with stakeholders including individuals, community groups, Councillors and staff;
- official functions organised for the local government; or
- meeting with residents for the purpose of local government business.

Expenses of a personal nature are not Council Business.

**Councillor** means the elected representatives who hold (current) office with Council, including the Mayor.

**Expense** means a cost actually incurred.

**Facilities** refers to 'tools of 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.

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

**LGR** means the *Local Government Regulation 2012* (Qld)

**Professional Development** means training that improves a Councillor's 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.

| COUNCIL POLICY                |                                       |                    |                                         |
|-------------------------------|---------------------------------------|--------------------|-----------------------------------------|
| Date Adopted by Council       |                                       | Council Resolution |                                         |
| Effective Date                | 8 July 2020                           | Next Review Date   |                                         |
| Responsible Officer(s)        | Manager Governance and Administration | Revokes            | LSP_OMCEO_40<br>Adopted 11 October 2017 |
| Public Consultation: Yes / No | No                                    |                    |                                         |



## STRATEGIC POLICY

### Entertainment and Hospitality Policy

Endorsed by Council

22 November 2022  
OM2022/11/23-6

## 1. Purpose

- 1.1 Council recognises that there are circumstances where the provision of entertainment or hospitality by Council is appropriate and beneficial. However, as a publicly funded body, Council should ensure that public sector standards of accountability are maintained and that there is consistency in the way the entertainment or hospitality expenditure is administered.
- 1.2 The purpose of this policy is to ensure compliance with section 196 of the Local Government Regulation (Qld) and that Council's expenditure in relation to entertainment or hospitality is reasonable and appropriate.

## 2. Scope

- 2.1 This policy applies to all Councillors and Employees and to all entertainment or hospitality expenditure of Council.

## 3. Policy Statement

- 3.1 Council should ensure that all entertainment or hospitality expenditure meets the reasonable community expectations of an effective local government advancing the public good. Expenditure on entertainment or hospitality should be:
  - 3.1.1 open, transparent and available for scrutiny by both internal and external audit processes;
  - 3.1.2 publicly defensible; and
  - 3.1.3 properly documented and otherwise in accordance with this policy.
- 3.2 At times it is appropriate to extend hospitality to representatives of government and government bodies, other local authorities, business or industry, recognised community organisations and individuals with whom Council is undertaking business, along with Councillors and Employees.
- 3.3 Expenditure for entertainment or hospitality should only be incurred if it:
  - 3.3.1 relates to Council business;
  - 3.3.2 advances the objectives of Council;
  - 3.3.3 is in the public interest and beneficial to Council or the community; and
  - 3.3.4 is not excessive, having regard to Council being a public authority.
- 3.4 Council may also incur expenditure to recognise significant contributions to the community by groups or individuals.





## STRATEGIC POLICY

### Entertainment and Hospitality Policy

Endorsed by Council

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- 3.5 Council owned facilities should be prioritised for any hospitality or entertainment.
- 3.6 Whenever a Councillor or Employee claims reimbursement or payment of entertainment expenses, the Councillor or Employee should be able to clearly identify the benefit to Council or the community from the expenditure.
- 3.7 Expenditure for entertainment or hospitality should be properly documented and available for scrutiny by both internal and external audit.
- 3.8 Entertainment expenses may be incurred for the sole purpose of entertaining Employees, with the written approval of the CEO or relevant Director.

## 4. Guiding Principles

### Transparency and Accountability

- 4.1 Expenditure for entertainment or hospitality should only be incurred if it is in the public interest.
- 4.2 Expenditure for entertainment or hospitality should be properly documented to allow scrutiny by both internal and external audit.
- 4.3 The following rules apply to the approval of spending for entertainment or hospitality:
  - 4.3.1 Employee may not authorise their own spending;
  - 4.3.2 Spending by Employees other than the CEO should be authorised by the Employee's supervisor/manager;
  - 4.3.3 Spending by the CEO should be authorised by a member of the Executive Leadership Team or the Mayor;
  - 4.3.4 Spending by a Councillor should be authorised by the Mayor or CEO, or member of the executive team;
  - 4.3.5 Spending should be provided for in the budget, and within financial limits approved by delegation;
  - 4.3.6 It is preferable, but not compulsory, that spending be approved in advance;
  - 4.3.7 Appropriate documentation should be supplied when claiming reimbursement for expenses incurred (e.g. tax invoices, receipts etc.);
  - 4.3.8 Where there is uncertainty about the validity of claiming particular spending, the principles of this policy should be used to make the determination; and
  - 4.3.9 Council must keep sufficient records to enable the correct calculation of its fringe benefit tax liability.





**STRATEGIC POLICY**

**Entertainment and Hospitality Policy**

**Endorsed by Council**

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**Approved Activities**

- 4.4 The provision of entertainment or hospitality is limited to:
- 4.4.1 business functions;
  - 4.4.2 official functions; or
  - 4.4.3 Employee functions.
- 4.5 Business functions are functions attended by Councillors or Employees for the purpose of Council's ordinary functions, including for example:
- 4.5.1 internal meetings, workshops, briefings or forums;
  - 4.5.2 training sessions or professional development; or
  - 4.5.3 meetings, workshops, briefings or forums between Councillors or Employees and external stakeholders or advisors.
- 4.6 Official functions are functions attended by Councillors or Employees for the purpose of representing Council or recognising, celebrating or sharing achievements of Council or the community in an official capacity, including for example:
- 4.6.1 awards ceremonies or other celebratory events;
  - 4.6.2 civic functions;
  - 4.6.3 openings of facilities;
  - 4.6.4 functions hosting visiting dignitaries;
  - 4.6.5 fundraisers or charity events; or
  - 4.6.6 other 'milestone' events.
- 4.7 Employee functions are functions for Councillors or Employees (or those connected to Councillors or Employees like spouses) that are internal to Council and are in the nature of staff functions, including for example:
- 4.7.1 celebratory events (including for example celebrations of milestones, Christmas parties;
  - 4.7.2 other non-specified work functions.
- 4.8 Entertainment or hospitality expenditure should be proportional and appropriate to the type of event being held, and the purpose for holding the event.





## STRATEGIC POLICY

### Entertainment and Hospitality Policy

Endorsed by Council

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#### Business functions

- 4.9 Managers and Directors may approve entertainment or hospitality expenditure for business functions where official business involving Councillors or Employees occurs, and it is reasonable for it to be provided.
- 4.10 Business functions where it is reasonable for entertainment or hospitality expenditure to occur include, but are not limited to:
- 4.10.1 functions where official business is engaged in during a meal;
  - 4.10.2 functions where light refreshments, including non-alcoholic drinks, are provided;
  - 4.10.3 functions where they are cost advantages in continuing the event through the normal meal break; and
  - 4.10.4 functions where it is more time efficient to have the attendees remain in the room for meals/refreshments to allow the event to proceed with minimal delays rather than have attendees remove themselves from the meeting venue for meals/refreshments.
- 4.11 Appropriate expenditure for business functions include the provision of tea, coffee, morning/afternoon tea, light refreshments, breakfast, lunch and dinner.
- 4.12 Managers and Directors may approve registration and/or ticket costs to attend functions for the purpose of official business.

#### Official functions

- 4.13 Entertainment or hospitality expenditure is appropriate in circumstances when it is necessary or desirable to facilitate the conduct of Council business and promote the community's interest.
- 4.14 CEO may approve expenditure for official hospitality.
- 4.15 Appropriate expenditure for official hospitality expenses includes offering hospitality to:
- 4.15.1 visitors when the Council has an interest in, or a specific obligation towards, their visit;
  - 4.15.2 representatives of government, business, industry or recognised community organisations; and
  - 4.15.3 civic receptions and functions to recognise significant contributions from groups or individuals to the community.
- 4.16 Appropriate expenditure for official functions includes the provision of tea, coffee, morning/afternoon tea, light refreshments, breakfast, lunch and dinner and registration and/or ticket costs to attend official functions.





## STRATEGIC POLICY

### Entertainment and Hospitality Policy

Endorsed by Council

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4.17 The Office of the Mayor and CEO should maintain details of:

- 4.17.1 the purpose of the function;
- 4.17.2 the number of invitees;
- 4.17.3 the number of attendees;
- 4.17.4 a description of the groups that were in attendance; and
- 4.17.5 a breakdown of the costs associated with the functions.

### Employee Functions

- 4.18 Entertainment or hospitality expenditure can be appropriately spent for employee functions in line with ordinary expectations of workplaces.
- 4.19 Employee functions play an important role in creating a desirable workplace and positive work culture. However, expenditure should be proportionate and recognise that public funds should be spent for the public benefit.

## 5. Related Polices and Legislation

*Local Government Act 2009 (Qld)*

*Local Government Regulation (Qld)* (in particular, section 196)

Councillor Facility and Expenses Policy.

## 6. Definitions

**CEO** means the Chief Executive Officer of Council.

**Council** means Whitsunday Regional Council.

### Council Business

means 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 Whitsunday region 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;





## STRATEGIC POLICY

### Entertainment and Hospitality Policy

|                     |                                    |
|---------------------|------------------------------------|
| Endorsed by Council | 22 November 2022<br>OM2022/11/23-6 |
|---------------------|------------------------------------|

- 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 Council or of its committees that the Councillor is entitled or asked to attend, or at which the Councillor has business for the benefit of the Whitsunday region;
  - inspections, deputations, conferences and meetings at which the Councillor's attendance is permitted by Council;
  - Meetings with stakeholders including individuals, community groups, Councillors and staff;
  - official functions organised for the local government; or
  - meeting with residents for the purpose of local government business.

Expenses of a personal nature are not Council Business.

**Councillor** means the elected representatives who hold (current) office with Council, including the Mayor.

**Employee** means a person who carries out work in any capacity for Council, including for example temporary, or permanent employees, contractors, sub-contractors, employees of a labour hire company, outworkers, trainees, apprentices, volunteers and work experience students.

**Entertainment or hospitality** means the provision of food, drink, refreshment, amenities, facilities, equipment or labour in a collaborative setting.

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

**LGR** means the *Local Government Regulation 2012* (Qld).

All other definitions are in accordance with the LGA and LGR.

| COUNCIL POLICY                |                                       |                    |                  |
|-------------------------------|---------------------------------------|--------------------|------------------|
| Date Adopted by Council       | 23 November 2022                      | Council Resolution | OM2022/11/23-6   |
| Effective Date                | 23 November 2022                      | Next Review Date   | 23 November 2024 |
| Responsible Officer(s)        | Manager Governance and Administration | Revokes            | LSP_OMCEO_02     |
| Public Consultation: Yes / No | No                                    |                    |                  |





## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

Endorsed by Council

23 November 2022

## 1. Purpose

- 1.1 Council is committed to ensuring a statutory complaints process for dealing with complaints relating to alleged conduct breach by a Councillor.
- 1.2 This is Council's investigation policy for how complaints about suspected conduct breach by Councillors should be dealt with as required by section 150AE(1) of the *Local Government Act 2009 (Qld)*.

## 2. Scope

- 2.1 This policy applies to investigations and determinations by Council about a suspected Councillor conduct breach, which has been referred by the Office of the Independent Assessor. This policy:
  - 2.1.1 includes a procedure for investigating the suspected conduct breaches of councillors (see Addendum 2 – Investigation Standards);
  - 2.1.2 states the circumstances in which another entity may investigate the conduct;
  - 2.1.3 is consistent with the principles of natural justice;
  - 2.1.4 requires Council to prepare a report about each investigation (see Addendum 1 - report template and summary report template);
  - 2.1.5 requires a notice about the outcome of investigations be provided to the Independent Assessor, councillor and persons who made complaint about the councillors' conduct; and
  - 2.1.6 includes a procedure about when Council may decide not to start, or to discontinue, an investigation under section 150AEA of the LGA.
- 2.2 This policy requires Council:
  - 2.2.1 to give the Subject Councillor information about the suspected conduct, including details about the evidence of the conduct; and
  - 2.2.2 to give the Subject Councillor a notice if an investigation is not started or is discontinued; and
  - 2.2.3 for conduct the subject of a complaint - to give the person who made the complaint, if the contact details of the person are known, a notice if an investigation is not started or is discontinued; and
  - 2.2.4 to give the Subject Councillor the preliminary findings of the investigation before preparing an investigation report about the investigation (see Addendum 3 – Statement of Preliminary Findings Template); and





## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

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- 2.2.5 to allow the Subject Councillor to give evidence or a written submission to the local government about the suspected conduct and preliminary findings; and
- 2.2.6 to consider any evidence and written submission given by the relevant councillor in preparing the investigation report for the investigation; and
- 2.2.7 to include in the investigation report:
  - 2.2.7.1 if evidence is given by the Subject Councillor – a summary of the evidence; and
  - 2.2.7.2 if the Subject Councillor gives a written submission – a full copy of the written submission.

### 3. Out of Scope

- 3.1 This Policy does not relate to more serious councillor conduct, such as misconduct or corrupt conduct, which are dealt with under separate legislative provisions.
- 3.2 This Policy also does not deal with unsuitable meeting conduct, or any conduct undertaken in a personal capacity by a councillor, for example, a sitting councillor campaigning for re-election or attending a private social function.

### 4. Policy Statement

- 4.1 Chapter 5A of the LGA prescribes the councillor conduct management system. Section 150CT of the LGA establishes an Independent Assessor to carry out certain functions including the preliminary assessment, dismissal, referral, or investigation of complaints about councillor conduct.
- 4.2 After undertaking a preliminary assessment of a councillor conduct complaint, if the Independent Assessor reasonably suspects a councillor has engaged in a conduct breach, the Independent Assessor may decide to refer a suspected conduct breach to Council to deal with under section 150SD(4)(a) or 150W(b) of the LGA.
- 4.3 Upon receipt of a referral notice of a complaint of suspected conduct breach, Council must deal with the Subject Councillor's conduct as prescribed under section 150AF of the LGA unless a decision is made not to start or to discontinue the investigation under section 150AEA of the LGA. In conducting the investigation, Council must comply with this investigation policy.
- 4.4 Council may decide not to start or discontinue the investigation in accordance with section 150AEA of the LGA.





## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

Endorsed by Council

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## 5. Process

### Commencing Investigation

#### Independent Assessor's referral

- 5.1 If Council receive a notice ('referral notice') from the Independent Assessor about the suspected conduct breach of a councillor (LGA s 150AC). The referral notice will:
  - 5.1.1 include details of the conduct and any complaint received about the conduct;
  - 5.1.2 state why the Independent Assessor reasonably suspects that the Subject Councillor has engaged in a conduct breach; and
  - 5.1.3 include information about the facts and circumstances that form the basis of the Independent Assessor's reasonable suspicion.
- 5.2 The Independent Assessor must also give a notice to the Subject Councillor that states the Subject Councillor's conduct has been referred to Council to deal with, and a copy of the referral notice must be attached.
- 5.3 On receipt of a referral notice, the CEO will forward a copy of that referral notice to the Mayor and all councillors, including the Subject Councillor, as a confidential document.

#### Not starting or discontinuing an investigation

- 5.4 Pursuant to section 150AEA of the LGA, Council may decide to not start an investigation, or discontinue an investigation if:
  - 5.4.1 the complaint is withdrawn by the complainant;
  - 5.4.2 the complainant consents to the investigation not starting or being discontinued, (for example, the matter has been resolved and it is unnecessary for the local government to investigate the matter);
  - 5.4.3 there is insufficient information to investigate the conduct;
  - 5.4.4 the complainant refuses to cooperate by providing additional information during the investigation phase and not enough information is available to proceed; or
  - 5.4.5 the office of the councillor becomes vacant for any reason, i.e., the person has resigned or was not re-elected and is no longer a councillor.
- 5.5 If there are circumstances for considering not starting or discontinuing an investigation, the matter will be placed on the agenda for the next Ordinary Council Meeting. Council may decide by resolution to not start, or to discontinue, a suspected conduct breach matter. The resolution must state the decision and the reasons for the decision.





## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

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**[Note: The matters not started or discontinued must be reported in the annual report (including the reasons) and recorded in councillor conduct register].**

#### Investigator

- 5.6 The Mayor will manage the investigation process and may either undertake the investigation, or engage a suitably qualified external investigator.
- 5.7 The Mayor is authorised by council to expend money as reasonably needed to engage contractors in accordance with the council's procurement policy.
- 5.8 The Investigator will investigate the suspected conduct breach and prepare an investigation report that includes:
  - 5.8.1 an opinion on whether the Subject Councillor engaged in a conduct breach; and
  - 5.8.2 recommendations on how the conduct breach ought to be dealt with.
- 5.9 The investigation should be conducted in a way that is consistent with this Investigation Policy.

#### Investigation Process

##### Investigation

- 5.10 During the course of the investigation, the Investigator should follow the investigation standards of the local government (see Addendum 2– Investigation Standards).
- 5.11 After having assessed the complaint, the Investigator should prepare a Preliminary Statement of Findings.

**[Note: See Addendum 3 - Statement of Preliminary Findings Template.]**

- 5.12 The Investigator should:
  - 5.12.1 give the Preliminary Statement of Findings to the Subject Councillor before finalising the Investigation Report;
  - 5.12.2 allow the Subject Councillor the opportunity to response to the Preliminary Statement of Findings by providing evidence or submissions (orally or in writing) about the findings contained in the Preliminary Statement of Findings;
  - 5.12.3 consider any evidence or submission given by the Subject Councillor in finalising the investigation report; and
  - 5.12.4 include a summary of the Subject Councillor's evidence and a full copy of any written submission in the investigation report.
- 5.13 Once the investigation is finalised the Investigator will prepare a report (Investigation Report) for Council which includes the following details:





## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

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- 5.13.1 any witnesses interviewed;
- 5.13.2 documents or other evidence obtained;
- 5.13.3 a statement of the relevant facts ascertained;
- 5.13.4 confirmation that the Subject Councillor has been provided with an opportunity to respond to the complaint and the evidence compiled;
- 5.13.5 the investigation findings;
- 5.13.6 a statement of any relevant previous disciplinary history of the Subject Councillor;
- 5.13.7 any recommendations about dealing with the conduct; and
- 5.13.8 a record of the investigation costs.

*[Note: see Addendum 1 – Report Template.]*

### **Completion of investigation – Findings and recommendations**

#### **Summary Investigation Report**

- 5.14 Upon receipt of an Investigation Report, a Summary Investigation Report should be prepared by Council.
- 5.15 The Summary Investigation Report:
  - 5.15.1 should include:
    - 5.15.1.1 the name of the Subject Councillor;
    - 5.15.1.2 a description of the alleged conduct;
    - 5.15.1.3 a statement of the facts established by the investigation;
    - 5.15.1.4 a description of how natural justice was afforded to the Subject Councillor during the conduct of the investigation;
    - 5.15.1.5 a summary of the findings of the investigation; and
    - 5.15.1.6 any recommendations made by the Investigator;
  - 5.15.2 should not include:
    - 5.15.2.1 the name of the person who made the complaint of a conduct breach, or any information that could reasonably be expected to result in identifying that person; or
    - 5.15.2.2 the name of any person who provided information to the Investigator as part of the investigation, or any information that could reasonably be expected to result in identifying that person; or





## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

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5.15.2.3 any other information that Council is entitled or required to keep confidential under a law; and

5.15.3 must be made publicly available pursuant to section 150AFA(3)(b) of the LGA and associated regulation.

#### Making a decision about the investigation

5.16 Council should decide whether the Subject Councillor has engaged in a conduct breach.

5.17 In deciding whether the Subject Councillor has engaged in a conduct breach, Council should have regard to the Investigation Report.

5.18 A Council meeting may be closed under section 254J(j) of the LGR to consider the Investigation Report (but not make any resolutions in relation to the alleged conduct breach).

5.19 If Council decides the Subject Councillor has engaged in a conduct breach, Council should decide what, if any, action it will take under section 150AH of the LGA to discipline the Subject Councillor.

#### Disciplinary action against Councillors

5.20 If Council decides the Subject Councillor has engaged in a conduct breach, any of the following orders may be imposed:

5.20.1 an order that no action be taken against the councillor; or

5.20.2 an order that the Subject Councillor must undertake action in accordance with section 150AH(1)(b) of the LGA.

5.21 When deciding what action to take, Council may consider:

5.21.1 any previous conduct breach of the Subject Councillor; and

5.21.2 any allegation made in the investigation that was admitted or not challenged and that Council is reasonably satisfied is true.

**[Note: For further information refer to Addendum 4 - Conduct Breach Disciplinary Action Guideline].**

#### Release of Investigation Report

5.22 After making a decision about the conduct breach, Council should make the Investigation Report publicly available:

5.22.1 if the decision is made at a local government meeting—on or before the day and time prescribed by the LGR; or

5.22.2 otherwise—within 10 business days after the decision is made.





## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

Endorsed by Council

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5.23 The following information contained in the Investigation Report shall not be publicly released:

- 5.23.1 the name of the person who made the complaint of a conduct breach, or any information that could reasonably be expected to result in identifying that person, unless the complainant was a councillor or CEO of Council and the persons identify as the complainant was disclosed at the Council meeting at which the Investigation Report was considered; or
- 5.23.2 the name of any person who provided information to the Investigator as part of the investigation, or any information that could reasonably be expected to result in identifying that person;
- 5.23.3 the submission or affidavit of, or a record or transcript of information provided orally by, a person who provided information to the Investigator as part of the investigation, including, for example, a transcript of an interview; or
- 5.23.4 any other information that Council is entitled or required to keep confidential under a law.

5.24 If the complainant was a councillor or the CEO of Council and that person's identify was disclosed at the Council meeting at which the Investigation Report was considered, the publicly released report should contain that information.

#### Notice about the outcome of the investigation

5.25 After an investigation is finalised, (either by not starting or discontinuing, or by Council deciding the outcome of the investigation) Council should give a notice about the outcome of the investigation to:

- 5.25.1 the Independent Assessor;
- 5.25.2 the person who made the complaint about the Subject Councillor's conduct that was the subject of the investigation; and
- 5.25.3 the Subject Councillor.

5.26 The notice should state:

- 5.26.1 the decision; and
- 5.26.2 the reasons for the decision; and
- 5.26.3 if an order is made under section 150AH of the LGA—details about the order.





## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

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#### **Miscellaneous**

##### **Conflicts of Interest**

- 5.27 The Subject Councillor and the complainant, if the complainant is a councillor, have a declarable conflict of interest and should manage it in a way that is consistent with the requirements of the LGA.
- 5.28 If the Mayor has a conflict of interest in the matter, the Mayor's powers to manage the investigation may be delegated to the Deputy Mayor, or if the Deputy Mayor is conflicted, another Councillor or the CEO.
- 5.29 Where a Council meeting loses quorum due to conflicts of interest of councillors, then the conduct matter may be delegated to:
- 5.29.1 the Mayor; or
- 5.29.2 if the Mayor is also conflicted, a standing committee constituted to make a decision.
- 5.30 If informed of suspected corrupt conduct, the CEO must give the information to the Crime and Corruption Commission and the Independent Assessor.

*[Note: Corrupt conduct may also be misconduct and should be treated as such. The CEO has obligations to report suspected corrupt conduct under the Crime and Corruption Act 2001 (Qld)]*

##### **Misconduct or Corrupt Conduct**

- 5.31 If during the investigation of the Subject Councillor, the Investigator obtains information indicating the Subject Councillor may have engaged in misconduct, the Mayor and the CEO must be informed and the investigation must cease.
- 5.32 If informed of suspected misconduct, the CEO must give the information to the Independent Assessor.

*[Note: See LGA s 150AF]*

- 5.33 If during the investigation of the Subject Councillor, the Investigator obtains information indicating the Subject Councillor may have engaged in corrupt conduct, the Mayor and the CEO must be informed and the investigation must cease.

##### **Inconsistent Decisions**

- 5.34 If Council makes a decision that is not consistent with the recommendation of the Investigation Report, the reasons for the decision should be recorded in the minutes of the meeting. The minutes should give sufficient information to demonstrate the logic that has been applied to justify a decision not to follow the recommendation of the Investigation Report.





## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

Endorsed by Council

23 November 2022

#### Councillor conduct register

5.35 The CEO must ensure the following decisions are entered into Council's councillor conduct register:

- 5.35.1 any orders under section 150AH of the LGA made about suspected conduct breach of a councillor; and
- 5.35.2 any decision to not start, or to discontinue an investigation of suspected conduct breach under section 150AEA of the LGA.

## 6. Guiding Principles

### Confidentiality

- 6.1 Matters relating to the investigation of a suspected conduct breach are confidential to Council during the investigation period except as otherwise prescribed in this policy.

### Natural justice

- 6.2 Any investigation of suspected conduct breach by a councillor should be carried out in accordance with natural justice. Natural justice or procedural fairness refers to three key principles:
  - 6.2.1 that the councillor who is the subject of the suspected conduct breach matter has a chance to have his or her say in an informed manner before adverse formal findings are made and before any adverse action is taken (i.e., fair hearing);
  - 6.2.2 that the investigator should be objective and impartial (i.e., absence of bias); and
  - 6.2.3 that any actions taken, or decisions made are based on evidence rather than speculation or suspicion (i.e., acting on evidence).
- 6.3 A fair hearing means the councillor who is the subject of the suspected conduct breach matter will know the case put against them, and be provided with an opportunity to put their case in response. This includes receive information about the alleged conduct breach, including the preliminary findings of the investigation any other material information.
- 6.4 An absence of bias means that any investigation should not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.
- 6.5 Acting on evidence means making decisions and acting on the material available without speculation. Acting on evidence also includes:
  - 6.5.1 giving proper and genuine consideration to each party's case;
  - 6.5.2 considering all the relevant material; and





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6.5.3 not considering irrelevant material.

*[Note: It must be kept in mind that the matter when referred, is suspected, and not yet proven].*

#### Standard of Proof

- 6.6 The civil standard of proof is applied by the Investigator when forming a view on whether a councillor has engaged in a conduct breach. The relevant standard of proof is 'on the balance of probabilities,' which means the weighing up and comparison of the likelihood of the existence of competing facts or conclusions. An allegation is sustained 'on the balance of probabilities,' if based on the evidence, the decision maker is reasonably satisfied that its existence is more probable than not.

#### Timeliness

- 6.7 The councillor conduct framework should be effective and efficient. The Investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting within eight weeks of commencing the investigation, after the receipt of the complaint from the Independent Assessor.
- 6.8 If the Investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor or delegate (if the Mayor is managing the investigation) to seek an extension of time.
- 6.9 Delay in procuring an investigator to undertake the investigation should be avoided.

#### Expenses

- 6.10 Council will pay the expenses associated with the investigation of suspected conduct breach including any costs of:
- 6.10.1 the Investigator;
  - 6.10.2 travel where the Investigator needed to travel to undertake the investigation, or to interview witnesses; and
  - 6.10.3 obtaining legal or expert advice.
- 6.11 Pursuant to section 150AH(b)(vii) of the LGA, Council may order the Subject Councillor to reimburse them for all or some of the costs arising from a sustained conduct breach. These costs would usually only relate to obtaining legal or expert advice and reasonable costs for the Investigator engaged to undertake the investigation.
- 6.12 Any costs incurred by complainants or the subject councillor will not be met by Council.
- 6.13 Where possible, costs should be kept to a reasonable rate taking into consideration the costs for more serious matters dealt with by, for example, the Councillor Conduct Tribunal or other jurisdictions who deal with conduct matters.





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## 7. Related Policies and Legislation

### Legislation:

*Local Government Act 2009 (LGA)*

*Local Government Regulation 2012 (LGR)*

*Crime and Corruption Act 2001*

*Public Interest Disclosure Act 2010 (PIDA)*

*Public Sector Ethics Act 1994 (PSEA)*

### Policies:

General Complaints Management Policy

Administrative Action Complaints Management Policy

Information Management Policy

Code of Conduct for Councillors in Queensland

Council Standing Orders (Meetings)

## 8. Definitions

**Behavioural Standard** means a standard of behaviour for councillors set out in the Code of Conduct for Councillors in Queensland approved under section 150D and 150E of the LGA.

**CEO** means the Chief Executive Officer of council.

**Conduct** includes—

(a) failing to act; and

(b) a conspiracy, or attempt, to engage in conduct.

**Corrupt Conduct** has the meaning given by the *Crime and Corruption Act 2001* (Qld).

**Council** means Whitsunday Regional Council.

**Councillor** means the elected representatives who hold (current) office with Council, including the Mayor.

**Councillor Conduct Register** means the register required to be kept by the local government as set out in section 150DX and 150DY of the LGA.

**Conduct Breach** as set out in section 150K of the LGA.

**Independent Assessor** means the Independent Assessor appointed under section 150CT of the LGA.

**Investigation Report** means a report provided by the Investigator to Council detailing the outcome of the investigation.

**Investigation Policy** refers to this policy, as required by section 150AE of the LGA.





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**Investigator** means the person responsible under this investigation policy for carrying out the investigation of the suspected conduct breach of a councillor, being either the Mayor or an external investigator.

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

**LGR** means the *Local Government Regulation 2012* (Qld).

**Misconduct** has the meaning given by the LGA.

**Preliminary Statement of Findings** means the preliminary report given to the Subject Councillor prior to finalisation of the Investigation Report to afford the Subject Councillor an opportunity to respond to the allegations against them.

**Referral Notice** means a notice from the Independent Assessor under section 150AC of the LGA.

**Subject Councillor** means a Councillor the subject of a conduct breach complaint.

**Summary Investigation Report** means a summary of the Investigation Report prepared before Council decides the outcome of a conduct breach complaint.

**Unsuitable Meeting Conduct** has the meaning given by the LGA.

| COUNCIL POLICY                |                                       |                    |                  |
|-------------------------------|---------------------------------------|--------------------|------------------|
| Date Adopted by Council       | 23 November 2022                      | Council Resolution | OM2022/11/23-6   |
| Effective Date                | 23 November 2022                      | Next Review Date   | 23 November 2024 |
| Responsible Officer(s)        | Manager Governance and Administration | Revokes            | LSP_OMCEO_11     |
| Public Consultation: Yes / No | No                                    |                    |                  |





## STRATEGIC POLICY

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## Addendum 1

### Conduct Breach Complaint Investigation and Recommendation Report to Whitsunday Regional Council

Reference number:

Date received from council:

#### The complaint

*(Outline the allegation/s as referred for investigation, including date/s, time/s, place/s, description of alleged conduct. Succinct description of (full title and relevant sections) of policy (e.g. code of conduct) alleged to have been breached)*

#### The complainant

Description of the alleged conduct

(Consider if council indicates the matter relates to a public interest disclosure and ensure compliance with the *Public Interest Disclosure Act 2010*)

#### The subject councillor

Name (Reference level of experience as a councillor and any past disciplinary history including for like matters)

#### Conflict of interest considerations

(Declaration of any conflict of interest or 'no conflict of interest' by the investigator)

#### Summary of the investigation process

- Scope of the investigation:
- Interviews conducted:
- Documents examined:
- Facts identified:
- Category of the conduct breach: Set out relevant standards of sections considered.

#### Investigation Report

- Date of the report
- Wording of allegation for consideration
- A statement of the facts established by the investigation
- A description of how natural justice was afforded to the councillor during the conduct of the investigation
- A summary of the findings of the investigation
- A summary of any relevant previous disciplinary history
- Summary of the evidence or a full copy of any written submission given by the councillor
- Application of facts to the conduct breach outlined above
- A record of the investigation costs.





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**[Note: Insert discussion of sufficiency of evidence to sustain the allegation and whether the evidence is capable of supporting a finding that the councillor has breached].**

#### Recommendation to council

Recommendations made by the investigator who investigated the conduct.

It is recommended that:

- a) This report be submitted to the Whitsunday Regional Council for consideration, pursuant to section 150AG of the Local Government Act 2009 (the LG Act), as to whether or not the councillor has engaged in inappropriate conduct; and if they are found to have so engaged, what action the local government will take to discipline the councillor pursuant to section 150AH of the LG Act.
- b) Having analysed the material from this investigation, a conclusion might be drawn that:

**[Note: make a recommendation as to whether a conduct breach is made or not, with succinct reasons]:**

- c) If Whitsunday Regional Council finds the councillor has engaged in inappropriate conduct, are there any aggravating or mitigating circumstances that should be taken into account?

**[For example, any action taken by the councillor since the conduct, any Aboriginal traditions or Islander customs of the councillor].**

- d) If council finds the councillor has engaged in a conduct breach, the following disciplinary action under section 150AH LGA is recommended (refer to the 'Guideline – conduct breach disciplinary action').

..... (SIGN)

NAME:

ATTACHMENTS:





## STRATEGIC POLICY

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#### Summary Report Template Include the following:

- the name of the councillor whose conduct has been investigated; and
- a description of the alleged conduct; and
- a statement of the facts established by the investigation; and  
a description of how natural justice was afforded to the councillor during the conduct of the investigation; and
- a summary of the findings of the investigation; and
- any recommendations made by the investigator who investigated the conduct.

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## STRATEGIC POLICY

### Councillor Conduct Investigation Policy

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## Addendum 2

### Investigation Standards

The investigation shall be managed in a consistent manner. Documentation shall be contained in an efficient records management system. Confidential information must be secured appropriately.

#### Case Management file

The investigation shall be supported by a recognised case management tool so that emails, letters, statements, and evidence can be stored and secured confidentially. File notes shall be made in the case management system to document key milestones in the investigation such as when lines of inquiry are identified, witnesses are spoken to, when evidence is secured, and document key decisions.

#### Investigation Plan

The Mayor or delegate will, prior to beginning the investigation, check that the investigator does not have a conflict of interest in the matter. Remove them immediately from the investigation should a conflict of interest become known.

The following investigation process shall be followed by the investigator unless the mayor or delegate agrees to vary the process in a particular case.

Take all necessary steps to protect the identity of the complainant(s) as far as possible during communications with the councillor.

Consider the following:

- i. Research the legislation and policy framework thoroughly.
- ii. Identify lines of inquiry and record them as a file note in case file management system.
- iii. Present all the evidence the councillor provides or gives in a written statement.
- iv. Gather further evidence (for example, from interviewing other witnesses, obtaining documents, or carrying out site inspections) when necessary.
- v. Secure evidence in case file management system, making a file note when lines of inquiry are followed up and key decisions are made during the course of in the investigation.
- vi. Undertake a proper and impartial examination of the evidence gathered, including expert advice and analysis and / or legal advice if required.





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- vii. Draw conclusions based on the evidence and applying the appropriate legislative and policy frameworks.

#### Prepare an investigation report

Prepare the investigation report for the local government to consider on the template attached **(Addendum 1)**.

If during the course of an investigation, the Investigator obtains new information that a Councillor may have engaged conduct that may give rise to a new allegation, the Investigator shall obtain particulars related to the conduct and then advise the mayor and the chief executive officer who will provide an information notice to the Assessor.

The Assessor will undertake a preliminary assessment or alternative action on the matter. The Investigator will be informed of activities of the local government in relation to the investigation. For example, the Investigator will be informed in the event the finalisation of a matter is delayed, or if the Local Government has to notify of a fresh allegation identified during the course of an investigation to the Assessor for a preliminary assessment.

If during the course of an investigation, the Investigator obtains new information that a Councillor may have engaged in misconduct or corrupt conduct the investigation will cease and the investigator will notify the mayor and chief executive officer who will be responsible for providing an information notice to the Assessor/Crime and Corruption Commission.





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## Addendum 3

### Statement of Preliminary Findings Template

#### Statement of Preliminary Findings

The Investigator has assessed the evidence set out in the investigation report and, taking into account the seriousness of the allegations, has made findings on the balance of probabilities. The table below contains a summary of the Allegations and the Investigator's findings. A detailed summary of the evidence and findings is provided in the full investigation report.

#### CONDUCT ALLEGATIONS

|              |                                 |
|--------------|---------------------------------|
| Allegation:  | Finding:                        |
| Allegation:  | Substantiated/Not Substantiated |
| Particulars: | Summary of Evidence:            |
|              | Summary of reasons for finding: |





## STRATEGIC POLICY: Elected Members

### Investigation Policy **EM\_02**

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## Addendum 4

### Conduct Breach Disciplinary Action Guideline

This guideline is provided to assist Queensland local governments to make consistent decisions about the appropriate disciplinary action to be taken against a councillor who is found to have engaged in a conduct breach.

#### What is a conduct breach?

According to section 150K of the *Local Government Act 2009* (LGA), a conduct breach occurs when a councillor:

- i. breaches a behavioural standard (Code of Conduct for Councillors in Queensland);
- ii. breaches a council policy, procedure, or resolution;
- iii. contravenes an order by a chairperson of a local government to leave a council meeting and stay away from the place at which it is being held;
- iv. is part of a course of unsuitable meeting conduct orders on three occasions within a one-year period, taken together, is a conduct breach. The local government is not required to notify the OIA of these matters and may deal with the conduct as if an investigation has been undertaken section 150J and make a decision under section 150AG of the Local Government Act 2009 (including Brisbane City Council). Below are some examples of conduct which may constitute a conduct breach.

#### Decision

Section 150AG of the LGA provides that where an allegation of a conduct breach has been referred by the Office of the Independent Assessor (OIA) to a local government for investigation, the local government must decide:

- i. whether or not the councillor has engaged in a conduct breach; and
- ii. what action the local government will take under section 150AH of the LGA to discipline the councillor if the councillor has been found to have engaged in a conduct breach.

#### Types of orders

Section 150AH of the LGA provides a list of the types of orders that the local government may make where it has found that a councillor has engaged in inappropriate conduct:

- i. An order that no action be taken against the councillor;
- ii. An order that the councillor make a public apology, in the way decided by the local government, for the conduct;





## STRATEGIC POLICY: Elected Members

### Investigation Policy **EM\_02**

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- iii. An order reprimanding the councillor for the conduct;
- iv. An order that the councillor attend training or counselling addressing the councillor's conduct including at the councillor's expense;
- v. An order that the councillor be excluded from a stated local government meeting
- vi. An order that the councillor is removed or must resign from a position representing the local government other than the office of councillor;
- vii. An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct;
- viii. An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.

#### Factors that may be taken into account

Section 150AG(2) of the LGA provides that in deciding what action to take, the local government may consider:

- i. Any previous conduct breach of the councillor;
- ii. Any allegation made in the investigation that-
  - a. was admitted, or was not challenged; and
  - b. the local government is reasonably satisfied is true.

#### Guidance on appropriate disciplinary action

It is open to local governments to decide which order/s in section 150AH of the LGA /are suitable when a councillor is found to have engaged in a conduct breach. The particular circumstances of a case must always be taken into consideration.

As a guide, it is suggested that it may be appropriate for the local government to consider making an order or combination of orders depending on whether a councillor has been found to have engaged in a conduct breach for the first time, or for a second, or third time.

Section 150L of the LGA provides that conduct is misconduct if the conduct is part of a course of conduct leading the local government to take action under s150AG to discipline the councillor for a conduct breach on three occasions within a 1 year period.

The table on the following page may assist councils to decide what disciplinary action is suitable in various circumstances.




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**Investigation Policy EM\_02**
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| Order                                                                                                                                           | First instance<br>engaging in a<br>conduct breach | Second instance<br>engaging in a<br>conduct breach | Third instance<br>engaging in<br>conduct breach |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|-------------------------------------------------|
| No action be taken against the councillor                                                                                                       | ✓                                                 |                                                    |                                                 |
| An order for the councillor to make a public apology in the way decided by the local government, for the conduct                                | ✓ *                                               | ✓ *                                                | ✓ *                                             |
| An order for the councillor to make a public apology in the way decided by the local government, for the conduct                                | ✓ #                                               | ✓ #                                                | ✓ #                                             |
| An order that the councillor attend training or counselling addressing the councillor's conduct including at the councillor's expense           | ✓ #                                               | ✓ #                                                | ✓ #                                             |
| An order that the councillor be excluded from a stated local government meeting                                                                 |                                                   | ✓                                                  | ✓                                               |
| An order that the councillor is removed or must resign from a position representing the local government other than the office of councillor    |                                                   |                                                    | ✓                                               |
| An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct                                     | ✓ ^                                               | ✓                                                  |                                                 |
| An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's inappropriate conduct ** |                                                   | ✓                                                  | ✓                                               |

\* May be appropriate where there is heightened or particular public interest in the type of conduct or the subject matter relating to the conduct.

# May be particularly appropriate where the conduct involves bullying or harassment or making inappropriate comments about another person.

^ For more serious and deliberate conduct breaches by an experienced councillor.

\*\* Costs arising from the councillor's conduct breach includes investigative costs, legal costs, and administrative costs. However, costs should be kept to a reasonable rate taking into consideration the costs for more serious matters dealt with by the Councillor Conduct Tribunal.





## STRATEGIC POLICY

### Social Media Policy

Endorsed by Council

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## 1. Purpose

- 1.1 The purpose of this Policy is to set out the standards of behaviour expected for the use of social media on behalf of Council, and the use of social media by Councillors and Council employees.
- 1.2 The objectives of this policy are to:
  - 1.2.1 develop a culture of openness, trust, and integrity in Council through appropriate use of social media;
  - 1.2.2 provide direction on the responsibilities and expectations for:
    - 1.2.2.1 the professional use of social media on behalf of Council;
    - 1.2.2.2 the use of social media by Councillors and employees; and
    - 1.2.2.3 standards of behaviour by any parties wishing to interact on social media platforms administered by Council, including Councillors.

## 2. Scope

- 2.1 This policy applies to Councillors and all employees of Council who use social media platforms either professionally or privately. This policy applies to using social media to 'post' content or to interact with existing content on social media (e.g. by 'liking' or 'sharing' material posted by others).

## 3. Policy Statement

- 3.1 Council employs various social media platforms to provide information on Council initiatives, public notices, activities, facilities, services, events, and programs. Social media should be used where the Council wishes to engage with the community to provide information or raise awareness of Council related matters. There may be exceptions to this rule under the discretion of the Chief Executive Officer.
- 3.2 Social media is considered an important tool for Council to actively engage with our community and provides a platform for active discussion and the exchange of ideas, promoting the Whitsunday region as a place to live, work, play, visit and invest.



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## 4. Guiding Principles

### Acceptable use of social media channels

- 4.1 Council's social media assets are managed by delegated Social Media Editors/Moderators in the Communications and Marketing Team and are used for engaging with the community, increasing Council's brand awareness and promoting Council services.

### Authorities and responsibilities

- 4.2 The primary responsibility for Council's social media is the Communications and Marketing Team who are generally responsible for all Council social media accounts across all platforms.
- 4.3 All Council social media accounts should be set up and transacted in the name of Whitsunday Regional Council unless another Council business name is approved by the CEO.
- 4.4 All content for posts published or shared on Council's social media platforms should be prepared, edited, and issued through the Communications and Marketing Team or delegated Social Media Editors using an official Council account, to ensure adherence to the Social Media Policy, consistency in messaging, and consistency in branding. The Social Media Editors should consult and receive approval of content by the subject matter expert and their relevant supervisor.
- 4.5 Moderation of social media content on Council's platforms, consistent with Council's Terms of Use, should be undertaken by the Communications and Marketing Team (Social Media Editors/Moderators).
- 4.6 The Communications and Marketing Manager should remain an administrator of any accounts created to ensure risk management measures are maintained (including centralised storage of master passwords for each site) to protect Council's reputation.
- 4.7 Employees cannot have moderator access to Council's social media accounts and comment on behalf of Council unless they are authorised by the CEO in liaison with the Communications and Marketing Manager. Access will be based upon the duties of each position with relevant officers only having access to relevant platforms, in accordance with any Social Media Procedures/Guidelines.



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**Comments and Replies**

- 4.8 Service requests, requests for information or complaints to Council should be submitted through Council's official correspondence channels via phone, email, in writing or in person, rather than through social media. This is to ensure they are captured via the appropriate customer service and records systems.
- 4.9 Responses to comments or posts requesting service or information will generally be made within normal business hours, should Council deem it appropriate to respond to a comment or post.

**Creation of new accounts**

- 4.10 New Council Official social media accounts should not be created without the consent of the Communications and Marketing Manager.
- 4.11 A full list of Council's official social media accounts can be obtained from the Communications and Marketing Team.

**Obligations when using social media**

- 4.12 When using Council social media, the following rules apply:
  - 4.12.1 only publish content that is classified as public information. Do not publish any material on social media sites that is confidential, personal, private, or pertains to legal matters;
  - 4.12.2 if using imagery, only use corporate imagery such as logos and official Council photographs;
  - 4.12.3 content posted should be accurate and approved by the CEO, relevant director, a manager, or the Communications and Marketing Manager;
  - 4.12.4 content should be respectful of the community and portray Council in a positive way;
  - 4.12.5 content should be impartial and apolitical;
  - 4.12.6 content shall only promote projects and decisions that have been approved by Council;
  - 4.12.7 content should not promote any business other than Council or a Council owned business;
  - 4.12.8 users should adhere to the terms of use of the relevant social media platform/website;



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- 4.12.9 copyrighted or trademarked material must not be published without permission;
- 4.12.10 posted content must not include any illegal, discriminatory, defamatory, abusive, or obscene material; and
- 4.12.11 ensure capture of information/records and information privacy meet all legislative and other policy obligations.

**Moderation and Terms of Use for third parties**

- 4.13 Council's social media platforms are generally only monitored within business hours.
- 4.14 An open dialogue on social media is encouraged, however comments and materials published on Council's social media platforms should adhere to appropriate standards of behaviour and civil discourse.
- 4.15 Council may remove any content that Council considers to:
  - 4.15.1 be defamatory, prejudicial, racist, inflammatory, vexatious, offensive, cyberbullying, trolling or otherwise inappropriate;
  - 4.15.2 be off topic to the source subject;
  - 4.15.3 be repetitive;
  - 4.15.4 contain swearing, foul language or profanity;
  - 4.15.5 constitute harassment of, or personal attacks against, other users, Council, Councillors, or Council staff;
  - 4.15.6 amount to disclosure of personal or sensitive information about others or Council;
  - 4.15.7 be spam, including links to other sites, including commercial, non-government or off-topic pages; or
  - 4.15.8 otherwise not be in the public interest.
- 4.16 Users who publish material in violation of the above may be banned or blocked from Council's social media sites. Determinations regarding breaches of the above will be made by a delegated Social Media Editor/Moderator in consultation with the Communications and Marketing Manager.
- 4.17 The above actions will acknowledge record keeping procedures.

**Councillor social media use**

- 4.18 The Mayor and Councillors should act in accordance with this policy, Council's Media Policy, the Code of Conduct for Councillors in Queensland, and all other related Council policies and procedures.



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**4.19 Councillors**

may manage their own social media and Council has no role in the creation or management of these platforms, except for public record management.

**4.20 Councillors are encouraged to refer to the Office of Independent Assessor & LGAQ resource – Social Media Guidelines for Councillors and other relevant material published by third party Agencies.**

**4.21 Councillors should:**

- 4.21.1 consider the appropriateness and public perception of any comment or activity undertaken on all social media platforms, regardless of which account they are using;
- 4.21.2 take reasonable steps to ensure that any comment they make in a personal capacity will be understood as representing their personal views, not those of Council;
- 4.21.3 ensure their actions do not reflect adversely on the reputation of Council;
- 4.21.4 maintain confidentiality of Council information that is not publicly available;
- 4.21.5 not directly and unnecessarily criticise Council, other Councillors, or employees;
- 4.21.6 not attempt to unduly influence other Councillors or Council employees,
- 4.21.7 not undermine public confidence in the processes of Council;
- 4.21.8 be alert to the possibility that personal comments about public issues may compromise their ability to perform their duties in an independent and unbiased manner;
- 4.21.9 ensure their comments do not suggest that they have come to a conclusive view on a matter coming before Council, prior to fully considering the proposal and related issues (note – doing so may render Council decisions open to challenge);
- 4.21.10 having regard to legislative requirements, ensure privacy of individuals is maintained when posting photographs;
- 4.21.11 respect the democratic process and publicly represent Council decisions when speaking on behalf of Council (in reference to Council's Media Relations Policy); and,
- 4.21.12 not make Council announcements through social media prior to the announcement being made through official corporate channels, unless the information is already publicly available.



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**Employees Social Media Use**

- 4.22 Council recognises that social media is a part of daily life. This policy does not prevent the usage of social media by Council employees for personal use. However, employees should recognise that they may be viewed by the public as representatives of Council, even if personal social media profiles do not explicitly link to Council or are made 'private'.
- 4.23 Any information that is shared about Council should only be what is available publicly.
- 4.24 All employees are reminded to act in accordance with this policy, the Code of Conduct (staff), the Media Relations Policy and all other related Council policies and procedures.
- 4.25 While using social media, employees should:
  - 4.25.1 not criticise Council or any of its employees or stakeholders;
  - 4.25.2 not disclose or use any confidential information (whether obtained in your capacity as employees or otherwise). Only disclose or discuss publicly available information;
  - 4.25.3 not imply that you are authorised to speak as a representative of Council or give the impression that the views expressed are those of Council.
  - 4.25.4 not use a Council email address or any Council logos or insignia for personal social media that may give the impression of official support by Council for personal posts or comments;
  - 4.25.5 in any post that identifies you as a Council employee, expressly state that any content represents personal views only and does not represent the views of Council;
  - 4.25.6 not use the identity or likeness of another Council employee without consent;
  - 4.25.7 not post anything which may damage Council's or the public's trust and confidence in you as a Council employee;
  - 4.25.8 not upload work-related photographs or videos to a personal social media sites unless permission is sought from the Communications and Marketing Department. This includes uploading images of employees wearing council-branded uniforms, such that the activities being engaged in in the photograph could be perceived to have taken place during work hours or on behalf of Council.



## STRATEGIC POLICY

### Social Media Policy

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## Record Keeping

4.26 A public record includes any form of recorded information, created, or received by, or created on behalf of a Queensland public authority in the transaction of government business. Council is a public authority.

4.27 Social Media postings, messages, attachments, and polls are digital public records under the *Public Records Act 2002 (Qld)* and must be recorded and stored according to Council's records management policy and procedures.

## Non-Compliance

4.28 Non-compliance with the provisions of this policy may result in action being taken in accordance with Council's policies and procedures or relevant legislative requirements.

## 5. Related Policies and Legislation

*Information Privacy Act 2009 (Qld)*  
*Local Government Act 2009 (Qld)*  
*Local Government Regulations 2012 (Qld)*  
*Public Records Act 2002 (Qld)*  
Code of conduct for Councillors  
Code of conduct (Staff)  
Community Engagement Strategy  
Information Privacy Policy  
Media Relations Policy  
Records Management Policy

## 6. Definitions

**CEO** means the Chief Executive Officer of Council.

**Council** means Whitsunday Regional Council.

**Councillor** means the elected representatives who hold (current) office with Council, including the Mayor.

**Employee** means a person who carries out work in any capacity for Council, including for example temporary, or permanent employees, contractors, sub-contractors, employees of a labour hire company, outworkers, trainees, apprentices, volunteers and work experience students.

**Public Record** Has the meaning provided in the *Public Records Act 2002 (Qld)*.

**(Social Media) Moderator** Designated Council employee who monitors online communications. The moderator may also answer general questions via the channel and respond to complaints or provide basic Council information or clarifications. A moderator may also be a Social Media Editor.

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**Social Media** Computer-based technology that facilitates the sharing of ideas, thoughts, and information through the building of virtual networks and communities. These technologies include, but are not limited to:

- messaging technologies (e.g., email, SMS, WhatsApp, Chat, Facebook Messenger);
- social networking sites (e.g., Facebook, Yammer, LinkedIn);
- mass communication platforms (e.g., Twitter/X, Reddit, other forums or message boards, comments/contributions to other websites such as comments on news websites); and
- video and image sharing platforms (e.g., YouTube, Snapchat, Instagram, TikTok, Discord, Twitch).

**Council Social Media Accounts** All social media accounts, platforms, and pages that Council support and manage, that have been created and approved by the Chief Executive Officer.

**Social Media Editor** A Council staff member who has the authority, in accordance with their delegations, to represent Council on social media. Includes Manager Marketing and Communications and other delegated officers.

**COUNCIL POLICY**

|                                |                                      |                           |                           |
|--------------------------------|--------------------------------------|---------------------------|---------------------------|
| <b>Date Adopted by Council</b> | <del>23 November 2022</del>          | <b>Council Resolution</b> | <del>OM2022/11/23.6</del> |
| <b>Effective Date</b>          | <del>23 November 2022</del>          | <b>Next Review Date</b>   | <b>23 November 2024</b>   |
| <b>Responsible Officer(s)</b>  | Communications and Marketing Manager | <b>Revokes</b>            | <del>LSP_OMCEO_16</del>   |



## STRATEGIC POLICY

### Media Relations Policy

Endorsed by Council

22 November 2023

## 1. Purpose

- 1.1. The purpose of this policy is to ensure effective communications that protect and enhance the reputation of Council, inform the community, promote a positive image of the Whitsunday Region and raise awareness about Council services and activities.
- 1.2. This Policy establishes protocols for managing communication between Council and the media to ensure coordinated, coherent, accurate and reliable presentation of Council information, so that Council maintains credibility, integrity and customer confidence, and so that Council's corporate values and brand are reinforced.

## 2. Scope

- 2.1. This policy is applicable to all councillors, including the Mayor, and all employees when responding to media enquiries or when seeking to make public comment on behalf of Council.
- 2.2. This policy specifies who is authorised to act as the official spokesperson for Council and the procedures for issuing media statements or publishing any public facing document.
- 2.3. This policy should be read in conjunction with the Social Media Policy.

## 3. Policy Statement

- 3.1. Council encourages open, prompt and accurate communication with the media to promote a positive, progressive and professional image of Council, and to inform the public.
- 3.2. Council intends to provide relevant, timely and accurate comment and information to media outlets when requested.

## 4. Guiding Principles

### Communications Team

- 4.1. Councillors and employees should advise the Communications and Marketing Team when approached by the media for information or comment, even when a previous delegation has been authorised.
- 4.2. The Communications and Marketing Team are responsible for approved media statements and media releases to communicate matters that align with the Purpose of this policy and Council's goals, including:
  - i approved policy and organisational decisions;
  - ii updates on organisational strategic direction;



**STRATEGIC POLICY**

**Media Relations Policy**

Endorsed by Council

22 November 2023

- iii information that advances the reputation and upholds the integrity of Council or the region as a whole;
- iv information that increases transparency with the community; and
- v information that promotes the achievements and activities of Council and the wider region which are in the public interest.

4.3. The release of information must adhere to the privacy principles outlined in the *Information Privacy Act 2009*.

4.4. Nothing in this policy prohibits Councillors or staff from issuing general promotional material and information relating to the activities and events for the programs and services under their jurisdiction that have been published or approved as per Council's processes.

**Official Spokesperson(s)**

- 4.5. The Mayor is the official spokesperson for Council on all issues. Given the Mayor is elected by the whole of the region, the Mayor is often requested to comment in addition to, or instead of, other spokespeople (as listed below).
- 4.6. If the Mayor cannot serve as Council spokesperson, the opportunity is offered first to the Deputy Mayor, and then to an appropriate Councillor. The Mayor can also delegate the role of spokesperson in relation to a specific issue to the CEO or a senior officer.
- 4.7. A Councillor may also provide comment on local issues, in addition to the Mayor. However, given the Mayor is the official spokesperson, a Councillor should inform the Communications and Marketing Team prior to offering comment to the media.
- 4.8. Councillors should clearly articulate that personal comments incongruent with Council's position are theirs alone.

**Mayor & Councillors**

- 4.9. When making comment to the media, the Mayor and/or designated Councillor should ensure that they clearly distinguish between personal opinion and the official position of Council expressed through resolutions of Council or agreed Council decisions.
- 4.10. Comments to the media should not:
  - i pre-empt decisions of Council or undermine the decision making process;
  - ii unduly or unfairly criticise Council or Council Officers; or
  - iii disclose confidential material.
- 4.11. This policy is not intended to limit a Councillor from communicating with or engaging with their constituents. Councillors are actively encouraged to do this, provided that the



**STRATEGIC POLICY**

**Media Relations Policy**

Endorsed by Council

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Councillor Code of Conduct requirements are complied with. In doing so, Councillors should identify that they are not speaking on behalf of Council.

**Employees**

- 4.12. The CEO (or their delegate) and the Communications and Marketing Manager are responsible for coordinating all media enquiries on operational matters.
- 4.13. Council employees should engage with the media about any Council-related matter without authority from the CEO or Communications and Marketing Manager.

**Emergency or Natural Disasters**

- 4.14. The Whitsunday Region is prone to emergencies and natural disasters including cyclones, fires and floods.
- 4.15. Both Council and the media have an important role to play inform the public in times of disaster.
- 4.16. During times of disaster:
  - i information provided by Council should be accurate, timely and as clear as possible;
  - ii information provided by Council should be consistent with information and advice provided by other relevant agencies and stakeholders, including the State Government, emergency services and the Bureau of Meteorology;
  - iii speculation or the release of unconfirmed reports should be avoided; and
  - iv updates should be provided via multiple media channels, including social media, TV and radio (simulcast if possible).
- 4.17. Where information is released via social media, efforts should be made to clarify when information is no longer accurate or has been superseded (e.g. by editing posts to identify that the information is no longer current).

**Record Keeping**

- 4.18. All media releases, responses to media or external requests for statements or information should be recorded and stored according to Council's records management policy and procedures.

**Non-Compliance**

- 4.19. Non-compliance with the provisions of this policy may result in disciplinary action being taken in accordance with Council's policies and procedures.



## STRATEGIC POLICY

### Media Relations Policy

Endorsed by Council

22 November 2023

## 5. Related Policies and Legislation

- Confidentiality for Councillors Policy
- Code of Conduct for Councillors
- Code of Conduct (Staff)
- Community Engagement Strategy
- Social Media Policy
- Information Management Policy

## 6. Definitions

**CEO** means the Chief Executive Office of Council.

**Comment** includes but is not limited to public speaking engagements, comments to radio, television, press, online media outlets, social media, views expressed in letters to newspapers or in books, journals and notices where it is expected that the publication or circulation of the comment will spread to the community at large.

**Communication** refers to all forms of communication with the media and similar outlets including, but not limited to, interviews, press statements, emails, letters, phone calls and messages.

**Council** means Whitsunday Regional Council.

**Councillor** means all elected representatives who hold (current) office with Council, including the Mayor.

**Employee** means a person who carries out work in any capacity for Council, including for example temporary, or permanent employees, contractors, sub-contractors, employees of a labour hire company, outworkers, trainees, apprentices, volunteers and work experience students.

**Media** means all forms of published or broadcast content such as newspapers, radio, television, magazines, media releases, social media, plus digital media platforms including blogs and online news sites. Media includes all organisations involved in publishing (external) media content, including freelancers.

**Spokesperson** a person who speaks as a designated representative of Council.

| COUNCIL POLICY          |                                      |                    |                 |
|-------------------------|--------------------------------------|--------------------|-----------------|
| Date Adopted by Council | 22 November 2023                     | Council Resolution | OM2023/11/22.20 |
| Effective Date          | 22 November 2023                     | Next Review Date   |                 |
| Responsible Officer(s)  | Communications and Marketing Manager | Revokes            | CP_OMCEO_03     |



## STRATEGIC POLICY

### Councillor Roles in Development Matters

**Endorsed by Council**

**22 November 2023**

## 1. Purpose

- 1.1 Council is committed to serving the public interest and pursuing matters that advantage the Whitsunday region and its community, including in the context of development matters. Many aspects of development proposals seek to advance the economic and community development goals and environment and liveability aspirations which Council seeks to realise through its Corporate Plan, regional strategies and initiatives. The way in which Council discharges its obligations in managing, assessing and deciding development applications can generate investor confidence and employment growth, accommodate and respond to public interests and preserve and enhance the region's natural assets.
- 1.2 Councillors and Council employees are frequently contacted by proponents and participants in the development assessment process regarding proposals or specific development applications. While there is no express statutory prohibition on Councillors or Council employees engaging with proponents and participants in the development assessment process, these interactions should always be carried out ethically, lawfully, transparently and in the public interest.
- 1.3 Distinct from developing and implementing regional and Council strategies, the development application and assessment process is a defined statutory process that must be transparent, objective and legally correct. In respect of all aspects of the development assessment process, Council will always aim to:
  - 1.3.1 reinforce its commitment to open, transparent, efficient, effective and objective decision-making in accordance with statutory requirements;
  - 1.3.2 provide for appropriate involvement by stakeholders in the decision-making process;
  - 1.3.3 support Councillors in discharging their responsibilities for the strategic direction of Council and the region, representing the interests of the region and their constituents and acting in a way that promotes integrity;
  - 1.3.4 assist Councillors to avoid any inference or allegations of dishonesty, bias or undue influence in the performance of their public or professional duties ;
  - 1.3.5 keep Councillors regularly informed of development related matters; and
  - 1.3.6 minimise the risk of non-compliance with legislation by Councillors.
- 1.4 The purpose of this policy is to:
  - 1.4.1 clarify how Councillors may engage with Developers in the current and future interest of the Whitsunday region, particularly where there is no matter before the Council;
  - 1.4.2 provide a framework for how Councillors should engage with Developers or Submitters once a matter has been formally lodged with the Council; and



## STRATEGIC POLICY

### Councillor Roles in Development Matters

Endorsed by Council

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1.4.3 provide guidance on where a Councillor has, or is likely to have, a Prescribed conflict of interest or Declarable conflict of interest in relation to a particular development application.

1.5 This policy will assist Councillors when interacting with stakeholders, and promotes decision making in the public interest, good governance, and enhanced community confidence in Council.

## 2. Scope

2.1 Councillors and Council employees (delegated and non-delegated) may represent the interests of the Whitsunday community as a whole in an advocacy role for investment attraction, promoting sustainability, industry development and generating business and investment confidence. Such activities, conducted ethically and lawfully, are appropriate roles for Councillors and Council employees and are not inconsistent with the requirements of this Policy.

2.2 This policy applies to Councillors and is consistent with the LGA, the *Integrity Act 2009* (Qld) and the Planning Act.

2.3 This policy does not apply to unanticipated or social engagements that occur from time to time between Councillors, Developers or Submitters. However, Councillors should carefully consider the implications of social engagements with these persons and be mindful at all times of their obligations under this policy, the LGA and the Code of Conduct for Councillors in Queensland

2.4 This policy does not apply to Councillor interactions with the community about the making or amending of planning instruments such as planning scheme amendments, new planning scheme preparation, neighbourhood/local area plans or the like.

## 3. Policy Statement

3.1 Council is committed to representing the overall public interest of the Whitsunday area. Council must ensure that all decisions are legal, ethical, and impartial in accordance with the Local Government Principles, and the responsibilities of councillors identified in the LGA.

3.2 Councillors engage with many people in the community in relation to a broad range of matters. Open access to Councillors and Council itself is vital to efficient and effective local government.

3.3 Developers and Submitters seek access to Councillors to discuss potential and existing development applications and other projects. The community has a clear expectation that interactions with these stakeholders are undertaken transparently and in the public interest.



## STRATEGIC POLICY

### Councillor Roles in Development Matters

Endorsed by Council

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- 3.4 It is an offence for councillors to accept gifts, benefits, or donations from property developers as prescribed in the Local Government Electoral Act 2011 (Qld). The ECQ administers this legislation under the prohibited donors scheme.

## 4. Guiding Principles

### Councillor Roles in Development Applications

- 4.1 The Planning Act and Economic Development Act prescribe the circumstances in which Council decides a development application. In some circumstances, Council delegates this power to Employees.
- 4.2 When Council is deciding an application, the provisions of the Planning Act and the Development Assessment Rules apply.
- 4.3 Councillors individually and the Council collectively, must not pre-determine an application and cannot consider matters that are irrelevant or unrelated to a development assessment process.

### Guidelines For Councillor Interactions with Developers, Lobbyists and Submitters

- 4.4 Adopting a structured approach to Councillors' interactions with Developers and Submitters will allow Councillors to engage appropriately in the public interest and reduce their risk of engaging in, or being accused of engaging in, a conduct breach, misconduct or corrupt conduct.
- 4.5 If a Developer or Lobbyist wants to discuss a formally lodged Development Application with a Councillor, the request should be referred to the Office of the CEO or other nominated Council officer, to co-ordinate and diarise a meeting appointment. A meeting in this context may be face-to-face, virtual or by telephone.
- 4.6 When meeting with a Developer or Submitter about a formally lodged Development Application, a Councillor should conduct the meeting in the presence of an appropriate third party. Examples of an appropriate third party include the CEO, the Director of Planning, or other appropriate senior officers of Council.

**[Note: Records of meetings must be kept in accordance with the Public Records Act 2002 (Qld). A recording of a meeting, including an audio recording, is a document under the Right to Information Act 2009 (Qld) and may be releasable.]**

- 4.7 When interacting with a Developer or Submitter about a formally lodged Development Application, Councillors should:
- 4.7.1 state that any opinions expressed by the Councillor are personal to the Councillor and do not in any way represent a formal Council view;



## STRATEGIC POLICY

### Councillor Roles in Development Matters

Endorsed by Council

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- 4.7.2 make it clear that a final decision can only be made after all relevant material has been prepared and considered, and must be assessed and decided in accordance with the Planning Act;
  - 4.7.3 make clear that they can provide general information on the application process but cannot give definitive advice about a proposed development's prospects of success;
  - 4.7.4 maintain the confidentiality of any information, records, briefings, and discussions that, if released at a particular point in time, could prejudice the assessment process interests of council, the public at large, or another party; and
  - 4.7.5 suggest that the Developer or Submitter seek independent professional advice where relevant.
- 4.8 While Councillors are entitled to express a personal opinion about a Development Application, they should be aware that the expression of a personal opinion whether positive or negative, may impact on the perception of their impartiality as a decision-maker should they be required to decide the matter.
- 4.9 Under the *Integrity Act 2009* (Qld), lobbyists are required to inform Councillors that they are a lobbyist when making initial contact (for example, when seeking to arrange a meeting). In addition to the record keeping requirements detailed above, interactions between Councillors and lobbyists should be recorded in Council's Register of Contact with Lobbyists. Nothing in this policy requires a Councillor to meet with a lobbyist at any time.

### Stages Of The Development Assessment Process

- 4.10 Councillors have additional responsibilities in relation to their interactions with Developers and Submitters at each of the following stages in the development assessment process, as detailed below.
- 4.11 Pre-application (When there is no application before Council):
- 4.11.1 Councillors may interact with Developers in the pre-application stage to promote the benefits of developing in the Whitsunday Region and encourage responsible and appropriate development;
  - 4.11.2 Councillors can also discuss what is publicly known about a potential development with the general public;
  - 4.11.3 However, if a Councillor is likely to have a conflict of interest should a particular Development Application be lodged with Council, it is recommended that the Councillor refrain from interacting with the developer in relation to that matter.

**[Note: Conflict of interest obligations under the LGA can extend to discussing a conflicted matter]**



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**Councillor Roles in Development Matters**

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**4.12 Formal Pre-lodgement Meetings (Meetings between Developers and Council Employees):**

- 4.12.1 Reports on formal pre-lodgement requests and scheduled pre-lodgement meetings are provided to Councillors if requested;
- 4.12.2 A Councillor's requests for advice or information relating to a formal pre-lodgement meeting should be made in accordance with Council's Acceptable Request Guidelines;
- 4.12.3 Councillors may attend a formal pre-lodgement meeting in order to gain a more detailed understanding of a project or development proposal

**4.13 Formal-lodgement and assessment of development applications (after an application is lodged):**

- 4.13.1 Councillors must not direct, or attempt to direct, an Employee in the course of their duties to assess and report on a Development Application.

**[Note: Section 1704 of the LGA prohibits a Councillor directing an Employee, other than the Mayor directing the CEO. It is misconduct to breach this prohibition.]**

- 4.13.2 Councillor requests for advice or information relating to a development application should be made in accordance with Council's Acceptable Request Guidelines Policy.
- 4.13.3 Once a Development Application is lodged and is being assessed by Employees, Councillors should not initiate nor seek to be involved in internal meetings or meetings with the Developer about the Development Application under assessment.
- 4.13.4 If a Councillor is invited, and agrees, to engage in an interaction with a Developer or Submitter at this stage of the process, those interactions should occur having regard to the guidelines for Councillor interactions with Developers and Submitters (see above).
- 4.13.5 If it becomes necessary for a Councillor to provide feedback on issues of concern to the community, the Councillor may initiate a meeting with a Developer or Submitter having regard to the guidelines for Councillor interactions with Developers and Submitters (see above).
- 4.13.6 If a Councillor has a Prescribed conflict of interest or Declarable conflict of interest in relation to a Development Application which is under assessment, they must not:
  - 4.13.6.1 discuss the matter with any other Councillor or Employee who may be a participant in deciding that matter; or



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**22 November 2023**

4.13.6.2 interact with a Developer or Submitter in relation to that matter.

**4.14 Development application decision (when an application is being decided)**

4.14.1 If the Development Application is being decided by Employees under delegation:

4.14.1.1 It is generally not appropriate for Councillors to interact with a Developer or Submitter about a Development Application, particularly where the Developer or Submitter is aggrieved by the Employees' assessment of the Development Application, or is seeking the Councillor's intervention in the assessment or decision.

4.14.1.2 Councillors should advise the Developer or Submitter to speak directly to the CEO or other appropriate senior officer (i.e., Director of Planning) if they are aggrieved. Similarly, if Councillors receive any information from a Developer or Submitter, they should provide it to the CEO or other appropriate senior officer.

4.14.1.3 If a Councillor has either a Prescribed conflict of interest or Declarable conflict of interest in relation to the Development Application, they must not participate in relation to the decision.

**[Note: See section 150EE of the LGA.]**

4.14.2 If the application is to be decided by Council, rather than under delegation:

4.14.2.1 While Councillors are not obligated to do so, it is acceptable for Councillors to interact/meet with Developers and Submitters leading up to the meeting where the decision is to be made;

4.14.2.2 In these instances, Councillors should follow the guidelines for Councillor interactions with Developers and Submitters (see above).

4.14.2.3 Councillors should convey any key information arising from such meetings to the CEO and the Director of Planning or equivalent, if they are not present at that meeting.

4.14.2.4 Councillors should disclose to other Councillors who were not at the meeting the recording or other record made of the meeting, so that all decision makers have access to the same information.

4.14.2.5 After Employees have prepared a report and made a recommendation, and that report has been listed on a Council meeting agenda, Councillors may seek additional information from Employees to ensure their duties are properly discharged when deciding the Development Application. Information may be provided through a Council briefing, general meeting (or delegated decision committee) or



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### Councillor Roles in Development Matters

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through a request in accordance with Council's Acceptable Request Guidelines.

- 4.14.2.6 As required under the Planning Act, Councillors should ensure they genuinely consider the Development Application, any submissions to the application, Council's report, including the assessment and recommendations by Employees, prior to them making a decision on the proposed development. The assessment of a Development Application must occur pursuant to the process detailed in the Planning Act.

- 4.14.2.7 If a Councillor has a Prescribed conflict of interest or Declarable conflict of interest in relation to the Development Application, they must declare the interest to the CEO and manage the conflict in accordance with the ordinary processes.

*[Note: if a Councillor has a Declarable conflict of interest, clearance from Council is required before the Councillor can participate in relation to the matter. A Councillor with a Prescribed conflict of interest cannot participate in relation to a matter. Note the wide definition of 'participate' in section 150EE of the LGA]*

#### 4.15 Post-Development Decision and Appeal (After An Application Has Been Decided)

- 4.15.1 Once a decision has been made by Council, Councillors should respect that decision.
- 4.15.2 The post-decision phase of any Development Application is particularly sensitive and can involve negotiations between parties having an interest in the outcome of the application. Under the Planning Act, every applicant has the right to negotiate with Council on conditions and the scope of any approval issued by Council. All such negotiations should be attended by Council Employees or representatives, and Councillors should not be involved.
- 4.15.3 From the time a decision has been made until the end of the appeal period, Councillors should not engage with the relevant Developer or Submitter in relation to the Development Application.
- 4.15.4 If an appeal is lodged, Councillors should also refrain from interactions about the matter with the Appellants or Co-Respondents and should avoid commenting publicly about matters before the Planning and Environment Court. Comments from Councillors while an appeal is ongoing can prejudice the appeal and undermine Council.
- 4.15.5 Employees and Council's legal representatives manage the conduct of an appeal. During the course of an appeal 'without prejudice' meetings may be held between the parties to try to reach an agreement or limit the issues in dispute.



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Councillors do not attend 'without prejudice' meetings. Employees will advise Councillors:

- 4.15.5.1 when an appeal is lodged;
- 4.15.5.2 when something significant occurs in relation to an appeal; and
- 4.15.5.3 when an appeal is resolved.

## 5. Related Policies and Legislation

*Economic Development Act 2012;*

*Integrity Act 2009;*

*Local Government Act 2009;*

*Planning Act 2016;*

*Public Records Act 2002.*

Code of Conduct for Councillors in Queensland;

Acceptable Requests Guidelines;

Whitsunday Regional Council planning scheme, policies and documentation, and other relevant planning instruments;

Register of Contact with Lobbyists;

Development Assessment Rules.

## 6. Definitions

**CEO** means the Chief Executive Officer of Council.

**Council** means Whitsunday Regional Council.

**Councillor** means the elected representatives who hold (current) office with Council, including the Mayor.

**Development application** has the meaning given under the Planning Act, and for the purpose of this policy includes a potential or mooted development application, and an application in which Council is an assessment manager or referral agency (however described).

**Development Assessment Rules** has the meaning given by the Planning Act.

**Developer** means an applicant for a development approval or a prospective applicant for a development approval, their advisors, and representatives. It includes any lobbyist acting on behalf of a developer. If the applicant is a body corporate, the term includes office holders and employees of the applicant. If the applicant is a partnership, the term includes partners and employees of the applicant.

**Economic Development Act** means the *Economic Development Act 2012* (Qld)

**ECQ** means the Electoral Commission of Queensland.



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|-----------------------------------------|------------------|
| Councillor Roles in Development Matters |                  |
| Endorsed by Council                     | 22 November 2023 |

**Employee** means a person who carries out work in any capacity for Council, including for example temporary, or permanent employees, contractors, sub-contractors, employees of a labour hire company, outworkers, trainees, apprentices, volunteers and work experience students.

**Interaction** means a pre-arranged engagement in relation to a development matter (including face-to-face, virtual or by telephone).

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

**Lobbyist** has the same meaning as defined in the *Integrity Act 2009*, that is, a person or entity who carries out lobbying for a third-party client.

**Local Government Principles** has the meaning given in the LGA.

**Planning Act** means the *Planning Act 2016* (Qld).

**Submitter** is a person who has made a submission, or expressed an intention to make a submission, about a Development Application as provided under the Planning Act. It includes any lobbyist or consultant acting on behalf of a submitter.

| COUNCIL POLICY                |                                       |                    |                                                                                                   |
|-------------------------------|---------------------------------------|--------------------|---------------------------------------------------------------------------------------------------|
| Date Adopted by Council       | 22 November 2023                      | Council Resolution | OM2023/11/22-20                                                                                   |
| Effective Date                | 22 November 2023                      | Next Review Date   |                                                                                                   |
| Responsible Officer(s)        | Manager Governance and Administration | Revokes            | Councillors contact with developers, consultants, lobbyists and submitters Policy<br>LSP_OMCEO_05 |
| Public Consultation: Yes / No | No                                    |                    |                                                                                                   |



## Gifts and Benefits Policy

Office of the Mayor and CEO

OMCEO\_16

### Purpose

The purpose of this policy is to provide a framework for the management of gifts and benefits received by Councillors and Council employees, in accordance with the parameters and requirements of the Local Government Regulation 2012, Council Employee Code of Conduct and Code of Conduct for Councillors in Queensland.

This policy is intended to support Councillors and Council employees to maintain high levels of integrity and public trust, and to display behaviours which are consistent with the Code of Conduct for Staff, the Code of Conduct for Councillors in Queensland and the Local Government Act principles of transparent and effective processes, and decision-making in the public interest, good governance of, and by, local government, and ethical and legal behaviour of Councillors and local government employees.

### Scope

This policy applies to all Councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time, or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.

This policy applies to all gifts, benefits or hospitality offered to, or received by, Councillors and Council employees from external sources.

This policy does not apply to electoral gifts to Councillors as defined in the *Local Government Electoral Act 2011*, gifts, benefits, and hospitality offered to Council employees or Councillors as a result of Council policies or management directives, such as recognition of service awards.

Discounts that are commonly available to any individual who meets the general requirements and are received by Council employees or Councillors but do not specifically relate to Council business or related activities. Examples may include corporate discounts offered for leisure centres or health fund membership, discounts available to local ratepayers or residents, bulk purchase discounts etc.

### Applicable Legislation

This Policy is in reference to *Local Government Act 2009* ('the Act').

### Policy Statement

Councillors and Council employees hold positions of public trust and must carry out their duties impartially and with integrity. The provision of gifts and benefits to Councillors and Council employees can create perceptions of a conflict of interest. Council is committed to and will uphold the following principles applying to gifts, benefits, and hospitality.



## Gifts and Benefits Policy

Office of the Mayor and CEO

OMCEO\_16

### Principles

**Impartiality** - Councillors and Council employees have a duty to place the public interest above their private interests when carrying out their official functions. They must not accept gifts, benefits or hospitality that could raise a reasonable perception of bias or preferential treatment. Councillors and Council employees must not accept gifts, benefits, or hospitality from external sources about whom they are likely to make business decisions.

**Accountability and Transparency** - Councillors and Council employees are accountable for declaring all non-token offers of gifts, benefits and hospitality including those offers that were subsequently declined, and declining non-token offers of gifts, benefits and hospitality that do not relate to a legitimate business benefit. Council employees with direct reports are accountable for overseeing management of their direct reports' acceptance or refusal of non-token gifts, benefits, and hospitality; and are expected to model good practice.

**Integrity** - Councillors and Council employees strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations. Individuals must refuse any offer that may lead to an actual, perceived, or potential conflict of interest.

**Risk Management** - Council - through its policies and processes - will ensure gifts, benefits and hospitality risks are appropriately assessed and managed. Council employees with direct reports will ensure they are aware of the risks inherent in their team's work and functions and monitor the risks to which their staff are exposed.

#### Soliciting Gifts or Benefits

5. Soliciting gifts or benefits is strictly prohibited under all circumstances.
6. If a Councillor or employee becomes aware of a situation of soliciting gifts or benefits, they must report it to the CEO immediately.
7. The CEO must notify the Crime and Corruption Commission of any soliciting of gifts or benefits by Councillors or employees.

#### Bribery

8. Acceptance of money or any other gifts perceived as bribery is strictly prohibited in all cases and must be reported immediately to the CEO.
9. An offer of money perceived as bribery must be reported immediately to the CEO.
10. The CEO must notify the Crime and Corruption Commission of any offer of money as soon as practicable after the offer has been made.



## Gifts and Benefits Policy

Office of the Mayor and CEO

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### Prizes (i.e., lucky door prizes, gifts from conferences or functions, raffles)

On occasions Councillors and staff may enter a competition while representing WRC on official business, for example a door prize at a community event or a business card prize draw at a conference.

If the winning of such a prize does not influence or compromise the integrity and impartiality of the recipient, create a conflict of interest or compromises WRC's position in any way, it is deemed reasonable for such prize to be retained by the prize winner.

Raffle winnings from tickets that a Councillor or staff have paid for privately during an official function are not considered a gift or benefit and will not need to be declared.

### Individual Awards received in an official capacity.

If an employee or a Councillor receives an individual award in recognition of work undertaken in an official capacity which includes components that could be deemed a gift or benefit, then the award must be declared. Generally, it is deemed reasonable for such a gift or benefit to be retained by the award recipient if it does not compromise the integrity or impartiality of the recipient, create a conflict of interest, or comprises WRC in any way.

If the award is received in a personal capacity for work unrelated to their employment with WRC, then the award does not need to be declared.

### Sponsorship and General Invitations (i.e., Corporate Box and event invitations)

Sponsorship-there may be occasions when WRC is offered entry tickets as a result of WRC sponsoring an event or Agreement with a third party.

Tickets which have been gifted because of some form of WRC sponsorship will become the property of WRC and are not required to be declared.

**Note:** for clarity sponsorship gifts are not required to be entered into the Waiving of Fees and Charges Register.

For consistency in the distribution of bulk sponsorship tickets and invitations offered and received by WRC these must be distributed as follows:

1. Mayor (then Deputy Mayor); then 2. Councillors; then 3. ELT members; then 4. Managers; then 5. Coordinators and Officers.

### General invitations

Any invitations in relation to corporate box, sporting events, concerts or other events issued to a Councillor or staff personally must be declared, even when the invitation appears to be issued on a personal basis, this includes personal invitations for events which WRC sponsors.



## Gifts and Benefits Policy

Office of the Mayor and CEO

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### Small Tokens of Thanks

These types of gifts (i.e., bottles of wine, box of chocolates) can normally be accepted as a matter of social convention, however the value of the gift, sensitivity of the recipient's position and perception should be considered and declared.

### Acceptance of gifts and benefits

11. The CEO and Directors are the only persons with authority to grant approval to employees accepting and/or retaining gifts or benefits.
12. If an offer of a benefit involves payment of a subscription to attend a function or event, the offer must be refused unless the relevant Authorised Officer is satisfied that the employee's attendance in an official capacity representing Council is of benefit to Council for networking or other transparently beneficial reasons.
13. Each type of gift or benefit carries a level of risk that Councillors and employees should consider when deciding whether the gift or benefit should be accepted or declined.
14. In determining whether acceptance of a gift is appropriate, the three major considerations are:
  - 14.1. the intent in which the gift or benefit is given;
  - 14.2. the public perception of acceptance of the gift or benefit; and
  - 14.3. the value of the gift or benefit.
15. Acceptance of a gift or benefit may be considered only if it complies with the following principles:
  - 15.1 it does not influence, or have the potential or perceived potential, to influence, in any way so as to compromise, or appear to compromise, the integrity and impartiality of the Councillor or employee, or to create a conflict of interest, or perception of conflict of interest; and
  - 15.2. it is not related to advice or decisions about (but not limited to):
    - 15.1.1 granting licences;
    - 15.1.2 inspecting and regulating businesses;
    - 15.1.3 giving approvals; or
    - 15.2.4. letting contracts; and
  - 15.3 it does not incur any cost to Council; and
  - 15.4 it must not involve money, or anything easily converted to money such as shares.



## Gifts and Benefits Policy

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- 16 If a gift or benefit has been received in the circumstances that Council has provided sponsorship or grant, CEO approval is required before acceptance of the gift or benefit occurs.

### Acceptance of gifts or benefits

17. A gift or benefit must not be accepted if any of the following principles apply:

- 17.1 it is considered as a gift of influence;
- 17.2 it affects, or could be perceived to affect, the performance of the recipient's official duties or influences, or could be seen to influence, the decision-making or behaviour of the recipient;
- 17.3 the gift giver or any reasonable observer would conclude that the recipient may be under obligation to the gift giver;
- 17.4 it is not offered openly; or
- 17.5 it is an offer of money or anything readily convertible to money, for example, shares.

### Gifts and/or Benefits of Nominal Value (less than \$150)

Where a Councillor or employee are offered a gift and/or benefit of nominal value (less than \$150) WRC deems it reasonable for the recipient to accept and keep the gift and/or benefit, provided that doing so does not breach any part of this Policy or the Act.

This gift and/or benefit is not required to be recorded in the Gifts Register, however, may need to be recorded in the Register of Interest in accordance with the *Local Government Act 2009* and the Local Government Regulation 2012.

**Note: Cash is excluded and should not be accepted under any circumstances.**

Any gift and/or benefit received by a Councillor or staff as appreciation of a task or service carried out by a group of Staff members or Councillors should be shared with the members of that respective team.

Cumulative gifts and/or benefits received from the same giver which when combined exceed the nominal value threshold of \$150 in a twelve-month period (financial year) must be disclosed to the CEO. In the case of the CEO and Councillors, disclosure will be to the Mayor. In the case of the Mayor, disclosure will be to the Deputy Mayor. The offer of cumulative gifts and/or benefits which exceed the threshold of \$150 over a period of 12 months must also be entered on the Gifts Register.

### Gifts and/or Benefits with a Value of \$150 - \$500

Any gift and/or benefit received by a Councillor or staff with a value between \$150 - \$500 will become the property of WRC in the first instance. The gift and/or benefit must be entered in the Gifts Register or in the Register of Interest in accordance with the *Local Government Act 2009* and the Local Government Regulation 2012.



## Gifts and Benefits Policy

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Retention of a gift and/or benefit by the recipient will be at the discretion of either the CEO, Mayor, or Deputy Mayor.

Should the decision be that the gifts and/or benefits will not be retained by the recipient, it must be disposed of in an appropriate and transparent manner. For example:

- return the gifts and/or benefits to the giver;
- share the gifts and/or benefits amongst the recipient's team and/or department;
- auction the gifts and/or benefits with the proceeds being donated to charity;
- donate the gifts and/or benefits to a charitable or community facility; and
- ownership passed to WRC allowing the gifts and/or benefits to go on public display where appropriate.

### Gifts and/or Benefits with a Value of Greater than \$500

Any gift and/or benefit received by a Councillor or Staff with a value greater than \$500 must be reported, and acceptance of the gifts and/or benefits by the recipient will be at the discretion of the CEO, Mayor, or Deputy Mayor.

Unless there are specific reasons to support acceptance, approval is unlikely to be given for gift and/or benefit with a value greater than \$500 to be retained by the individual. Retention will only be granted in exceptional circumstances.

Should the decision be that the gifts and/or benefits will not be retained by the recipient, it must be disposed of in an appropriate and transparent manner. For example:

- return the gifts or benefits to the giver;
- share the gifts or benefits amongst the recipient's team and/or department;
- auction the gifts or benefits with the proceeds being donated to charity;
- donate the gifts or benefits to a charitable or community facility;
- ownership passed to WRC allowing the gifts or benefits to go on public display where appropriate.

Gifts and/or benefits with a value greater than \$500 (whether retained or not) must be entered in the Gifts Register. There may still be a requirement to include receipt of the gifts and/or benefits on an individual Register of Interest in accordance with the *Local Government Act 2009* and the Local Government Regulation 2012.

### Ceremonial Gifts

All ceremonial gifts presented to a Councillor or staff on behalf of WRC will be the property of WRC and must be passed to the CEO.

### Gifts Register

18. The Office of the CEO shall keep a register of all gifts and benefits ("gifts register"), and offers of gifts or benefits, received by Councillors and employees.



## Gifts and Benefits Policy

Office of the Mayor and CEO

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19. The gifts register shall include the following information:
  - 19.1 date of the offer;
  - 19.2 details of the person and/or organisation offering the gift;
  - 19.3 the name of the recipient;
  - 19.4 description of the gift or benefit;
  - 19.5 estimated value of the gift or benefit;
  - 19.6 decision regarding whether the gift should be retained by the recipient or otherwise; and
  - 19.7 name of the Authorised Officer who made the decision.
20. Any employee who receives a gift or benefit is required to fill out the appropriate form and provide the completed form to the Office of the CEO within ten (10) business days of receiving the gift or benefit.
21. Any Councillor who receives a gift or benefit that has a retail value of more than \$150.00 is required to fill out the appropriate form and provide the completed form to the Office of the CEO within ten (10) business days of receiving the gift or benefit.
22. If Councillors receive multiple gifts or benefits from the same donor, or associates of that donor, in any financial year and the cumulative value is more than \$150.00, each gift or benefit must be reported as per clause 21. Councillors should keep a record of gifts or benefits of value under \$150.00 to track the cumulative value.

### Exclusions

23. Items which can be regarded as mementos such as ties, cufflinks, pens, stationery or the like, the fair market price of which would not exceed gift declaration guidelines at the time of purchase and at the place of purchase.
24. Items provided to employees or Councillors under an approved reward program e.g., years of service recognition.
25. Gifts received from family members or personal friends (except where they are a Council employee and/or Councillor) offered in a purely personal capacity.
26. If a gift over the Gift Declaration Limit does not need to be disclosed under this policy, but the gift may give rise to an actual or perceived conflict of interest it must be disclosed via the Council's "conflicts of interest disclosure" process.



## Gifts and Benefits Policy

Office of the Mayor and CEO

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### Definitions

**CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*. This includes a person acting in this position.

**Council** refers to the Whitsunday Regional Council.

**Councillor** means the Mayor and Councillors of the Whitsunday Regional Council.

**Employee** refers to any employee, contractor, volunteer etc. of the Council.

**Gifts or Benefits** refers to the transfer of a property or other benefit without recompense or for a consideration substantially less than full consideration or a loan of property made on a permanent or an indefinite basis received by a Councillor or employee when they are acting in their official capacity. For the purpose of this policy, gifts and/or benefits include tangible items and intangible items (including hospitality). It does not include gifts or benefits given or received under an appropriately approved employee health and well-being program or an appropriately approved rewards and recognition programs.

The receipt of a benefit or item and includes:

- Loans of money, including provision of overdraft facilities (e.g., credit card or guarantor for a loan).
- The sale of virtual property with a sale price below proper valuation.
- Hospitality, including meals, entertainment, and accommodation.
- Conferences (not paid by Council or personally), sporting and cultural activities.
- All travel (not paid by Council or personally).
- Associations, organisations, and memberships (not paid by Council or personally).
- The transfer of money or property.

The provision of use of property, equipment, or services free of charge, at a reduced rate, for a period of time or an unspecified period (e.g., use of a holiday unit).

**Nominal value** is the monetary limit of the value of gifts or benefits that may be accepted (i.e. total value of gift or benefit received). A gift or benefit is of nominal value when it has no significant or lasting value.

**Non token items** are of a more individual nature, with a value above the nominal value limit. Items may include free or discounted travel; use of holiday homes; corporate hospitality at major sporting events; free training excursions; tickets to major events and access to confidential information.

**Token** is often mass produced (i.e., pens, calendars, ties, or items with a company logo on them), offered in business situations to individuals. They usually have a value under the nominal value limit.



## Gifts and Benefits Policy

Office of the Mayor and CEO

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### Relating Documents

Councillor Code of Conduct  
Employee Code of Conduct  
Entertainment and Hospitality Policy  
*Local Government Act 2009*  
Local Government Regulation 2012  
Code of Conduct for Councillors in Queensland

### Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

| COUNCIL POLICY                |                                       |                    |                 |
|-------------------------------|---------------------------------------|--------------------|-----------------|
| Date Adopted by Council       | 22 November 2023                      | Council Resolution | OM2023/11/22.20 |
| Effective Date                | 22 November 2023                      | Next Review Date   | N/A             |
| Responsible Officer(s)        | Manager Governance and Administration | Revokes            | NIL             |
| Public Consultation: Yes / No | No                                    |                    |                 |



## Related Party Disclosure Policy

Corporate Services

CORP\_87

### Purpose

The purpose of this policy is to ensure that Council's financial statements comply with the disclosure requirements under the Australian Accounting Standard AASB 124 Related Party Disclosures.

### Scope

This policy is applicable to all Councillors and Key Management Personnel 'KMP'.

### Policy Statement

1. This policy shall be applied by Council and its auditors in:
  - 1.1. identifying related party relationships and transactions;
  - 1.2. identifying outstanding balances between Council its related parties;
  - 1.3. identifying the circumstances in which disclosure of the items in paragraphs 1.1 and 1.2 are required; and
  - 1.4. determining the disclosures to be made about the items in paragraphs 1.1 and 1.2.

#### Disclosure Requirements

2. Council shall report in its annual report details of remuneration, expenses incurred and facilities provided to Councillors as required under s186 of the Regulation.
3. Council shall report in its annual report details of remuneration to KMP as required under s201 of the *Local Government Act 2009* ('the Act').
4. Compensation to Key Management Personnel as per clause 3 is to be disclosed in total and for each of the following categories:
  - 4.1. short-term employee benefits;
  - 4.2. post-employment benefits;
  - 4.3. other long-term benefits; and
  - 4.4. termination benefits.
5. Council shall disclose in its financial statements related party relationships, leases, transactions (monetary and non-monetary), outstanding balances and commitments. At a minimum, disclosures shall include:
  - 5.1. the value of the transaction(s);
  - 5.2. the value of outstanding balance(s) and their terms and conditions, including whether they are secured, and the nature of consideration to be provided in settlements;
  - 5.3. the nature of the related party relationship;
  - 5.4. details of any guarantees given or received;
  - 5.5. provisions for doubtful debts related to the amount of outstanding balances; and
  - 5.6. the expense recognised during the period in respect of bad or doubtful debts due from related parties





## Related Party Disclosure Policy

Corporate Services

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6. Disclosures made as per clause 5 shall be made separately for the following categories:
- 6.1. subsidiaries (irrespective of whether there have been transactions between entities);
  - 6.2. associates;
  - 6.3. joint ventures in which Council is a joint venturer;
  - 6.4. KMP and close family members; and
  - 6.5. other related entities.

### Excluded from detailed disclosure

7. Council shall exclude from detailed disclosures those transaction with related parties of the Council that:
- 7.1. occur within a normal employee, customer or supplier relationship and at arm's length;
  - 7.2. occur under normal terms and conditions;
  - 7.3. are trivial or domestic in nature; or
  - 7.4. are individually or collectively immaterial.
8. Such transactions and amounts receivable or payable shall be disclosed in the financial statements by aggregate or general description.
9. The arm's length principle is the condition or fact that the parties to a transaction are independent and on an equal footing.
10. Normal terms and conditions are those that apply to the general public.
11. Transactions or balances are trivial in nature when they are of little or no interest to the users of the financial report in making decision about the allocation of scarce resources.
12. Transactions are domestic in nature when they are related to a person's personal household activities.
13. Materiality takes its meaning as defined in AASB 101 Presentation of Financial Statements. Assessing materiality requires judgement and shall be done in consultation with Council's external auditor and audit committee.

### Ordinary Citizen Transactions 'OCT'

14. Transactions with related parties of the Council which are of a nature that any ordinary citizen would undertake will be captured but will not be reported. If an OCT occurs on terms and conditions that are different to those offered to the general public, the transaction will be captured and reported in the financial statements.
15. OCT are transactions that occur during the course of delivering local government service objectives and which occur on no different terms to that of the general public.
16. Examples of OCT include:
- 15.1. using the Council's public swimming pool after paying the normal fee;
  - 15.2. parking fees at rates available to the general public;





## Related Party Disclosure Policy

Corporate Services

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- 15.3. attending Council functions that are open to the public;
- 15.4. fines on normal Terms and Conditions; and
- 15.5. paying rates and utility charges.
- 17. Example of transactions that are not OCTs include:
  - 16.1. infrastructure charges; and
  - 16.2. purchase of goods, regardless of conditions.

### Identification of Related Parties

- 18. The Office of the Mayor and CEO is responsible for maintaining a current register of related parties.
- 19. The Office of the Mayor and CEO will review the register of related parties every six months, or after a significant restructure. As part of said review, the KMP are required to review their Declaration.
- 20. KMP's are required to complete a Related Parties Declaration, to update their declaration within 30 business days of any change in circumstances and to review their Declaration annually.

### Privacy and Freedom of Information

- 21. Collection and storage of personal information is governed by the *Information Privacy Act 2009*.
- 22. Information provided by KMP and other related parties shall be held for the purpose of compliance with obligations under this policy and shall be disclosed where required for compliance or legal reasons only.

### Breach of Policy

- 23. Failure to disclose related party transactions will be deemed a breach of this policy and will be followed with disciplinary action.

### Notice of a Suspected Related Party Transaction

- 24. If any Councillor or employee believes that a transaction may constitute a related party transaction they must notify either the CEO or the Director Corporate Services.

### Training

- 25. Council will make this policy available to Councillors, management, officers, employees, consultants and contractors.
- 26. Internal training will be provided to relevant staff.

## Applicable Legislation

This policy is in reference to *Local Government Act 2009* ('the Act'), Local Government Regulation 2012 'the Regulation' and the Australian Accounting Standards.

## Definitions

**AASB** refers to Australian Accounting Standards Board

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





## Related Party Disclosure Policy

Corporate Services

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**Council** refers to the Whitsunday Regional Council

**Employee** refers to any employee, contractor, volunteer etc. of the Council

**Entities** include companies, trusts, joint ventures, partnerships and non-profit associations.

**Key Management Personnel and/or KMP** refers to persons having authority and responsibility for planning, directing and controlling activities of the entity, directly or indirectly. These have been identified as Senior Executive staff including Councillors, Chief Executive Officer, Directors, Chief Operating Officer, Executive Managers..

**Related party transactions** refers to transactions between a responsible person or a responsible person related party and Council and include but are not limited to loans, loan repayments, shares and share options within the economic entity. A transfer of resources, services or obligations regardless of whether a price is charged.

**Related parties** refers to AASB 124 Related Party Disclosure, namely "...a person or entity that is related to the entity (KMP) that is preparing its financial statements." A person or a close member of that person's family is related to Whitsunday Regional Council (COUNCIL) if that person:

- has control or joint control of Council;
- has significant influence over Council; or
- is a member of the KMP of Council.

A related party includes the spouses of the KMP, children and dependents of such KMP or spouses and any other entity under the joint or several control or significant influence of such related parties, spouses or children.

**Remuneration** refers to the remuneration package and includes any money, consideration or benefit received or receivable by the person as a responsible person or employee, but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transactions.

### Related Documents

Councillor Code of Conduct

Employee Code of Conduct

### Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

| COUNCIL POLICY                |                                       |                    |                  |
|-------------------------------|---------------------------------------|--------------------|------------------|
| Date Adopted by Council       | 23 November 2022                      | Council Resolution | OM2022/11/23.6   |
| Effective Date                | 23 November 2022                      | Next Review Date   | 23 November 2024 |
| Responsible Officer(s)        | Manager Governance and Administration | Revokes            | LSP_OMCEO_11     |
| Public Consultation: Yes / No | No                                    |                    |                  |





## Confidentiality for Councillors Policy

Office of the Mayor & CEO

OMCEO\_02

### Purpose

The purpose of this policy is to:

- provide guidance to Councillors in complying with Section 171(3) of the *Local Government Act 2009* 'the Act' regarding the proper handling of confidential information;
- support Councillors in balancing the right and duty to inform the public and consult with constituents about Council business with the interest Council has in preventing disclosure of confidential information; and
- assist Councillors in determining what confidential information is and how to deal with such information.

A Councillors role requires them to be in receipt of confidential information that may or may not be part of a formal Council meeting. Councillors must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

Note: A contravention of subsection (3) is misconduct.

### Scope

This policy is applicable to all Councillors including Councillors of past administrations.

This policy does not override an individual Councillor's statutory obligation in respect of the use of information, nor does it override Council's obligations under the Act or any other legislation or subordinate legislation to disclose or publish information where this is required by law.

### Applicable Legislation

This policy is in reference to section 171(3) of the Act and the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

### Policy Statement

- 1.1 Council acknowledges that it is custodian of extensive confidential information, the improper use or disclosure of which may affect individuals, organisations or Council or give an unfair advantage to someone.
- 1.2 Council shall operate in an environment of public accountability that seeks to inform the public of issues under consideration and the nature of decisions made by Council.
- 1.3 Council believes in the principle that information should be released to the public unless there are compelling reasons which indicate that this is not in the public interest.
- 1.4 Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.
- 1.5 Council shall endeavour, in the interests of public accountability, to limit the number of matters that are considered in closed sessions although Council acknowledges that it is appropriate to consider certain matters in closed meetings.



## Confidentiality for Councillors Policy

Office of the Mayor & CEO

OMCEO\_02

### Confidential Information

2. The following types of information shall be deemed to be confidential to Council unless or until Council resolves to the contrary in a particular instance:
  - 2.1 commercial in confidence information - including where the release of information would affect a company's competitive advantage; this is particularly relevant in a competitive tender situation;
  - 2.2 information derived from government departments or ministers that has been classified as confidential;
  - 2.3 information of a personal nature or about personal affairs, for example the personal details of Councillors or Council employees;
  - 2.4 information relating to a property disposal or acquisition process where release of the information may prejudice Council;
  - 2.5 information relating to a matter which is under investigation by the CEO or another agency;
  - 2.6 financial and legal analysis where the disclosure of that information may compromise Council or another person or organisation;
  - 2.7 information contained in correspondence to or from Council marked "private and confidential" or featuring like words;
  - 2.8 information relating to clients of Council;
  - 2.9 information not owned or controlled by Council;
  - 2.10 information that could result in any legal action being taken against Council, including for defamation;
  - 2.11 information involving legal advice to Council or a legal issue or a matter before the courts;
  - 2.12 information that is expressly given to Councillors in confidence; and
  - 2.13 information examined or discussed at Councillor briefing sessions, unless the Chief Executive Officer declares that such information (or part thereof) is not confidential;
3. Council acknowledges that some of the above classes of information may need to be disclosed from time to time for legal proceedings or in accordance with the *Right to Information Act 2009* and *Information Privacy Act 2009*.
4. The CEO may make a declaration that information concerning a specific matter is to be treated as confidential to Council, and the information will remain confidential unless or until Council resolves to the contrary.
5. If Council exercises its powers under the Act to close its meeting to members of the public, all information in relation to the matters discussed during that closed meeting or the closed portion of the meeting is confidential, unless and until the Council resolves to the contrary.
6. If a Councillor has any doubt as to whether Council considers information to be confidential, the Councillor is to act on the assumption that Council does consider the information confidential until the doubt is resolved by the CEO or at a subsequent meeting of Council.

### Responsibilities of Councillors



## Confidentiality for Councillors Policy

Office of the Mayor & CEO

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### 7. Councillors shall:

- 7.1. exercise due care when handling or using information acquired in their role as a Councillor;
- 7.2. acknowledge that there will be information that must be treated as confidential because to release it would reduce public trust and confidence in the integrity of Council;
- 7.3. acknowledge that disclosure of confidential information constitutes a breach of the Act and the Code of Conduct for Councillors, and that Council may take legal action for any damages caused and refer the breach to the relevant State Government agency;
- 7.4. if uncertain, presume information is confidential, and seek advice from the CEO prior to any release of it;
- 7.5. not disclose, and use their best endeavours to prevent disclosure of, confidential information to any person or organisation, specifically:
  - 7.5.1 avoid discussing confidential Council information with family, friends, business associates and/or the media; and
  - 7.5.2 ensure documents containing confidential information are properly safeguarded at all times - including materials stored at private or business residences.
- 7.6. not use confidential information (or any information acquired as a Councillor) to gain improper advantage for themselves or any other person or body;
- 7.7. not use confidential information (or any information acquired as a Councillor) to cause harm or detriment to Council or any other person or body;
- 7.8. ensure that information that may harm, prejudice or compromise the interests of Council, or any individual or organisation, is treated confidentially; and
- 7.9. ensure that sensitive information of an individual or business shares with another party in confidence, is treated confidentially;
- 7.10. appropriately declare conflicts of interest and/or material personal interests in a way which will avoid them becoming aware of confidential information relevant to their interest.
- 7.11. use IT facilities in accordance with the Reimbursement of Expenses and Provision of Facilities for Councillors Policy, protecting confidential information on any IT device they use, including not storing Council information on a device that is not owned by Council.

## Release of Confidential Information

### 8. The release of confidential information includes, but is not limited to:

- 8.1 orally telling any person about the information or any part of the information;
- 8.2 providing the original or a copy of documentation or any part of the documentation that is marked confidential; or
- 8.3 paraphrasing, in writing or orally, any confidential information.

## Breach of this Policy

9. A person may make a complaint about a breach by a Councillor of section 171(3) by giving notice of the complaint to the Council's Chief Executive Officer. A breach of section 171(3) is considered "misconduct".



## Confidentiality for Councillors Policy

Office of the Mayor & CEO

OMCEO\_02

10. Allegations of misconduct must be referred by the Chief Executive Officer to the Office of the Independent Assessor in accordance with *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018*.
11. If the assessor decides that a Councillor has breached section 171(3) of the Act, the assessor may make any one or more of the following orders or recommendations:
  - 11.1 Dismiss the complaint about the conduct of the Councillor;
  - 11.2 If the assessor reasonably suspects the Councillor's conduct is inappropriate conduct – refer the suspected inappropriate conduct to the local government to deal with; or
  - 11.3 If the assessor is reasonably satisfied the Councillor's conduct is misconduct – make an application to the conduct tribunal about the conduct; or
  - 11.4 Take no further action in relation to the conduct.
12. If the tribunal decides that a Councillor has breached the Act, the tribunal may make any one or more of the following orders or recommendations:
  - 12.1 An Order that the Councillor make a public admission that the council has engaged in misconduct or inappropriate conduct;
  - 12.2 An Order reprimanding the Councillor;
  - 12.3 An Order that the Councillor attend training or counselling to address the Councillor's conduct;
  - 12.4 An Order that the Councillor pay to the local government an amount that is not more than the monetary value of 50 penalty units;
  - 12.5 An Order that the Councillor reimburse the local government for all or some of the costs arising from the councillor's misconduct;
  - 12.6 An Order that the Councillor is not to attend a stated number of local government meetings, up to a maximum of three meetings;
  - 12.7 An Order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor; or
  - 12.8 A recommendation to the Minister that the Councillor be suspended from office for a stated period or from performing particular functions of the office.

### Applicable Legislation

This policy is in reference to section 171(3) of the *Local Government Act 2009* and the *Right to Information Act 2009* and the *Information Privacy Act 2009*.



## Confidentiality for Councillors Policy

Office of the Mayor & CEO

OMCEO\_02

### Definitions

**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

**Councillor** refers to the elected Mayor and Councillors of the Whitsunday Region

**Information** refers to any material including but not limited to letters, reports, documents, facsimiles, attachments, tapes, emails, electronic media and other forms of information including discussions during meetings.

### Related Documents

Acceptable Request Guidelines

Councillor Code of Conduct

Standing Orders - Meeting Policy

### Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

| COUNCIL POLICY                |                                       |                    |                 |
|-------------------------------|---------------------------------------|--------------------|-----------------|
| Date Adopted by Council       | 22 November 2023                      | Council Resolution | OM2023/11/22.20 |
| Effective Date                | 22 November 2023                      | Next Review Date   |                 |
| Responsible Officer(s)        | Manager Governance and Administration | Revokes            | Nil             |
| Public Consultation: Yes / No | No                                    |                    |                 |



## Private Email and Social Media Platforms Policy

Office of the Mayor & CEO  
OMCEO\_08

### Purpose

Comply with legislation relating to information access and distribution, including securing information and ensuring the posterity of information for the future.

Establish clear guidelines regarding Councillors' use of private email and private social media platforms that supports transparent, open and accountable government.

Information is an important council asset. This policy is aimed at ensuring any correspondence regarding Council business is conducted using official Whitsunday Regional Council email and social media channels and recorded in Council's recordkeeping system in accordance with relevant policies. Clear guidance for elected officials about the use of private email or private social media platforms for official purposes is required to support transparent, open and accountable government. The use of private email addresses by any elected official for official business lacks transparency and is a corruption risk.

### Scope

Access to and distribution of any correspondence or business relating to Whitsunday Regional Council is the responsibility of all Councillors, staff and contractors to ensure information is treated appropriately in accordance with the Local Government Act 2009, Information Privacy Act 2009, Right to Information Act 2009 and Public Records Act 2002.

### Policy Statement

1. Elected members are not to use private email or private social media platforms to conduct business associated with the role and purpose of Council. Any potential interaction on a private platform that is likely or may relate to a current or future Council consideration or decision is not to occur, rather such discussion is to be via the formal Council media platform.
2. Elected officials who receive an inquiry from a community member, contractor, developer or other agency via their personal email or social media should immediately direct the sender to forward that inquiry to their official Whitsunday Regional Council email address.
3. Failure to adhere to this policy is likely to bring the elected member and Council into disrepute and subject to a range of penalties as defined in the relevant legislation.
4. The use of private email and social media applications for official Council business does not support transparent, open and accountable government.
5. Whitsunday Regional Council requires all information relating to council's business transactions with the community, contractors, developers and agencies to be stored in the nominated council systems, where the integrity of information can be assured via system controls. The system controls allow council to be able to track access and actions on information, apply appropriate security, ensure information is backed up / stored appropriately and the information is accessible for future decisions, legislative action and efficient council operations.





## Private Email and Social Media Platforms Policy

Office of the Mayor & CEO  
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6. Private email, private document storage (cloud or other), or private devices must not be utilised to hold or transact council business, as access, backups and security is unable to be guaranteed, putting council's information at risk of being lost or stolen.

### Applicable Legislation

*Local Government Act 2009*

*Information Privacy Act 2009*

*Right to Information Act 2009*

*Public Records Act 2002*

### Definitions

**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

**Employee** refers to any employee, contractor, volunteer etc. of the Council

**Information** includes documents (hard copy and electronic), emails, physical media (e.g. USB memory devices, disks, tapes), social media (e.g. facebook, twitter, youtube), cloud based information applications and storage (e.g. Onedrive, Dropbox, subscription sites) and databases.

**Access** is the ability for relevant personnel with the appropriate security to be able to retrieve council business related information now and in the future, through corporate systems. Corporate systems allow data integrity to be maintained through the capture of key metadata, version control and auditing. Access and retention of information is determined through the Information Privacy Act 2009, Right to Information Act 2009 and the Public Records Act 2002.

**Distribution** is the process that relevant personnel with the appropriate authority use to make council business related information available to an individual, group or the public as a whole.

### Related Documents

Councillors Code of Conduct

Staff Code of Conduct

Records Management Policy

Security Policy

Social Media Policy





## Private Email and Social Media Platforms Policy

Office of the Mayor & CEO  
OMCEO\_08

### Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

TO Be Rescinded

| COUNCIL POLICY                |  |                    |  |
|-------------------------------|--|--------------------|--|
| Date Adopted by Council       |  | Council Resolution |  |
| Effective Date                |  | Next Review Date   |  |
| Responsible Officer(s)        |  | Revokes            |  |
| Public Consultation: Yes / No |  |                    |  |





## Private Email and Social Media Platforms Policy

Office of the Mayor & CEO  
OMCEO\_08

TO Be Rescinded



## 11.7 - Notification of Water Meter Reading Period

**MEETING DETAILS:** Ordinary Council Meeting - Wednesday 27 November 2024

**AUTHOR:** Coordinator Rates

**AUTHORISING OFFICER:** Director Corporate Services

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### PURPOSE

To obtain a resolution for the declaration of the date for the reading of water meters in the first half of the financial year 2024/25.

### EXECUTIVE SUMMARY

Every rating period, Council must declare the date for the reading of water meters. This is proposed for the 16<sup>th</sup> December 2024 to enable effective and efficient issuance of notices in line with the 2024/25 rating schedule.

### OFFICER'S RECOMMENDATION

That Council declare the water meter reading date to be 16 December 2024 for the commencement of reading the water meters for the billing period.

### BACKGROUND

Council levies Water Utility charges either as a two-part Tariff or as an Allocation Tariff under Council's Revenue Statement. The Two-Part Tariff is a default tariff with property owners with a water connection having an annual option to elect to be charged as per the allocation tariff.

Both tariffs require the measurement of water consumption using a water meter, as the consumed quantity of water has an impact on the amount levied. Due to large amount of water meters to be read, it is not possible to read all meters within the region on a single day. As per s102(2) of the *Local Government Regulation 2012*, for purposes for levying water tariffs, a local government may, by resolution, declare an effective date for the water meter reads.

### DISCUSSION/CURRENT ISSUE

For the second billing period of the last financial year 2023/24, the water meters were read between 6<sup>th</sup> June and 24<sup>th</sup> June 2024. The resulting Water notices were issued on the 21<sup>st</sup> August 2024.

The intention for the first billing period of the 2024/25 financial year is to ensure the meter reading process is completed before the end of year break to enable the reads to be validated and reviewed prior to the issue the Water Notices in February 2025. To achieve this billing cycle, it is proposed to undertake and complete the water meter readings from the 2<sup>nd</sup> December to the 16<sup>th</sup> December 2024.

As such, it is proposed that Council declare the effective date for the water meter readings for the first billing period of the financial year 2024/25 (July to December 2024) as the 16<sup>th</sup> December 2024.

## **FINANCIAL IMPLICATIONS**

The costs related to water meter reading, primarily labour and use of plant, has been budgeted to occur during the year. The declaration of an effective date for water meter reads will ensure that the issue of Water Notices is in conformance with legislative and regulatory requirements.

## **CONSULTATION/ENGAGEMENT**

Director Corporate Services  
Manager Financial Services  
Chief Operating Officer Whitsunday Water  
Manager Financial Services

## **STATUTORY/COMPLIANCE MATTERS**

*Local Government Act 2009 (LGA) and Local Government Regulations 2012 (LGR)*

## **RISK ASSESSMENT/DEADLINES**

In order to meet the pre-determined rating schedule, it is essential that the water meters are read before the Christmas holiday closure. Staff will not be available after this date and the reading will not have taken place with the correct timeframe.

## **STRATEGIC IMPACTS**

Corporate Plan Reference:

Integrate asset management practices into the long-term financial planning to ensure sustainable service delivery for current and future generations.

## **ATTACHMENTS**

Nil

## 11.8 - Monthly Finance Report

**MEETING DETAILS:** Ordinary Council Meeting - Wednesday 27 November 2024

**AUTHOR:** Management Accountant

**AUTHORISING OFFICER:** Director Corporate Services

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### PURPOSE

To inform Council of the current unaudited financial performance and position for the reporting period.

### EXECUTIVE SUMMARY

This report promotes sound financial management and accountability by presenting the Monthly Finance Reports and sustainability ratios for the period ending 31<sup>st</sup> October 2024 to Council.

### OFFICER'S RECOMMENDATION

That Council receive the Financial Report and the Unaudited Financial Statements for the period ended 31 October 2024.

### BACKGROUND

The Chief Executive Officer is required by Section 204(2) of the *Local Government Regulation 2012* to present the financial report at a meeting of the Local Government on a monthly basis. The financial report must state the progress that has been made in relation to the Local Government's budget for the period for the financial year up to a day as near as practicable to the end of the month before the meeting is held.

### DISCUSSION/CURRENT ISSUE

#### Year to Date Results

This report and the attachments provide the estimated financial performance and position for the relevant period in the current financial year.

- Attachment 1 contains a summary of the financial performance with commentary around significant items.
- Attachment 2 contains unaudited financial statements.

Council remains in a stable financial position at this point in the financial year.

### FINANCIAL IMPLICATIONS

Maintaining a balanced budget throughout the financial year and remaining financially sustainable remain key objectives with budget risks identified in Budget Review 1 (BR1) impacting Council's original adopted balanced budget.

### CONSULTATION/ENGAGEMENT

Director Corporate Services  
Manager Financial Services  
Management Accountant

## STATUTORY/COMPLIANCE MATTERS

Local Government Regulation 2012

### 204 Financial Report

- (1) The local government must prepare a financial report.
- (2) The Chief Executive Officer must present the financial report -
  - (a) If the local government meets less frequently than monthly - at each meeting of the local government; or
  - (b) Otherwise - at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

## RISK ASSESSMENT/DEADLINES

If actual revenue or expenditure exceeds budget, financial risks may apply. These risks will either be managed on a project basis or mitigated through the operational budgets of Council.

A budget risk register is maintained to collate any identified budget risks as they arise during the financial year to be mitigated in quarterly budget reviews.

There is mandatory reporting to Council each month as per Section 204 of the *Local Government Regulation 2012* to ensure ongoing oversight of the financial position.

## STRATEGIC IMPACTS

Corporate Plan Reference:

Maximise the organisation's financial performance, achieving a high level of customer service, productivity and efficiency through strategic direction, expert advice and leadership.

## ATTACHMENTS

1. Financial Statements for the period ending 31 October 2024 [**11.8.1** - 5 pages]
2. Monthly Financial Report October 2024 [**11.8.2** - 6 pages]

**Whitsunday Regional Council****Statement of Comprehensive Income  
For the period ending 31 October 2024**

| Note                                                     | YTD Actual<br>2024/25<br>\$ | Actual<br>2023/24<br>\$ | Current Budget<br>2024/25<br>\$ | Current Budget<br>YTD 2024/25<br>\$ | Variance to<br>Current<br>YTD Budget |
|----------------------------------------------------------|-----------------------------|-------------------------|---------------------------------|-------------------------------------|--------------------------------------|
| <b>REVENUE</b>                                           |                             |                         |                                 |                                     |                                      |
| <b>Recurrent revenue</b>                                 |                             |                         |                                 |                                     |                                      |
| Rates and levies 3(a)                                    | 53,568,026                  | 102,717,873             | 108,881,506                     | 54,687,696                          | 98%                                  |
| Sale of goods and major services 3(b)                    | 8,513,832                   | 21,789,918              | 26,927,282                      | 8,971,567                           | 95%                                  |
| Fees and charges 3(c)                                    | 1,730,169                   | 4,117,090               | 3,979,773                       | 1,452,591                           | 119%                                 |
| Interest received                                        | 2,630,814                   | 7,673,761               | 7,310,900                       | 2,431,617                           | 108%                                 |
| Sales of contract and recoverable works                  | 881,266                     | 6,074,765               | 5,741,000                       | 1,913,667                           | 46%                                  |
| Rental income                                            | 124,238                     | 339,885                 | 370,200                         | 123,400                             | 101%                                 |
| Grants, subsidies, contributions and donations 3(d)(i)   | 5,974,056                   | 2,833,470               | 9,519,987                       | 6,190,214                           | 97%                                  |
| Other recurrent income 3(e)                              | 913,061                     | 3,019,528               | 2,847,296                       | 961,199                             | 95%                                  |
| <b>Total recurrent revenue</b>                           | <b>74,335,463</b>           | <b>148,566,290</b>      | <b>165,577,944</b>              | <b>76,731,950</b>                   | <b>97%</b>                           |
| <b>Capital revenue</b>                                   |                             |                         |                                 |                                     |                                      |
| Grants, subsidies, contributions and donations 3(d)(ii)  | 11,519,523                  | 33,725,703              | 52,848,726                      | 20,125,802                          | 57%                                  |
| Other capital income 4                                   | 364,448                     | 1,134,653               | 818,654                         | 272,885                             | 134%                                 |
| <b>Total capital revenue</b>                             | <b>11,883,972</b>           | <b>34,860,356</b>       | <b>53,667,380</b>               | <b>20,398,687</b>                   | <b>58%</b>                           |
| <b>Total revenue</b>                                     | <b>86,219,435</b>           | <b>183,426,646</b>      | <b>219,245,324</b>              | <b>97,130,637</b>                   | <b>89%</b>                           |
| <b>EXPENSES</b>                                          |                             |                         |                                 |                                     |                                      |
| <b>Recurrent expenses</b>                                |                             |                         |                                 |                                     |                                      |
| Employee expenses 5                                      | 15,730,539                  | 44,764,538              | 48,900,946                      | 16,797,752                          | 94%                                  |
| Materials and services 6                                 | 24,413,284                  | 71,180,992              | 78,394,866                      | 27,689,366                          | 88%                                  |
| Finance costs 7                                          | 889,258                     | 4,072,098               | 2,779,994                       | 926,665                             | 96%                                  |
| Depreciation and amortisation                            |                             |                         |                                 |                                     |                                      |
| Property, plant and equipment 12                         | 11,966,862                  | 31,341,579              | 36,421,699                      | 12,140,564                          | 99%                                  |
| Intangible assets                                        | -                           | -                       | -                               | -                                   |                                      |
| Right of use assets 14                                   | 104,981                     | 342,906                 | 342,354                         | 114,118                             | 92%                                  |
| <b>Total recurrent expenses</b>                          | <b>53,104,925</b>           | <b>151,702,114</b>      | <b>166,839,859</b>              | <b>57,668,465</b>                   | <b>92%</b>                           |
| <b>Capital expenses</b>                                  |                             |                         |                                 |                                     |                                      |
| 8                                                        | 1,293,558                   | 49,492,736              | 15,880,877                      | 5,293,626                           | 24%                                  |
| <b>Total expenses</b>                                    | <b>54,398,483</b>           | <b>201,194,850</b>      | <b>182,720,736</b>              | <b>62,962,090</b>                   | <b>86%</b>                           |
| <b>Net operating result</b>                              | <b>21,230,538</b>           | <b>(3,135,824)</b>      | <b>(1,261,915)</b>              | <b>19,063,485</b>                   | <b>111%</b>                          |
| <b>Net result</b>                                        | <b>31,820,952</b>           | <b>(17,768,204)</b>     | <b>36,524,588</b>               | <b>34,168,546</b>                   | <b>93%</b>                           |
| <b>Other comprehensive income</b>                        |                             |                         |                                 |                                     |                                      |
| <b>Items that will not be reclassified to net result</b> |                             |                         |                                 |                                     |                                      |
| Increase/(decrease) in asset revaluation surplus         | -                           | 103,022,301             | 0                               | 0                                   |                                      |
| <b>Total other comprehensive income for the year</b>     | <b>-</b>                    | <b>103,022,301</b>      | <b>-</b>                        | <b>-</b>                            |                                      |
| <b>Total comprehensive income for the year</b>           | <b>31,820,952</b>           | <b>85,254,098</b>       | <b>36,524,588</b>               | <b>34,168,546</b>                   |                                      |

**Whitsunday Regional Council****Statement of Financial Position****As at 31 October 2024**

|                                      | Note  | Actual<br>2024/25<br>\$ | Actual<br>2023/24<br>\$ | Budget<br>2024/25<br>\$ |
|--------------------------------------|-------|-------------------------|-------------------------|-------------------------|
| <b>ASSETS</b>                        |       |                         |                         |                         |
| <b>CURRENT ASSETS</b>                |       |                         |                         |                         |
| Cash and cash equivalents            | 9     | 87,210,805              | 116,414,816             | 74,318,926              |
| Cash Investments                     | 12    | 50,000,000              | 20,000,000              | 20,000,000              |
| Trade and other receivables          | 10(a) | 13,218,922              | 11,594,319              | 12,724,404              |
| Inventories                          | 11    | 1,666,794               | 1,475,388               | 1,575,000               |
| Contract assets                      | 15    | 9,344,558               | 6,694,019               | -                       |
| Other assets                         | 12    | 6,186,516               | 8,185,240               | 6,500,000               |
|                                      |       | 167,627,595             | 164,363,782             | 115,118,330             |
| Non-current assets held for sale     |       | 625,000                 | 625,000                 | 625,000                 |
| <b>Total current assets</b>          |       | 168,252,595             | 164,988,782             | 115,743,330             |
| <b>NON-CURRENT ASSETS</b>            |       |                         |                         |                         |
| Trade and other receivables          | 10(b) | 4,000                   | 4,000                   | 4,000                   |
| Investment property                  | 13    | 2,780,017               | 2,785,000               | 2,785,000               |
| Property, plant and equipment        | 14    | 1,372,405,505           | 1,364,455,506           | 1,416,314,131           |
| Right of use assets                  | 16    | 1,791,831               | 1,896,813               | 1,584,849               |
| <b>Total non-current assets</b>      |       | 1,376,981,352           | 1,369,141,319           | 1,420,687,980           |
| <b>TOTAL ASSETS</b>                  |       | 1,545,233,947           | 1,534,130,101           | 1,536,431,310           |
| <b>LIABILITIES</b>                   |       |                         |                         |                         |
| <b>CURRENT LIABILITIES</b>           |       |                         |                         |                         |
| Trade and other payables             | 17    | 8,589,597               | 24,743,954              | 16,472,545              |
| Contract liabilities                 | 15    | 15,054,484              | 16,817,546              | -                       |
| Provisions                           | 18    | 14,497,520              | 14,761,725              | 9,250,000               |
| Borrowings                           | 19    | 6,026,073               | 6,026,073               | 6,741,800               |
| Lease liabilities                    | 16    | 208,572                 | 309,262                 | -                       |
| <b>Total current liabilities</b>     |       | 44,376,246              | 62,658,559              | 32,464,345              |
| <b>NON-CURRENT LIABILITIES</b>       |       |                         |                         |                         |
| Trade and other payables             | 17    | 3,079,884               | 3,079,884               | 3,050,734               |
| Provisions                           | 18    | 29,212,075              | 29,700,531              | 32,347,923              |
| Borrowings                           | 19    | 55,358,537              | 57,304,874              | 50,659,946              |
| Lease liabilities                    | 16    | 1,677,291               | 1,677,291               | 1,674,811               |
| <b>Total non-current liabilities</b> |       | 89,327,787              | 91,762,580              | 87,733,414              |
| <b>TOTAL LIABILITIES</b>             |       | 133,704,033             | 154,421,139             | 120,197,759             |
| <b>NET COMMUNITY ASSETS</b>          |       | 1,411,529,914           | 1,379,708,962           | 1,416,233,551           |
| <b>COMMUNITY EQUITY</b>              |       |                         |                         |                         |
| Asset revaluation reserve            | 20    | 536,829,651             | 536,829,651             | 536,829,659             |
| Retained surplus                     | 21    | 874,700,263             | 842,879,311             | 879,403,892             |
| <b>TOTAL COMMUNITY EQUITY</b>        |       | 1,411,529,914           | 1,379,708,962           | 1,416,233,551           |

**Whitsunday Regional Council**

**Statement of Changes in Equity  
As at 31 October 2024**

|                                         | Note | TOTAL                   |                         | Retained Surplus        |                         | Asset revaluation surplus |                         |
|-----------------------------------------|------|-------------------------|-------------------------|-------------------------|-------------------------|---------------------------|-------------------------|
|                                         |      | Actual<br>2024/25<br>\$ | Actual<br>2023/24<br>\$ | Actual<br>2024/25<br>\$ | Actual<br>2023/24<br>\$ | Actual<br>2024/25<br>\$   | Actual<br>2023/24<br>\$ |
| Balance at beginning of year            |      | 1,379,708,962           | 1,294,454,864           | 842,879,311             | 860,647,515             | 536,829,651               | 433,807,349             |
| Assets not previously recognised        | 14   | -                       | -                       | -                       | -                       | -                         | -                       |
| Restated opening Balance                |      | 1,379,708,962           | 1,294,454,864           | 842,879,311             | 860,647,515             | 536,829,651               | 433,807,349             |
| Net Result                              |      | 31,820,952              | (17,768,204)            | 31,820,952              | (17,768,204)            | -                         | -                       |
| Revaluations:                           |      |                         |                         |                         |                         |                           |                         |
| Property, plant & Equipment             | 14   | -                       | 103,022,478             | -                       | -                       | -                         | 103,022,478             |
| Change in value of future:              |      |                         |                         |                         |                         |                           |                         |
| Rehabilitaiton costs                    |      | -                       | (177)                   | -                       | -                       | -                         | (177)                   |
| Total comprehensive income for the year |      | 31,820,952              | 85,254,098              | 31,820,952              | (17,768,204)            | -                         | 103,022,301             |
| <b>Balance at end of year</b>           |      | <b>1,411,529,914</b>    | <b>1,379,708,962</b>    | <b>874,700,263</b>      | <b>842,879,311</b>      | <b>536,829,651</b>        | <b>536,829,651</b>      |

**Statement of Cash Flows**

For the year ending 30 June 2024/25

Period ending 31 October 2024

|                                                                     | <b>Actuals<br/>2024/25<br/>\$</b> | <b>Actual<br/>2023/24<br/>\$</b> | <b>Budget<br/>2024/25<br/>\$</b> |
|---------------------------------------------------------------------|-----------------------------------|----------------------------------|----------------------------------|
| <b>Cash flows from operating activities:</b>                        |                                   |                                  |                                  |
| Receipts from customers                                             | 63,480,003                        | 136,079,912                      | 147,893,662                      |
| Payments to suppliers and employees                                 | (54,827,793)                      | (110,197,836)                    | (135,117,112)                    |
| Interest received                                                   | 2,630,814                         | 7,673,761                        | 7,310,900                        |
| Rental income                                                       | 124,238                           | 339,885                          | 370,200                          |
| Non capital grants and contributions                                | 10,891,210                        | 2,278,466                        | 8,535,566                        |
| Borrowing costs                                                     | (787,552)                         | (2,521,001)                      | (2,664,994)                      |
| <b>Net cash inflow from operating activities</b>                    | <b>21,510,920</b>                 | <b>33,653,188</b>                | <b>26,328,222</b>                |
| <b>Cash flows from investing activities:</b>                        |                                   |                                  |                                  |
| Payments for property, plant and equipment                          | (21,205,435)                      | (60,195,265)                     | (104,191,593)                    |
| Payments for investment property                                    | -                                 | -                                | -                                |
| Net movement in loans to community organisations                    | 255,000                           | 12,000                           |                                  |
| Proceeds from sale of property, plant and equipment                 | -                                 | 1,140,061                        | 818,654                          |
| Payment for rehabilitation work                                     | (270,688)                         | (333,657)                        | (2,493,094)                      |
| Grants, subsidies, contributions and donations                      | 2,188,770                         | 39,236,166                       | 43,682,860                       |
| Net transfer (to) from cash investments                             | 20,000,000                        | 10,000,000                       |                                  |
| <b>Net cash outflow from investing activities</b>                   | <b>967,647</b>                    | <b>(10,140,696)</b>              | <b>(62,183,173)</b>              |
| <b>Cash flows from financing activities:</b>                        |                                   |                                  |                                  |
| Repayment of borrowings                                             | (1,946,337)                       | (5,683,845)                      | (5,929,200)                      |
| Repayments made on leases (principal only)                          | 263,758                           | (312,561)                        | (311,742)                        |
| <b>Net cash inflow (outflow) from financing activities</b>          | <b>(1,682,579)</b>                | <b>(5,996,406)</b>               | <b>(6,240,942)</b>               |
| <b>Net increase in cash and cash equivalents held</b>               | <b>20,795,988</b>                 | <b>17,516,086</b>                | <b>(42,095,893)</b>              |
| Cash and cash equivalents at beginning of the financial year        | 116,414,816                       | 98,898,730                       | 116,414,818                      |
| <b>Cash and cash equivalents at end of the financial year</b>       | <b>137,210,805</b>                | <b>116,414,816</b>               | <b>74,318,925</b>                |
| <b>Summary of Cash and cash equivalents:-</b>                       |                                   |                                  |                                  |
| Investments                                                         | 50,000,000                        | 20,000,000                       | 20,000,000                       |
| Cash & cash equivalents                                             | 87,210,805                        | 116,414,816                      | 74,318,925                       |
| <b>Total Cash and cash equivalents at end of the financial year</b> | <b>137,210,805</b>                | <b>136,414,816</b>               | <b>94,318,925</b>                |

**Whitsunday Regional Council****Notes to the Financial Statements****For the period ending 31 October 2024****Property, plant and equipment**

Basis of measurement

**Asset Value**

Opening gross value as at 1 July 2024  
 Minor correction to opening balance  
 Additions at cost  
 Contributed assets at valuation  
 Internal transfers from work in progress  
 Transfer to Non-Current assets held for sale  
 Revaluation adjustment to other comprehensive income  
 Disposals  
 Write-offs  
 Internal transfers between asset classes  
 Closing gross value as at 30 June 2025

| Land and Improvements | Building and Other Structures | Plant and Equipment | Transport Infrastructure | Marine Infrastructure | Water Infrastructure | Sewerage Infrastructure | Work in progress   | Total                |
|-----------------------|-------------------------------|---------------------|--------------------------|-----------------------|----------------------|-------------------------|--------------------|----------------------|
| Fair Value 2024/25    | Fair Value 2024/25            | Fair Value 2024/25  | Fair Value 2024/25       | Fair Value 2024/25    | Fair Value 2024/25   | Fair Value 2024/25      | Fair Value 2024/25 | Fair Value 2024/25   |
| 48,720,581            | 184,450,116                   | 77,353,709          | 936,242,701              | 44,674,827            | 351,370,765          | 241,084,403             | 89,956,551         | 1,973,853,654        |
| -                     | -                             | -                   | -                        | -                     | -                    | -                       | -                  | -                    |
| -                     | 722,752                       | -                   | 1,776,564                | -                     | -                    | -                       | 21,205,435         | 23,704,751           |
| -                     | -                             | -                   | -                        | -                     | -                    | -                       | -                  | -                    |
| -                     | -                             | -                   | -                        | -                     | -                    | -                       | (2,499,316)        | (2,499,316)          |
| -                     | -                             | -                   | -                        | -                     | -                    | -                       | -                  | -                    |
| -                     | -                             | -                   | -                        | -                     | -                    | -                       | -                  | -                    |
| (10,000)              | -                             | -                   | -                        | -                     | -                    | -                       | -                  | (10,000)             |
| -                     | (233,062)                     | (48,520)            | (1,428,960)              | -                     | -                    | -                       | -                  | (1,710,543)          |
| -                     | -                             | -                   | -                        | -                     | -                    | -                       | -                  | -                    |
| <b>48,710,581</b>     | <b>184,939,806</b>            | <b>77,305,189</b>   | <b>936,590,305</b>       | <b>44,674,827</b>     | <b>351,370,765</b>   | <b>241,084,403</b>      | <b>108,662,670</b> | <b>1,993,338,547</b> |

**Accumulated depreciation and impairment**

Opening gross value as at 1 July 2024  
 Minor correction to opening balance  
 Depreciation provided in year  
 Depreciation on disposals  
 Depreciation on write-offs  
 Revaluation adjustment to other comprehensive income  
 Internal transfers between asset classes  
 Closing gross value as at 30 June 2025

|               |                   |                   |                    |                   |                    |                   |          |                    |
|---------------|-------------------|-------------------|--------------------|-------------------|--------------------|-------------------|----------|--------------------|
| 28,647        | 56,108,478        | 42,060,489        | 268,588,031        | 11,730,128        | 137,772,706        | 93,109,669        | -        | 609,398,148        |
| -             | -                 | -                 | -                  | -                 | -                  | -                 | -        | -                  |
| -             | 1,778,944         | 1,664,132         | 4,808,832          | 263,667           | 1,932,474          | 1,518,812         | -        | 11,966,862         |
| -             | -                 | -                 | -                  | -                 | -                  | -                 | -        | -                  |
| -             | (101,973)         | (27,246)          | (302,749)          | -                 | -                  | -                 | -        | (431,968)          |
| -             | -                 | -                 | -                  | -                 | -                  | -                 | -        | -                  |
| -             | -                 | -                 | -                  | -                 | -                  | -                 | -        | -                  |
| <b>28,647</b> | <b>57,785,449</b> | <b>43,697,375</b> | <b>273,094,114</b> | <b>11,993,795</b> | <b>139,705,181</b> | <b>94,628,481</b> | <b>0</b> | <b>620,933,042</b> |

**Written down value as at 30 June 2025**

|                   |                    |                   |                    |                   |                    |                    |                    |                      |
|-------------------|--------------------|-------------------|--------------------|-------------------|--------------------|--------------------|--------------------|----------------------|
| <b>48,681,934</b> | <b>127,154,358</b> | <b>33,607,814</b> | <b>663,496,191</b> | <b>32,681,032</b> | <b>211,665,584</b> | <b>146,455,922</b> | <b>108,662,670</b> | <b>1,372,405,505</b> |
|-------------------|--------------------|-------------------|--------------------|-------------------|--------------------|--------------------|--------------------|----------------------|

# FINANCIAL REPORT

**Financial Year: 2024/25**

**Period Ending: 31 October 2024**



## BACKGROUND

This report provides the unaudited estimated financial performance and position of Whitsunday Regional Council for the relevant period in the current financial year against the 2024/25 Budget.

## INCOME & EXPENDITURE

What was charged to our ratepayers/customers compared to what was spent in delivering our services.

For the period under review, Council's operating surplus stood at \$21.2M after charging depreciation (What We Set-aside for Asset Renewals) of \$12M. Council's high operating surplus can be attributed to first half rates levy being raised on 7 August 2024.

Table 1 : Statement of Income & Expenditure

|                                           | Prev. Yr. Audited | Current Budget to date | Actual to date | % Var Current Bud v Act |
|-------------------------------------------|-------------------|------------------------|----------------|-------------------------|
| What We Levied Our Ratepayers             | 102,717,873       | 54,687,696.08          | 53,568,026     | 98%                     |
| What We Invoiced Our Customers            | 32,321,658        | 12,461,225             | 11,249,506     | 90%                     |
| What We Rcvd. as Grants & Subsidies       | 2,833,470         | 6,190,214              | 5,974,056      | 97%                     |
| What We Rcvd. As Interest from Investment | 7,673,761         | 2,431,617              | 2,630,814      | 108%                    |
| Our Other Revenue                         | 3,019,528         | 961,199                | 913,061        | 95%                     |
| Our Total Recurrent Earnings              | 148,566,290       | 76,731,950             | 74,335,463     | 97%                     |
| What We Spent on Our Staff                | 44,764,538        | 16,797,752             | 15,730,539     | 94%                     |
| What We Spent on Our Suppliers            | 71,180,993        | 27,689,366             | 24,413,284     | 88%                     |
| Our Total Direct Spend                    | 115,945,531       | 44,487,118             | 40,143,823     | 90%                     |
| What We Paid Our Bankers                  | 4,072,098         | 926,665                | 889,258        | 96%                     |
| What We Set-aside for Asset Renewals      | 31,684,485        | 12,254,682             | 12,071,843     | 99%                     |
| Our Operating Surplus/(Deficit)           | (3,135,824)       | 19,063,485             | 21,230,538     | 111%                    |
| Our Capital Revenue                       | 34,860,356        | 20,398,687             | 11,883,972     | 58%                     |
| Our Capital Expenses                      | 49,492,736        | 5,293,626              | 1,293,558      | 24%                     |
| Our Capital Surplus/(Deficit)             | (14,632,380)      | 15,105,061             | 10,590,414     | 70%                     |
| Our Net Earnings                          | (17,768,204)      | 34,168,546             | 31,820,952     | 93%                     |

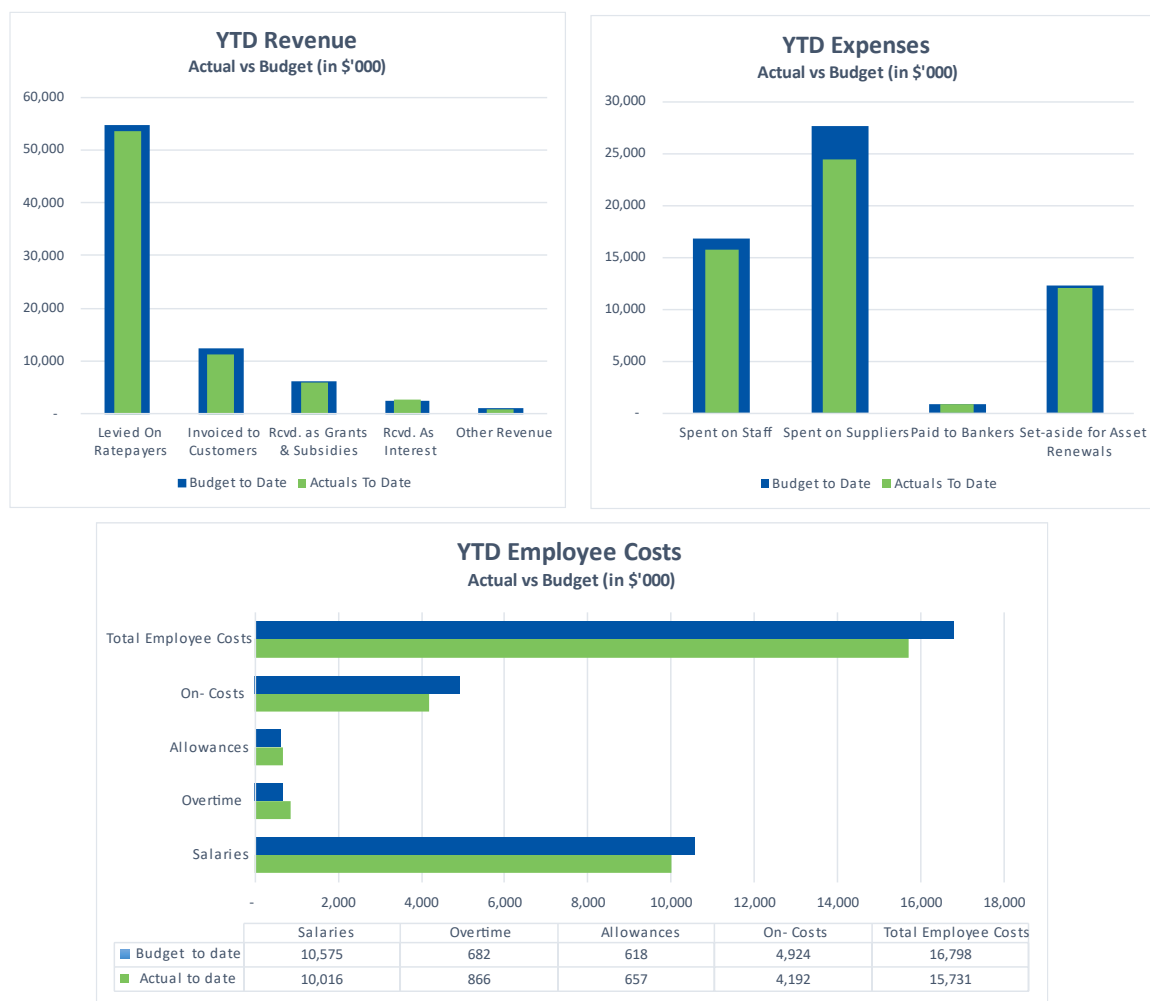
### Revenue

- Total Recurrent Earnings is slightly under budget at 97%.
- What we levied our ratepayers is on target to meet budget at 98%.
- What we invoiced our customers is slightly under budget at 90% due to Shute Harbour commercial activities tracking under YTD budget partially offset by additional revenue from Entertainment Centres and licences and permits issued.
- What we received as Grants & Subsidies is on target to meet budget after the timing of receiving the Financial Assistance Grant was adjusted in the budget review 1 (BR1).
- Interest from Investments is tracking ahead of budget due to additional cash in the bank and interest rates remaining strong.

### Expenditure

- Total direct spend is below YTD budget sitting at 90%.
- Total spend on our staff is currently below budget at 94% due to the number of vacant positions across Council.
- Total spent on suppliers is currently under budget at 88% with additional reviews of phasing for contractors and consultants to take place during Budget Review 2 (BR2).

Additional details of revenue and expenditure and their comparison to budget are graphically presented below.



**COMMUNITY WEALTH**

The value of resources Council has to service our community. Net Community wealth at the end of the period stood at \$1.41B.

Table 2 : Statement of Financial Position

|                           | Prev. Yr. Audited | Annual Original Budget | Annual Budget | Actual to date |
|---------------------------|-------------------|------------------------|---------------|----------------|
| What We Own               | 1,369,137,318     | 1,336,352,032          | 1,420,687,980 | 1,376,977,352  |
| Inventory We Hold         | 2,100,388         | 3,230,000              | 2,200,000     | 2,291,794      |
| What We are Owed          | 26,477,578        | 18,627,168             | 19,224,405    | 28,753,996     |
| What We Have in Bank      | 136,414,816       | 90,925,402             | 94,318,926    | 137,210,805    |
| Our Total Assets          | 1,534,130,100     | 1,449,134,603          | 1,536,431,311 | 1,545,233,947  |
| What We Owe Our Suppliers | 89,103,638        | 47,939,402             | 61,121,202    | 70,433,560     |
| What We Owe Our Lenders   | 65,317,500        | 59,087,121             | 59,076,558    | 63,270,473     |
| Our Total Liabilities     | 154,421,138       | 107,026,523            | 120,197,760   | 133,704,033    |
| Our Community Wealth      | 1,379,708,962     | 1,342,108,080          | 1,416,233,551 | 1,411,529,914  |

- What we are Owed has increased from the previous month from \$26M to \$28M, with contract assets increasing from \$5.5m to \$9.3M.
- Cash balances (what we have in bank) remain at healthy levels and well above minimum requirements, with \$50M invested in Term Deposits at competitive rates to continue to maximise return on investment. Capital commitments are sitting at \$29M YTD which is anticipated to be expensed and therefore reduce the cash balance over the coming months.

**Debtors & Borrowings**

| What We Are Owed         |                   |
|--------------------------|-------------------|
| Category                 | Amount            |
| Rates & Charges          | 8,566,914         |
| General Debtors          | 5,704,016         |
| GST Receivable/(Payable) | 1,135,376         |
| Advances to Community    | 753,000           |
| <b>SUB-TOTAL</b>         | <b>16,159,307</b> |

|                              |                   |
|------------------------------|-------------------|
| Contract Assets              | 9,344,558         |
| Water Charges not yet levied | 3,143,333         |
| Prepayments                  | 1,907,806         |
| Provision for Bad Debts      | (1,801,009)       |
| <b>SUB-TOTAL</b>             | <b>12,594,689</b> |

|                    |                   |
|--------------------|-------------------|
| <b>GRAND TOTAL</b> | <b>28,753,996</b> |
|--------------------|-------------------|

| What We Have Borrowed |       |                   |
|-----------------------|-------|-------------------|
| Loan                  | Rate  | Balance           |
| 81091 Gen5 05/06      | 7.08% | 677,808           |
| 81092 Gen7 08/09      | 6.82% | 2,769,931         |
| 81090 Gen8 09/10      | 6.33% | 1,965,041         |
| 81089 Gen8 AMSU       | 5.07% | 1,987,929         |
| 81093 STP Projects    | 5.25% | 14,342,672        |
| 81094 WTP Projects    | 4.86% | 7,027,917         |
| Bowen STP 19/20       | 2.20% | 7,774,766         |
| WCA Run 19/20         | 2.20% | 19,048,176        |
| Bowen Cell 3 19/20    | 0.91% | 1,171,779         |
| Bowen STP 20/21       | 1.80% | 4,618,590         |
| Lease Liabilities     |       | 1,885,863         |
| <b>TOTAL</b>          |       | <b>63,270,473</b> |

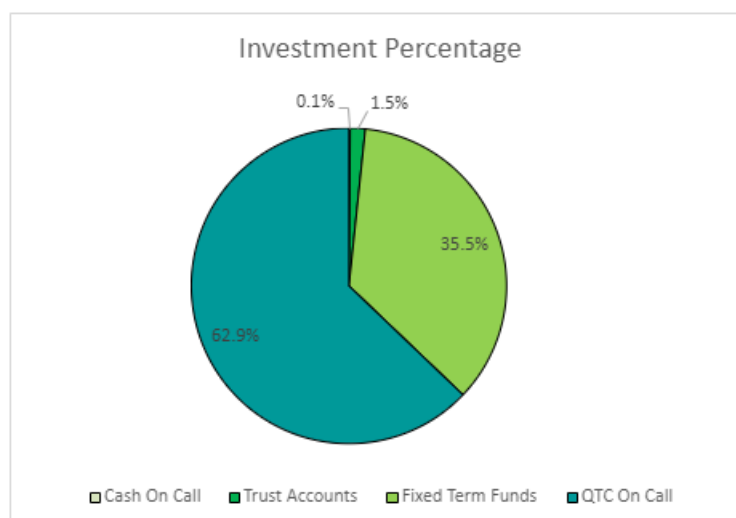
| What We Have Available to Borrow |                                          |                   |
|----------------------------------|------------------------------------------|-------------------|
| Facility                         | Rate                                     | Limit             |
| Working Capital Facility         | RBA official Cash Rate + 0.10% Admin Fee | 20,000,000        |
| Term Loans                       |                                          | -                 |
| <b>TOTAL</b>                     |                                          | <b>20,000,000</b> |

- Rates & charges owed has reduced from \$10.7M in September to \$8.6M in October, attributed to the due date for the first half rates and water levies falling due. The discount date for prompt payment closed in September and reminder notices have been issued.
- General Debtors balance is \$5.7M compared to \$5.2M the previous month. General Debtors vary depending upon when invoices have been issued within the month.
- Recovery measures are currently in progress through a professional debt recovery agency for both Rates debtors and General debtors to ensure outstanding debt remains at acceptable levels.

#### Investments

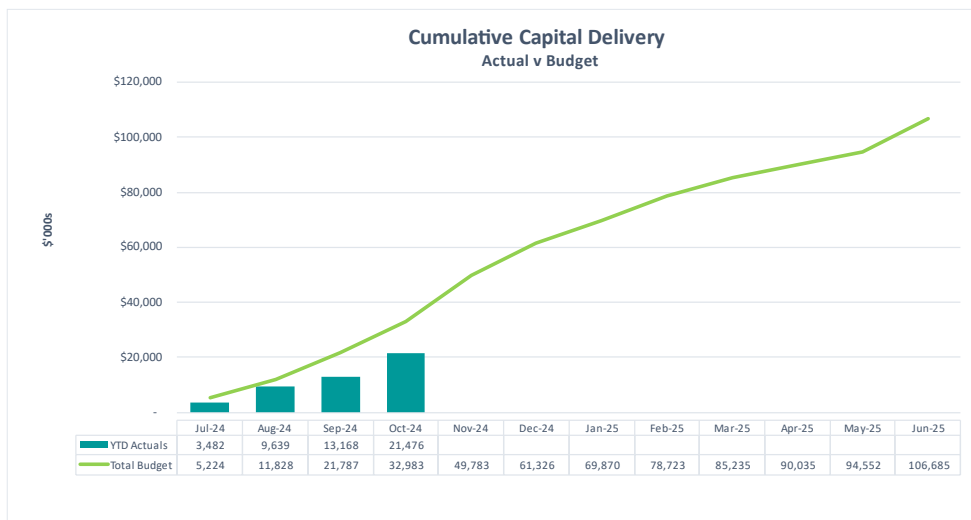
|                                 | Prev. Yr           | Current            |
|---------------------------------|--------------------|--------------------|
| Queensland Treasury Corporation | 96,414,816         | 87,210,805         |
| Term Deposit < 3 Months         | 20,000,000         |                    |
| Term Deposit > 3 Months         | 20,000,000         | 50,000,000         |
| <b>Total</b>                    | <b>136,414,816</b> | <b>137,210,805</b> |

- \$50M is currently invested in term deposits at competitive interest rates to maximise Council's return on investment, with \$20M maturing in March 2025 and \$30M in August 2025.
- The balance of excess cash is invested with Queensland Treasury Corporation (QTC), as QTC has been providing the best returns among the acceptable counterpart institutions.



**CAPITAL DELIVERY** (Including remediation)

- During Budget Review 1 (BR1) the total capital budget increased from \$97.3M to \$106.6M.
- \$21.5M or 20% of the full year capital budget of \$106.6M has been delivered up to 31 October excluding commitments.
- \$29.6M has been committed to date, which equates to 48% of the full year capital budget being spent or committed.

**SUSTAINABILITY RATIOS**

- The financial sustainability ratios are for the month of October and will vary throughout the financial year as Council completes its operational and capital budgets.
- All ratios are currently within the target range set for Council by the State Government at the end of October 2024.

**As at October 2024**

| Type                    | Measure                               | Target (Tier4)        | As at October 2024 | 5 Year Average |
|-------------------------|---------------------------------------|-----------------------|--------------------|----------------|
| <b>Audited ratios</b>   |                                       |                       |                    |                |
| Liquidity               | Unrestricted Cash Expense Cover Ratio | Greater than 4 months | 36.65 months       | N/A            |
| Operating               | Operating Surplus Ratio               | Greater than 0%       | 28.72%             | 8.77%          |
| Performance             | Operating Cash Ratio                  | Greater than 0%       | 45.86%             | 31.17%         |
| Asset                   | Asset Sustainability Ratio            | Greater than 80%      | 106.36%            | 103.09%        |
| Management              | Asset Consumption Ratio               | Greater than 60%      | 68.85%             | 71.87%         |
| Debt Servicing Capacity | Leverage Ratio                        | 0 to 3 times          | 1.8 times          | 1.91 times     |

**BUDGET ACHIEVEMENT**

Council's ability to meet annual budgeted revenue, contain costs within budgeted expenditure parameters and manage cash flows is presented below. Delivery on budget will change as we progress through the 2024/25 financial year.

| Item             | Prev. Yr<br>Act vs Bud | Curr. Yr. to<br>date | Flag                                                                                |
|------------------|------------------------|----------------------|-------------------------------------------------------------------------------------|
| Our Earnings     | 95%                    | 45%                  |  |
| Our Expenditure  | 98%                    | 32%                  |  |
| Our Cash on Hand | 136%                   | 151%                 |  |

- Earnings and Cash on Hand indicators are within expected levels as of 31 October due to timing of rates and charges being issued.
- Our Expenditure is at 32% and this will change as we progress throughout the financial year and as materials and services are rephased in line with supply chain movements.

- Rates and Charges half yearly rates notices were issued on the 7<sup>th</sup> August, with discount for prompt payment closing on the 5<sup>th</sup> September.
- Water notices were issued on the 21<sup>st</sup> August and were due on the 20<sup>th</sup> September.
- 2024/25 Budget was adopted by Council on the 26<sup>th</sup> June 2024.
- Budget Review (BR1) was adopted at Council's Ordinary Council Meeting on 30 October 2024.
- Budget risks continue to be monitored as the year progresses and discussions will continue during the budget review deliberations with certain risks proposed to be mitigated in BR2.

## 12 LATE REPORT ITEMS

No agenda items for this section.

**13.1 - Quarterly Legal Matters Update****CONFIDENTIAL*****S254J Local Government Regulation 2012 - Closed Meetings***

- (1) A local government may resolve that all or part of a meeting of the local government be closed to the public.*
- (3) However, a local government or a committee of a local government may make a resolution about a local government meeting under subsection (1) or (2) only if its councillors or members consider it necessary to close the meeting to discuss one or more of the following matters—*
  - (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.*

## **14 MATTERS OF IMPORTANCE**

This item on the agenda allows Councillors the opportunity to raise an item not included on the agenda for discussion as a matter of importance.