



Minutes of the Ordinary Council Meeting held on Wednesday 27 November 2024 at Council Chambers, 67 Herbert Street, Bowen

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); Scott Hardy (Acting Director Community Services and Facilitation); Neil McGaffin (Director Regional Strategy and Planning); James Ngoroyemoto (Acting Director Corporate Services); Gary Murphy (Director Infrastructure Services); Greg Martin (Communications and Marketing Manager); Craig Turner (Director Commercial Businesses); Craig Turner (Director Commercial Businesses); Tailah Jensen (Governance Administration Officer/Minute Taker)

Meeting Schedule:

The meeting commenced at 9.02am.

The meeting closed for confidential session at 10.00am.

The meeting re-opened from confidential session at 10.42am.

The meeting concluded at 10.45am.

TABLE OF CONTENTS

1 APOLOGIES/LEAVE OF ABSENCE	4
2 CONDOLENCES	4
3 CONFIRMATION OF MINUTES	4
4 BUSINESS ARISING	4
5 MAYORAL MINUTE	5
6 NOTICES OF MOTION.....	5
7 DEPUTATIONS	5
8 PETITIONS / QUESTIONS ON NOTICE	5
9 QUESTIONS FROM THE PUBLIC GALLERY	5
10 COMMITTEES REPORTS.....	5
11 OFFICERS REPORTS	6
11.1 2024/25 Operational Plan Q1 Review.....	6
11.2 Trustee Lease for Whitsunday Sportspark Operations Inc – 2489 Shute Harbour Road, Jubilee Pocket (Lot 10 on SP 345163).....	7
11.3 Trustee Lease - Creative Connections Whitsunday - Part of Land at 192 Main Street, Proserpine (Lot 129 on RP903593)	9
11.4 Sport & Recreation Facility Management Grant - Bowen Sporting Complex Co- Ordinating Association Inc.	10
11.5 Donations, Sponsorships, In Kind Requests and Grants Approved October 2024.....	11
11.6 Councillor Related Policies Review	12
11.7 Notification of Water Meter Reading Period.....	14
11.8 Monthly Finance Report.....	15
12 LATE REPORT ITEMS.....	16
13 CONFIDENTIAL MATTERS	16
13.1 Quarterly Legal Matters Update	16
14 MATTERS OF IMPORTANCE	17

1 APOLOGIES/LEAVE OF ABSENCE

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

~~~~~

## 2 CONDOLENCES

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

~~~~~

Elite Athlete Presentations were held at 9.02am.

~~~~~

## 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 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.

#### RESOLUTION OM2024/11/27.1

Moved By: CR M WRIGHT

Seconded By: CR J COLLINS

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

#### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

4 BUSINESS ARISING

No business arising for this meeting.

~~~~~

**5 MAYORAL MINUTE**

There was no mayoral minute for this meeting.

**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**

**RESOLUTION OM2024/11/27.2**

**Moved By: CR J COLLINS**

**Seconded By: CR J CLIFFORD**

**That Council receive the petition regarding adding the end of Gray & Slaughter Rd to the road maintenance register and refer it to the Chief Executive Officer to determine appropriate action.**

**MEETING DETAILS**

The motion was Carried 7 / 0.

CARRIED

**9 QUESTIONS FROM THE PUBLIC GALLERY**

There were no public questions submitted during this meeting.

**10 COMMITTEES REPORTS**

No committees reports for this meeting.

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

#### 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).

#### OFFICER'S RECOMMENDATION

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

#### RESOLUTION OM2024/11/27.3

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

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

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

~~~~~  
Cr Simpson declared a prescribed conflict of interest in item 11.2 regarding Trustee Lease for Whitsunday Sportspark Operations Inc - 2489 Shute Harbour Road, Jubilee Pocket (Lot 10 on SP345163) 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:
Whitsunday Sportspark

The nature of the councillor's relationship with the entity: Client of one of the committee members of Whitsunday Sportspark.

Details of the councillor's, and any other entity's, interest in the matter: Whitsunday Sportspark Operations Inc lease with Whitsunday Regional Council.

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

Cr John Finlay declared a prescribed conflict of interest in item 11.2 regarding Trustee Lease for Whitsunday Sportspark Operations Inc - 2489 Shute Harbour Road, Jubilee Pocket (Lot 10 on SP345163) 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: SBB Partners & Whitsunday Sportspark

The nature of the councillor's relationship with the entity: Cr Finlay is the Manager of SBB Partners whom has a business relationship with the executive officers of Whitsunday Sportspark.

Details of the councillor's, and any other entity's, interest in the matter: Whitsunday Sportspark Operations Inc lease with Whitsunday Regional Council.

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.

~~~~~

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

### **PURPOSE**

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

### **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.

### **RESOLUTION OM2024/11/27.4**

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

**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.**

### **MEETING DETAILS**

The motion was Carried 5 / 0.

**CARRIED**

~~~~~

Cr Finaly and Cr Simpson returned to the meeting at 9.22am.

Cr John Finlay acknowledged a declarable conflict of interest in item 11.3 regarding Trustee Lease - Creative Connections Whitsunday - Part of Land at 192 Main Street, Proserpine (Lot 129 on RP903593) as defined by section 150EQ of the *Local Government Act 2009*, due to the following:

Nature of the Conflict of Interest: Cr Finlay's wife is a member of Creative Connections and potential exhibitor.

The name of the related party: Pam Finlay & Creative Connections

The nature of the relationship of the related party to the Councillor: Wife & member of Creative Connections.

The nature of the related party's interests in the matter: Creative Connections is seeking to enter into a land lease with Whitsunday Regional Council to establish art gallery.

As a result of this conflict of interest, Cr Finlay 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 and were 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.

RESOLUTION OM2024/11/27.5

Moved by: CR M WRIGHT

Seconded by: CR J CLIFFORD

That Council agree it is in the public interest that Cr Finlay participates and votes on item 11.3, because no direct or indirect benefit or loss accrues to Cr Finlay and therefore it is reasonable that the final decision will be made in the public interest.

MEETING DETAILS:

Cr Finlay did not participate in the voting on this matter.

The motion was Carried 6 / 0

CARRIED

~~~~~



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

#### **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.

#### **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.

#### **RESOLUTION OM2024/11/27.6**

**Moved By: CR J COLLINS**

**Seconded By: CR J CLIFFORD**

**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.**

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

~~~~~

Cr John Finlay declared a prescribed conflict of interest in item 11.4 regarding Sport & Recreation Facility Management Grant - Bowen Sporting Complex Co-Ordinating Association Inc. 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 Sporting Complex Co-Ordinating Association Inc.

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

Details of the councillor's, and any other entity's, interest in the matter: Bowen Sporting Complex Co-Ordinating Association Inc. is requesting grant funding.

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.

~~~~~

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

### **PURPOSE**

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

### **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.

### **RESOLUTION OM2024/11/27.7**

Moved By: **CR M WRIGHT**

Seconded By: **CR G SIMPSON**

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

### **MEETING DETAILS**

The motion was Carried 6 / 0.

**CARRIED**

~~~~~

Cr Finlay returned to the meeting at 9.32am.

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

PURPOSE

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

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.

RESOLUTION OM2024/11/27.8

Moved By: CR J COLLINS

Seconded By: CR J CLIFFORD

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.**

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

## 11.6 - Councillor Related Policies Review

### PURPOSE

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

### 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**

### RESOLUTION OM2024/11/27.9

Moved By: **CR R COLLINS (MAYOR)**

Seconded By: **CR M WRIGHT**

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

#### MEETING DETAILS

The motion was Carried 7 / 0.

**CARRIED**

~~~~~

11.7 - Notification of Water Meter Reading Period

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.

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.

RESOLUTION OM2024/11/27.10

Moved By: CR M WRIGHT

Seconded By: CR J CLIFFORD

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.

MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

## 11.8 - 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 31 October 2024.

### RESOLUTION OM2024/11/27.11

Moved By: CR J CLIFFORD

Seconded By: CR M WRIGHT

That Council receive the Financial Report and the Unaudited Financial Statements for the period ended 31 October 2024.

### MEETING DETAILS

The motion was Carried 7 / 0.

CARRIED

~~~~~

12 LATE REPORT ITEMS

There were no late items for this meeting.

~~~~~

## 13 CONFIDENTIAL MATTERS

### PROCEDURAL MOTION - CLOSURE OF MEETING (CONFIDENTIAL SESSION) OM2024/11/27.12

Moved by: CR J CLIFFORD

Seconded by: CR M WRIGHT

That Council close the meeting to the public at 10.00am 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 - Quarterly Legal Matters Update

- *(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.*

#### MEETING DETAILS:

The procedural motion was Carried 7 / 0

CARRIED

~~~~~

During closed session Cr Clifford left the meeting at 10.22am due to a conflict of interest.

Cr Clifford returned to the meeting at 10.24am.

PROCEDURAL MOTION - REOPEN MEETING OM2024/11/27.13

Moved by: CR J CLIFFORD

Seconded by: CR M WRIGHT

That Council reopen the meeting to the general public at 10.42am.

MEETING DETAILS:

The motion was Carried 7 / 0

CARRIED

~~~~~



### **13.1 - Quarterly Legal Matters Update**

#### **PURPOSE**

To provide an update on legal matters for the period July to September 2024 – quarter 1.

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

That Council receive the legal matters update report for period July to September 2024.

#### **RESOLUTION OM2024/11/27.14**

Moved By: CR J COLLINS

Seconded By: CR J CLIFFORD

That Council receive the legal matters update report for period July to September 2024.

#### **MEETING DETAILS**

The motion was Carried 7 / 0.

**CARRIED**

~~~~~

14 MATTERS OF IMPORTANCE

Cr John Collins - Informed Council and encouraged the Community to attend the 2024 Accomplished and Emerging Artists Exhibition at the Proserpine Museum.
Cr Jan Clifford - Raised concerns around CCTV Cameras maintenance.

~~~~~

The Meeting closed at 10.45am.

Confirmed as a true and correct recording this 11 December 2024.

---

**Cr Ry Collins  
MAYOR**

## 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;

- 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.

- 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.

## 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]*

- 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.

- 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:

- 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 Council 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.



## **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.

## 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 Policies 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_10<br>Adopted 11 October 2017 |
| Public Consultation: Yes / No | No                                    |                    |                                         |

## 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

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.

- 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;

- 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]**



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



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

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.

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 Polices 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.

## STRATEGIC POLICY

### 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<br>Policy<br>LSP_OMCEO_05 |
| Public Consultation: Yes / No | No                                    |                    |                                                                                                      |

## 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.

## 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.

## 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;



- 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.]**



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.

### **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.

## **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 is 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

### Councillors Acceptable Request Policy

Endorsed by Council

8 June 2022

**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

### 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

22 November 2022  
OM2022/11/23.6

- 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

22 November 2022  
OM2022/11/23.6

#### 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

22 November 2022  
OM2022/11/23.6

#### 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

22 November 2022  
OM2022/11/23.6

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 Policies 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  
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       | <del>23 November 2022</del>           | Council Resolution | <del>OM2022/11/23.6</del>   |
| Effective Date                | <del>23 November 2022</del>           | Next Review Date   | <del>23 November 2024</del> |
| Responsible Officer(s)        | Manager Governance and Administration | Revokes            | <del>LSP_OMCEO_02</del>     |
| Public Consultation: Yes / No | No                                    |                    |                             |

**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

**Councillor Conduct Investigation Policy**

Endorsed by Council

23 November 2022

- 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 if 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.

## 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.

## Councillor Conduct Investigation Policy

Endorsed by Council

23 November 2022

**[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:



**Councillor Conduct Investigation Policy**

**Endorsed by Council**

**23 November 2022**

- 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

**Councillor Conduct Investigation Policy**

Endorsed by Council

23 November 2022

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.



**Councillor Conduct Investigation Policy**

Endorsed by Council

23 November 2022

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.

**Councillor Conduct Investigation Policy**

Endorsed by Council

23 November 2022

**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.

## 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

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.

## 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.

### Councillor Conduct Investigation Policy

Endorsed by Council

23 November 2022

**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                                    |                    |                  |



**Councillor Conduct Investigation Policy**

Endorsed by Council

23 November 2022

**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.



Councillor Conduct Investigation Policy

Endorsed by Council

23 November 2022

**[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:

Councillor Conduct Investigation Policy

Endorsed by Council

23 November 2022

**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.

DRAFT

**Councillor Conduct Investigation Policy**

Endorsed by Council

23 November 2022

## 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.

**Councillor Conduct Investigation Policy**

Endorsed by Council

23 November 2022

- 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.

## 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: |

## 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;

- 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.



| 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.

## 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

22 November 2023

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-    |

## 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.

## 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.



## 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;

- 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.

#### 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.

## 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.

## 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.

## STRATEGIC POLICY

### Social Media Policy

Endorsed by Council

~~22 November 2023~~

**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 a 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>   | <del>23 November 2024</del> |
| <b>Responsible Officer(s)</b>  | Communications and Marketing Manager | <b>Revokes</b>            | <del>LSP_OMCEO_16</del>     |