

# **GYMPIE REGIONAL COUNCIL**

## **AGENDA**

*of the*

## **POST-ELECTION MEETING**

**CHAIRMAN: Cr GC Hartwig (Mayor)**

**Held in the Boardroom**

**Town Hall**

**2 Caledonian Hill**

**Gympie Qld 4570**

**On Thursday, 11 April 2024**

**At 9.00AM**



The Corporate Plan 2022-2027 provides a clear framework and direction in relation to Council's **vision, mission, values** and **key response areas**.

Gympie Regional Council has a vision for embracing opportunities, promoting wellbeing and celebrating strong communities.

Our mission is to leave a positive legacy for future generations by embracing progress through good planning and efficient service delivery.

Our values are:

### Accountability

We are open, transparent and take responsibility for our actions.

### Communication

We consult with the community, actively listen to and respond to the input of residents, and keep people informed.

### Customer Service Focused

We meet the needs of our community in an efficient and effective manner. We strive to continually improve, show empathy and are environmentally aware in our service delivery.

### Integrity

We act with honesty and respect in all we do and respect all residents, colleagues and visitors.

### Teamwork and Collaboration

We recognise and support everyone's contributions. We are inclusive and contribute respectfully working as a team. We will care for ourselves and others.

Council's activities are aimed at achieving our vision and are focused into the following three key response areas/objectives:

### COMMUNITY AND ENVIRONMENT

*Our communities have infrastructure and spaces for living, working, learning, sport and recreation that supports and caters for growth and enables the community to be inclusive, connected and safe. Natural ecosystems are conserved and enhanced and our built environment embraces biodiversity, sustainability and heritage.*

### INFRASTRUCTURE AND ECONOMIC OPPORTUNITY

*Our planning and infrastructure seeks to meet foreseeable future needs to support economic development, community enhancement and residents' wellbeing.*

### ORGANISATION

*Gympie Regional Council is an organisation that understands the community, and delivers services efficiently and effectively through highly engaged staff.*

The above framework informs council's decision making and guides our organisational management and operational activities.

**Gympie Regional Council      POST-ELECTION**


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*Mayor GC Hartwig (Chairman),*

*Crs J Milne, NG Jensen, SA Warnes, MW Curran, AA Lahn, WS McEwan, WA Polley  
and GH Maudsley.*

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## **ACKNOWLEDGEMENT**

## **OPEN WITH PRAYER**

## **SECTION 1: DISCLOSURE OF INTEREST**

## **SECTION 2: APOLOGIES / LEAVE OF ABSENCE**

## **SECTION 3: CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

**That the Minutes of the Gympie Regional Council Ordinary Meeting held on 13 March 2024 be taken as read and confirmed.**

## **SECTION 4: PETITIONS**

## SECTION 5: OFFICE OF THE CEO

### 5.1 Declarations of Office

**PORTFOLIO:** Governance, Risk and Disaster Management

**DIRECTORATE:** Office of the CEO

**DOC ID:**

#### LINKS TO CORPORATE/OPERATIONAL PLAN

#### KEY RESPONSE AREAS:

3. Organisation

#### 1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

The results of the local government quadrennial elections held on Saturday 16 March 2024 (2024 Elections) have now been declared by the Queensland Electoral Commissioner.

Section 169 of the *Local Government Act 2009* provides that each person elected to the Office of Mayor or Councillor, must make a Declaration of Office before acting as the Mayor or Councillor and the Chief Executive Officer is authorised to take this Declaration of Office.

Section 254 of the *Local Government Regulation 2012* prescribes the content of the Declaration.

#### 2. REPORT

The following Councillors have now undertaken the Declaration of Office before Council's Chief Executive Officer Mr Robert Jennings:

Councillor Glen Charles Hartwig (Mayor)

Councillor Jessica Milne

Councillor Nadine Gaye Jensen

Councillor Shane Arthur Warnes

Councillor Michael William Curran

Councillor Allona Arlene Lahn

Councillor Warren Shane McEwan

Councillor Warren Aurthur Leslie Polley

Councillor Gordon James Maudsley

This item will include statements by Mayor Hartwig and Councillors.

#### 3. BUDGET IMPLICATIONS

There are no budget implications associated with the recommendation of this report.

#### 4. POLICY IMPLICATIONS

Declarations of Office are required under legislation before acting to the positions of Mayor and Councillors.

## **5. CONSULTATION**

This report reflects the declared results of the 2024 Elections.

## **6. CONCLUSION**

The results of the 2024 Elections have now been declared by the Queensland Electoral Commissioner. The elected Mayor and Councillors have made their Declarations of Office before Council's Chief Executive Officer Mr Robert Jennings.

### **RECOMMENDATION 1**

**That Council acknowledges that following the local government quadrennial elections held on 16 March 2024, all elected Councillors have made their Declarations of Office before Gympie Regional Council Chief Executive Officer Mr Robert Jennings in accordance with Section 169 of the *Local Government Act 2009*.**

## 5.2 Election of Deputy Mayor

**PORTFOLIO:** Governance, Risk and Disaster Management

**DIRECTORATE:** Office of the CEO

**DOC ID:**

### LINKS TO CORPORATE/OPERATIONAL PLAN

#### KEY RESPONSE AREAS:

3. Organisation

#### 1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

In accordance with Section 175(2) of the *Local Government Act 2009* (the Act), Council must by resolution appoint a Deputy Mayor from its councillors at the first meeting after the conclusion of the quadrennial local government elections.

#### 2. REPORT

Section 175(1) of the Act requires that the post-election meeting be held within 14 days of the conclusion of the election and that Council must by resolution appoint a Deputy Mayor from its councillors.

In accordance with Section 165 of the Act, the Deputy Mayor acts for the Mayor during either:

- a) absence or temporary incapacity of the Mayor; or
- b) a vacancy in the office of the Mayor.

When the Mayor is not present at an ordinary council meeting, the Deputy Mayor also presides as chair of the meeting.

#### 3. BUDGET IMPLICATIONS

There are no budget implications associated with the recommendations of this report.

#### 4. POLICY IMPLICATIONS

There are no policy implications associated with the recommendations of this report.

#### 5. CONSULTATION

No consultation was required in the development of the recommendations of this report.

#### 6. CONCLUSION

In accordance with Section 175(2) of the *Local Government Act 2009* (the Act), Council must by resolution appoint a Deputy Mayor from its councillors at the first meeting after the conclusion of the quadrennial local government elections. This report seeks nominations from councillors for and the appointment of a Deputy Mayor of Gympie Regional Council.

## **RECOMMENDATION 1**

**That Council:**

- 1. Calls for nominations for a Deputy Mayor; and**
- 2. Upon receiving nominations, voting and the counting of votes, appoints Councillor X as the Deputy Mayor of Gympie Regional Council.**



### **5.3 Appointment of Representatives on Various Committees and Organisations**

**PORTFOLIO:** Governance, Risk and Disaster Management

**DIRECTORATE:** Office of the CEO

**DOC ID:**

#### **LINKS TO CORPORATE/OPERATIONAL PLAN**

##### **KEY RESPONSE AREAS:**

1. Community and Environment
2. Infrastructure and Economic Opportunity
3. Organisation

#### **1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION**

At the commencement of each term of Council, representatives are appointed to active committees and advisory/working groups that require council representation.

#### **2. REPORT**

A review of all external committees and advisory/working groups has identified that the following committees and organisations remain active and require council representation. The table also indicates the representation requirements of each committee or advisory/working group.

##### **External Committees**

Gympie Cemetery Trust	1 x Councillor
Gympie Regional Council Community Biodiversity Reference Group	1 or more Councillors and includes Councillor Portfolio representatives, as relevant
Gympie Regional Council Local Disaster Management Group Chairperson and Deputy Chairperson	2 x Councillors
Heritage Reference Group	2 x Councillors
Wide Bay Burnett Regional Road Group	Mayor and 1 x Councillor
Access Advisory Committee	1 x Councillor

##### **Council Advisory/Working Group**

Audit and Risk Management Committee	2 x Councillors (one member must have significant experience and skills in financial matters)
Traffic and Road Safety Committee	2 x Councillors
Weed and Pest Advisory Committee	2 x Councillors

The intent of these appointments is that each Councillor report to a Councillor Workshop two times per year.

### **3. BUDGET IMPLICATIONS**

Associated costs in representing Council are included in council's operating budget and are outlined in the Councillor Expenses Reimbursement Policy.

### **4. POLICY IMPLICATIONS**

Representing Councillors will establish and build strategic partnerships in accordance with Council's Planning Framework with a focus on Council's Key Response Areas as outlined in Council's Corporate Plan 2022-2027.

Section 210 of the *Local Government Regulation 2012*, requires that one, but not more than two councillors are appointed to the Audit and Risk Committee, at least one of which must have significant experience and skills in financial matters.

### **5. CONSULTATION**

Consultation for this report has occurred with the Executive Leadership Team, Branch Managers and selected Coordinators. There was no community engagement required for preparation of this report.

### **6. CONCLUSION**

A review of all external committees and Council Advisory/Working Groups has been conducted to enable an allocation of Councillor representation post the 2024 local government election.

**RECOMMENDATION**

**That the following Councillors be appointed to be on the various committees and organisations as follows:**

**External Committees**

<b>Gympie Cemetery Trust</b>	<b>Councillor</b>
<b>GRC Community Biodiversity Reference Group</b>	<b>Councillor</b>
<b>GRC Local Disaster Management Group</b>	<b>Chairperson</b> <b>Councillor</b> <b>Deputy Chairperson Councillor</b> <b>Councillor</b>
<b>Heritage Reference Group</b>	<b>Councillor</b> <b>Councillor</b>
<b>Wide Bay Burnett Regional Road Group</b>	<b>Mayor Councillor Glen Hartwig</b> <b>Councillor</b>
<b>Access Advisory Committee</b>	<b>Councillor</b>

**Council Advisory/Working Groups**

<b>Audit and Risk Management Committee</b>	<b>Councillor</b> <b>Councillor</b>
<b>Traffic and Road Safety Committee</b>	<b>Councillor</b> <b>Councillor</b>
<b>Weed and Pest Advisory Committee</b>	<b>Councillor</b> <b>Councillor</b>

## SECTION 6: CORPORATE SERVICES

### 6.1 Frequency and Place of Meetings

**PORTFOLIO:** Governance, Risk and Disaster Management

**DIRECTORATE:** Corporate Services

**DOC ID:**

#### LINKS TO CORPORATE/OPERATIONAL PLAN

#### KEY RESPONSE AREAS:

3. Organisation

#### 1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

Under section 256(1) of the *Local Government Regulation 2012* (the Regulation) as part of the post-election meeting agenda, Council is required to set the dates, times and location of its future meetings.

Section 257 of the Regulation provides that Council must meet at least once in each month at one (1) of Council's public offices or, for particular meetings, at another place fixed by Council by resolution, for the meeting.

The Regulation also requires that Council publish, at least once a year, details of the days and times of both the ordinary meetings of the local government and any standing committees with the details to be published on the local government's website and in other ways the local government considers appropriate.

#### 2. REPORT

Council has reviewed its corporate reporting framework, and the proposed meeting schedule is outlined in Recommendation 1. This schedule aligns with the monthly reporting framework to ensure that Council receives key financial and other corporate reports at the optimal time.

It is proposed that Ordinary Meetings will generally be held every fourth Wednesday commencing at 9.00am in the Boardroom, Town Hall, 2 Caledonian Hill, Gympie, unless otherwise determined.

It is also proposed that Councillor Workshops and Briefings be held to:

- provide general information
- canvas opinions on issues
- seek feedback on issues
- identify any further clarification Council may require with regard to future Council agenda items
- facilitate information sharing.

To comply with Section 257(1) of the Regulation, the following monthly meeting cycle is recommended for adoption:

- Free – week one
- Councillor Workshop/Councillor Briefing – week two
- Free – week three
- Councillor Ordinary Meeting – week four.

It is noted that the Ordinary Meeting proposed to be held on Wednesday 18 December 2024, is in the third week due to the Christmas holiday break. Additional special purpose Workshops or site inspection/tours will be scheduled as required.

### 3. BUDGET IMPLICATIONS

Meeting schedule administration costs are included in Council's operational budget.

### 4. POLICY IMPLICATIONS

The recommendation of this report complies with the requirements of the Regulation.

### 5. CONSULTATION

The proposed meeting schedule is in alignment with [Council's Governance Framework](#). Governance Principle 1 – Transparent and effective decision-making in the public interest.

### 6. CONCLUSION

A Schedule of meeting dates for the period of April 2024 through to December 2024 has been provided in the recommendation below for Council's consideration.

## RECOMMENDATION 1

**That**

1. **Ordinary Meetings of Council be held at 2 Caledonian Hill, Gympie, more generally known as the Town Hall situated at the Five Ways, Gympie.**
2. **Councillor Workshop/Councillor Briefing sessions be conducted every second Wednesday of the month commencing at 9.00am unless otherwise determined.**
3. **Council Ordinary Meetings be conducted every fourth Wednesday of the month commencing at 9.00am unless otherwise determined.**
4. **The meeting dates for the months of April to December 2024 be set as follows:**

<b>Wednesday, 24 April 2024</b>	<b>Ordinary</b>
<b>Wednesday, 29 May 2024</b>	<b>Ordinary</b>
<b>Wednesday, 12 June 2024</b>	<b>Councillor Workshop/Councillor Briefing</b>
<b>Wednesday, 26 June 2024</b>	<b>Ordinary</b>
<b>Wednesday, 10 July 2024</b>	<b>Councillor Workshop/Councillor Briefing</b>
<b>Wednesday, 24 July 2024</b>	<b>Ordinary</b>
<b>Wednesday, 14 August 2024</b>	<b>Councillor Workshop/Councillor Briefing</b>
<b>Wednesday, 28 August 2024</b>	<b>Ordinary</b>
<b>Wednesday, 11 September 2024</b>	<b>Councillor Workshop/Councillor Briefing</b>
<b>Wednesday, 25 September 2024</b>	<b>Ordinary</b>
<b>Wednesday, 9 October 2024</b>	<b>Councillor Workshop/Councillor Briefing</b>
<b>Wednesday, 23 October 2024</b>	<b>Ordinary</b>
<b>Wednesday, 13 November 2024</b>	<b>Councillor Workshop/Councillor Briefing</b>
<b>Wednesday, 27 November 2024</b>	<b>Ordinary</b>

**Wednesday, 11 December 2024**  
**Wednesday, 18 December 2024**

**Councillor Workshop/Councillor Briefing**  
**Ordinary**

## 6.2 Code of Conduct for Councillors in Queensland

**PORTFOLIO:** Governance, Risk and Disaster Management

**DIRECTORATE:** Corporate Services

**DOC ID:**

### LINKS TO CORPORATE/OPERATIONAL PLAN

#### KEY RESPONSE AREAS:

3. Organisation

### 1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

Under section 150D of the *Local Government Act 2009* (the Act), the Minister for Local Government (the Minister) must make a Code of Conduct stating the standards of behaviour for councillors in the performance of their responsibilities as councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

The Minister's Code of Conduct is published on the Department of Housing and Local Government, Planning and Public Works' (the Department) website, refer '[Code of Conduct for Councillors in Queensland](#)', as approved February 2024 (Attachment 1).

Before assuming public office, all councillors must make a declaration of office as outlined in section 169 of the Act. This declaration is prescribed under section 254 of the *Local Government Regulation 2012* and provides that councillors must commit to complying with the local government principles and the code of conduct for councillors under the Act. The 'Code of Conduct for Councillors in Queensland' referred to above, is the code of conduct for councillors under the Act.

### 2. REPORT

This report is to inform Council that the 'Gympie Regional Council Councillor Code of Conduct – GRC010' (Attachment 2), is superseded by the Minister's 'Code of Conduct for Councillors in Queensland'. The outdated GRC010 document will no longer be referred to and will be removed from Council's website.

### 3. BUDGET IMPLICATIONS

There are no budget implications associated with the recommendation of this report.

### 4. POLICY IMPLICATIONS

The Minister develops and publishes the 'Code of Conduct for Councillors in Queensland' as required by legislation. This Code applies to all councillors across Queensland.

### 5. CONSULTATION

The Minister has made and published the 'Code of Conduct for Councillors in Queensland'.

## 6. CONCLUSION

The 'Code of Conduct for Councillors in Queensland' (Attachment 1) is the Minister's code of conduct under the Act. The 'Gympie Regional Council Councillor Code of Conduct – GRC010' (Attachment 2) has been superseded and will be removed from Council's website.

## ATTACHMENTS

- ↓1. Code of Conduct for Councillors Queensland - 22 February 2024
- ↓2. Outdated Gympie Regional Council Code of Conduct - GRC010

## RECOMMENDATION 1

**That Council acknowledges the 'Code of Conduct for Councillors in Queensland' (Attachment 1), as the code developed by the Minister for Local Government under section 150D of the *Local Government Act 2009*, and as published on the Department of Housing, Local Government, Planning and Public Works' website.**



## 6.3 Extension of Appointments - Audit and Risk Management Committee Independent Members

**PORTFOLIO:** Governance, Risk and Disaster Management

**DIRECTORATE:** Corporate Services

**DOC ID:**

### LINKS TO CORPORATE/OPERATIONAL PLAN

#### KEY RESPONSE AREAS:

3. Organisation

### 1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

Council's Audit and Risk Committee (ARC) provides supervision and advice to Council and the Chief Executive Officer about:

- Internal audit plan and progress reports
- External audit plan and progress reports
- Governance matters, including risk management
- Legislative and policy compliance.

Minute (M)15/12/22 provides Council's approved [Audit and Risk Committee's Charter](#) (ARC Charter).

The ARC Charter provides that independent members are to be appointed for a two-year term on a rotational basis, using a staggered annual appointment process. There are currently three independent members of the ARC whose tenure is current:

- Mr Hayden Wright (Chair ARC) – tenure to 31 December 2024 (M04/04/23 and M05/04/23)
- Mr Jason Powell – tenure to 31 December 2025 (M04/04/23 and M05/04/23)
- Mr Brett De Chastel – tenure to 31 December 2026 (M04/04/23 and M05/04/23).

Given the new term of Council and the recent appointment of Council's Coordinator Risk Management and Governance, it is proposed that the above ARC appointments continue.

### 2. REPORT

Under section 105 of the *Local Government Act 2009* (the Act), Council is required to have an audit committee that:

- (a) monitors and reviews—
  - (i) the integrity of financial documents; and
  - (ii) the internal audit function; and
  - (iii) the effectiveness and objectivity of the local government's internal auditors; and
- (b) makes recommendations to the local government about any matters that the audit committee considers need action or improvement.

Section 210 of the *Local Government Regulation 2012* (the Regulation) further requires that the audit committee must comprise of at least three but no more than six members, including one but no more than two councillors appointed by the local government.

The ARC Charter sets the composition of the committee as consisting of at least four and not more than six members including two, but no more than two Councilors. At least one member must have significant experience and skills in financial matters. The Council will resolve to appoint one of the Committee members as the Chair. The Chair is to be an independent Committee member i.e. a non-Councillor member. Councillors are usually appointed for the term of the Council.

As previously stated, the ARC Charter provides that independent members are to be appointed for a two-year term on a rotational basis, using a staggered annual appointment process. Council may reappoint an independent member at its discretion. Council may by resolution at any time add, remove or change the membership or the chair of the Committee.

Background information on Council's independent ARC members is included as attachments to this report. Councillor appointments to the ARC are to be considered separately at today's meeting. It is considered timely to conduct a skills matrix on the composition of the ARC to ensure Council's requirements continue to be met.

### **3. BUDGET IMPLICATIONS**

The cost of operating the ARC forms part of Council's annual budget considerations. There are no additional budgetary implications associated with the recommendations of this report.

### **4. POLICY IMPLICATIONS**

The ARC is a legislative requirement for Council. The ARC operates in accordance with its Charter and the mandatory requirements under the Act and the Regulation.

### **5. CONSULTATION**

Chief Executive Officer  
Independent Chairperson of the ARC  
Manager Governance, Integrity and Risk

### **6. CONCLUSION**

Council is required to have an ARC. To maintain continuity of the informed operation of Council's ARC, it is recommended that the appointment of the three independent committee members identified in the report be extended. A review of the ARC Charter and use of a skills matrix is required to best inform committee composition in the longer term.

## **ATTACHMENTS**

- [1. Hayden Wright Profile](#)
- [2. Brett de Chastel Profile](#)
- [3. Jason Powell Profile](#)

## **RECOMMENDATION 1**

### **That Council:**

- 1. Confirm as independent members of the Audit and Risk Committee:**
  - **Mr Hayden Wright as Chairperson until 31 December 2024;**
  - **Mr Jason Powell until 31 December 2025; and**
  - **Mr Brett De Chastel until 31 December 2026.**
- 2. Seek a review of the Audit and Risk Committee Charter by no later than 30 June 2024; and**
- 3. Approve that a skills matrix be conducted on the composition of the Audit and Risk Committee with the skills matrix and recommendations report to be presented to Council by no later than 30 September 2024.**

## 6.4 Councillor Portfolios

**PORTFOLIO:** Governance, Risk and Disaster Management

**DIRECTORATE:** Corporate Services

**DOC ID:**

### LINKS TO CORPORATE/OPERATIONAL PLAN

#### KEY RESPONSE AREAS:

1. Community and Environment
2. Infrastructure and Economic Opportunity
3. Organisation

### 1. BACKGROUND AND PREVIOUS COUNCIL CONSIDERATION

The attached Councillor Portfolio Policy (the Policy) applies to all councillors and staff members of the Gympie Regional Council. The purpose of the Policy is to outline the roles of councillors within their allocated portfolio(s) and the responsibilities of relevant staff members under the Policy.

### 2. REPORT

Councillor Portfolios are allocated to councillors at the commencement of the Council term and may be reassigned by resolution of Council, as required. There is no legislative obligation to establish Councillor Portfolios.

In the previous term of Council, Councillor Portfolios were established for key strategic activities as outlined in the following table.

Strategic Activity	Strategic Items for Consideration at Meeting
Governance, Risk and Disaster Management	Governance Framework, risk profile, policy review analysis, internal audit, disaster management readiness/business continuity
Environment and Waste	Waste minimisation and recycling initiatives, planning strategy, Waste Management Strategy, waste service targets, balanced environmental protection and planning, risk issues, assets management.
Planning and Regulatory Compliance	Planning strategy, planning scheme progress, sustainability strategy, risk issues.
Water and Waste Water	Water and waste water services, asset management planning progress, strategic plans, water allocations, risk issues

Civil Works and Design, Asset Management, Facilities, Property and Open Space	Asset management planning progress, strategic plans responses, risk issues. Strategic direction, licensing and leasing trend analysis, asset management planning progress, risk issues. Open Space initiatives.
IT and Finance	ERP Project, cyber/IT risk, IT strategy response. Long term financial indicators, valuation and asset recognition, finance strategy response, risk issues.
Arts, Culture, Libraries, Community Development and Customer Service	Continued support to community and organisations, progress of Arts and Cultural Plan, inclusive cultural and community places and spaces including library services
Economic Development, Tourism, Events and Communication	Communication and engagement, proactive advocacy, active recreation and sports, economic develop planning and destination management.

### 3. BUDGET IMPLICATIONS

There are no budget implications associated with the recommendation of this report.

### 4. POLICY IMPLICATIONS

The portfolio process is intended for information sharing and help guide the direction of council's decision-making efforts by enabling resources to be allocated to projects and initiatives that work toward Council's Vision as outlined in the [Corporate Plan 2022-2027](#).

There is no legislative obligation to establish Councillor Portfolios.

### 5. CONSULTATION

Councillor Portfolios are allocated by Council. The Councillor Portfolio Policy is due for review in September 2024.

### 6. CONCLUSION

Although it can be argued that Councillor Portfolios help guide the direction of council's decision-making efforts, there is no legislative obligation to establish same.

### ATTACHMENTS

1. Councillor Portfolio Policy

### RECOMMENDATION

**That Council suspend the application of the Gympie Regional Council Councillor Portfolio Policy and reassess its ongoing application as part of the review of the Gympie Regional Council Councillor Portfolio Policy to be undertaken in September 2024**



## SECTION 7: ATTACHMENTS

### 6.2 Code of Conduct for Councillors in Queensland

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### 6.3 Extension of Appointments - Audit and Risk Management Committee Independent Members

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### 6.4 Councillor Portfolios

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# **Code of Conduct for Councillors in Queensland**

**Approved 22 February 2024**

Last updated: 22 February 2024



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## Purpose of the Code of Conduct

The Code of Conduct sets out the principles and standards of behaviour expected of councillors and mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, councillors will increase public confidence in local government and their decisions.

## Background

Under section 150D of the *Local Government Act 2009* (the LGA), the Minister for Local Government (the Minister) must make a Code of Conduct stating the standards of behaviour for councillors in the performance of their responsibilities as councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, all councillors must make a declaration of office and commit to complying with the local government principles and obligations of councillors in accordance with section 169 of the *Local Government Act 2009* and 169 of the *City of Brisbane Act 2010*, as well as the standards of behaviour set out in this Code of Conduct. As part of that declaration, councillors must declare that they will abide by this Code of Conduct.

## The Local Government Principles and Values

The legislation is founded on five local government principles with which councillors must comply while performing their roles as elected representatives. These principles are listed below:

1. Transparent and effective processes, and decision making in the public interest
2. Sustainable development and management of assets and infrastructure, and delivery of effective services
3. Democratic representation, social inclusion and meaningful community engagement.
4. Good governance of, and by, local government
5. Ethical and legal behaviour of councillors and local government employees.

This Code of Conduct provides a set of values that describe the types of conduct councillors should demonstrate to ensure their compliance with the local government principles. These values are listed below:

1. In making decisions in the public interest, councillors will:
  - make decisions in open local government meetings
  - properly inform relevant personnel of all required information
  - make decisions in accordance with law and policy
  - commit to exercising proper diligence, care and attention.
2. To ensure the effective and economical delivery of services, councillors will:
  - manage local government resources effectively, efficiently and economically
  - foster a culture of excellence in service delivery.

3. In representing and meaningfully engaging with the community, councillors will:
  - show respect to all persons
  - clearly and accurately explain the local government's decisions
  - accept and value differences of opinion.
4. In exercising good governance, councillors are committed to:
  - the development of open and transparent processes and procedures
  - keeping clear, concise and accessible records of local government decisions.
5. To meet the community's expectations for high level leadership, councillors will:
  - be committed to the highest ethical standards while performing their official duties
  - uphold the system of local government and relevant laws applicable to it.

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

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

Last updated: 22 February 2024

## Standards of Behaviour

This Code of Conduct sets out the standards of behaviour applying to all councillors in Queensland while acting in their official capacity. The behavioural standards relate to, and are consistent with, the local government principles and their associated values.

The standards of behaviour are summarised as the three Rs, being:

1. RESPONSIBILITIES
2. RESPECT
3. REPUTATION

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

1. Carry out RESPONSIBILITIES conscientiously and in the best interest of the local government and the community

For example, councillors will, at a minimum, have the following responsibilities:

- 1.1. Attend and participate meaningfully in all local government meetings, committee meetings, informal meetings, relevant workshops and training opportunities to assist them in fulfilling their roles other than where prior leave of absence is given
- 1.2. Respect and comply with all policies, procedures and resolutions of local government
- 1.3. Use only official local government electronic communication accounts (e.g.

email accounts) when conducting local government business

- 1.4. Report any suspected wrongdoing to the appropriate entity within required time periods
- 1.5. Ensure that their behaviour or capacity to perform their responsibilities in their official capacity as a councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
- 1.6. Cooperate with any investigation being undertaken by the local government or other entity
- 1.7. Ensure that the Councillor's Advisor is aware of their obligations to comply with the standards of behaviour in the Code of Conduct for Councillor Advisors in Queensland
- 1.8. Awareness of responsibilities imposed on councillors by the *Local Government Act 2009*, the *City of Brisbane Act 2010* and the relevant regulations.

2. Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way

For example, councillors will, at a minimum, act in the following ways:

- 2.1. Treat fellow councillors, local government employees and members of the public with courtesy, honesty and fairness
- 2.2. Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other councillors, local

government employees or members of the public

- 2.3. Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.

### 3. Ensure conduct does not reflect adversely on the REPUTATION of the local government

For example, councillors will, at a minimum, conduct themselves in the following manner:

- 3.1 When expressing an opinion dissenting with the majority decision of the local government, respect the democratic process by acknowledging that the local government decision represents the majority view of the local government.
- 3.2 When making public comment, clearly state whether they are speaking on behalf of the local government or expressing their personal views.
- 3.3 At all times strive to maintain and strengthen the public's trust and confidence in the integrity of the local government and avoid any action which may diminish its standing, authority or dignity.

## Consequences of failing to comply with the Code of Conduct

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this code of conduct may give rise to a complaint against a councillor's conduct and subsequent investigation and disciplinary action under the legislation if found to have engaged in a conduct breach, misconduct, or corrupt conduct.

A complaint about the conduct of a councillor must be reported to the Office of the Independent

Assessor (OIA) within one year from when the conduct occurred, or within six months after the conduct comes to the knowledge of the complainant but within two years after the conduct occurred.

These time limitations do not reflect the fact that the OIA can look at a matter received late due to exceptional circumstances.

There is no time limit for reporting of corrupt conduct.

A preliminary assessment process must be undertaken by the Independent Assessor before progressing conduct matters. After the preliminary assessment the Independent Assessor must decide:

- to dismiss a complaint, notice or information, or
- take no further action in certain circumstances, or
- refer a suspected conduct breach to a local government for investigation, or
- investigate the conduct of the councillor, or
- not deal with the complaint and give the councillor counselling or recommend training or mediation.

If, after the preliminary assessment the Independent Assessor refers the complaint to the appropriate entity to deal with, the entity to which they refer the matter will depend on the category of the conduct complaint (conduct breach, misconduct, and corrupt conduct).

The Independent Assessor may take no further action about the conduct of a councillor, following an investigation, if satisfied that taking further action would not be in the public interest.



### Unsuitable Meeting Conduct

Under the *Local Government Act 2009*, any conduct by a councillor that is contrary to the standards of behaviour in the Code of Conduct that occurs within a local government meeting (including standing committee meetings), is dealt with as unsuitable meeting conduct.

Unsuitable meeting conduct by a councillor is dealt with by the chairperson of the meeting. It is important that the chairperson deal with matters of unsuitable meeting conduct immediately, and as efficiently and effectively as possible so that the local government can continue with their business of making effective decisions in the public interest.

Unsuitable meeting conduct by the chairperson will be dealt with by the councillors present at the meeting who will decide by resolution if the chairperson has engaged in unsuitable meeting conduct and if so how to deal with the matter. The councillors may make an order to reprimand the chairperson.

### Conduct breach

Under the *Local Government Act 2009*, any conduct by a councillor that is contrary to the standards of behaviour in the Code of Conduct or a policy, procedure or resolution of a local government, and is not unsuitable meeting conduct, misconduct or corrupt conduct is dealt with as a conduct breach. The code of conduct only applies to conduct directly relevant to a councillor's official duties.

The conduct of a councillor is also a conduct breach if it contravenes an order by the chairperson of a local government meeting for the councillor to leave the meeting or is a series of conduct at local government meetings that leads to orders for the councillor's unsuitable meeting conduct being made

on three occasions within a period of one year. The local government is not required to notify the OIA of these matters and may deal with the conduct under section 150AG of the *Local Government Act 2009* (including Brisbane City Council).

The Independent Assessor is responsible for conducting a preliminary assessment of the complaint about the conduct of a councillor including the allegations of a suspected conduct breach, excluding those arising from unsuitable meeting conduct, referred to the Independent Assessor.

Following the preliminary assessment, if the Independent Assessor has decided not to dismiss, the Independent Assessor must refer a suspected conduct breach to the local government to deal with.

The local government may decide not to start, or to discontinue investigation if:

- the complainant withdraws the complaint or consents to the investigation not being started or being discontinued; or
- the complainant does not comply with a request by the local government for further information; or
- there is insufficient information to investigate the conduct; or
- the councillor has vacated office (if re-elected within a 12 month period, the investigation must be recommenced).

### Misconduct

Councillors are required to comply with all laws that apply to local governments, this includes refraining from engaging in misconduct.

The Independent Assessor is responsible for assessing and investigating instances of suspected

## Queensland Government

misconduct. The OIA may make an application to the Councillor Conduct Tribunal (CCT) for the matter to be heard and determined. If the councillor is found to have engaged in misconduct, the CCT may decide to take the disciplinary action it considers appropriate against the councillor. The Independent Assessor may, at any time before an application is decided by the CCT, withdraw the application in whole or in part if satisfied the withdrawal is in the public interest.

If the office of a councillor is vacated before an application is decided, the Independent Assessor must withdraw the application.

The conduct of a councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the councillor's functions or exercise of the councillor's powers, or
- is, or involves:
  - non-compliance with an Act by a councillor
  - misuse of information or material acquired by the councillor, in the performance of the councillor's functions, whether the misuse is for the benefit of the councillor or for the benefit or to the detriment of another person
- is:
  - a contravention of an order of a local government or the CCT
  - a contravention of a policy of the local government about the reimbursement of expenses
  - failure to notify particular conduct to the OIA

- a failure to declare a conflict of interest or appropriately deal with a prescribed conflict of interest or a declarable conflict of interest in a meeting
- participation in a decision when a prescribed or declarable conflict of interest exists without approval of the other councillors in the matter
- a failure to report another councillor's potential conflict of interest in a matter in a meeting if the councillor reasonably believes or suspects the other councillor has a conflict of interest
- a release of confidential information that the councillor knows is confidential
- an attempt to influence a decision maker about a matter in which the councillor has a prescribed conflict of interest or a declarable conflict of interest
- failure to declare particulars of interests at the start of the term or appointment, update or annually review.

The conduct of a councillor is also misconduct if the conduct leads to the councillor being disciplined for a conduct breach on three occasions within a period of one year or is conduct that is identified in an order of local government that it will be dealt with as misconduct if the councillor engages in the same conduct breach again.

The conduct of a councillor is misconduct if a councillor purports to direct the Chief Executive Officer (CEO) in relation to disciplinary action regarding the conduct of a local government employee or a Councillor Advisor.

The conduct of a mayor is misconduct if an unlawful direction is given by a mayor to the CEO under the *Local Government Act 2009* or, is given to the CEO or a senior executive employee under *the City of Brisbane Act 2010*.

Councillors / mayor may only give directions to local government employees that are in accordance with the guidelines made about the provision of administrative support.

### Corrupt Conduct

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001*<sup>1</sup> and must be referred to the Crime and Corruption Commission (CCC).

Corrupt Conduct means conduct of a person, regardless of whether the person holds or held an appointment, that

- adversely affects or could adversely affect the performance of the councillor's responsibilities, and
- involves the performance of the councillor's responsibilities in a way that:
  - is not honest or impartial, or
  - involves a breach of the trust placed in the councillor, or
  - involves a misuse of information or material acquired through the performance of the councillor's responsibilities and
- would if proved, be –
  - a criminal offence; or
  - a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt Conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that:

- impairs, or could impair, public confidence in public administration; and
- involves, or could involve, any of the following—
  - collusive tendering;
  - fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)
    - o protecting health or safety of persons;
    - o protecting the environment;
    - o protecting or managing the use of the State's natural, cultural, mining or energy resources;
  - dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
  - evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
  - fraudulently obtaining or retaining an appointment; and
- would, if proved, be—
  - a criminal offence; or
  - a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Councillors are reminded of their obligations under section 38 of the *Crime and Corruption Act 2001* to report suspected corrupt conduct.

<sup>1</sup> Section 15 ((1) and (2) *Crime and Corruption Act 2001*



The OIA has entered into a section 40<sup>2</sup> arrangement with the CCC which allows the OIA to commence investigation into some allegations of corrupt conduct and report the matters to the CCC on a monthly basis, to provide the CCC with the opportunity to assume responsibility for or monitor an investigation, should the CCC consider that appropriate.

Further information about the CCC's jurisdiction and other topics in relation to local government is available at

<https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CCC/Corruption-in-focus-Guide-2020.pdf> (Chapter 4).

#### **More Information**

For any further enquiries on this matter please contact the department.

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<sup>2</sup> Section 40 *Crime and Corruption Act 2001*

# Councillor Code of Conduct

## Purpose of the Code of Conduct

The Code of Conduct sets out the principles and standards of behaviour expected of Councillors and Mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in Local Government and Council decisions.

## Background

Under section 150D of the *Local Government Act 2009* (the Act), the Minister for Local Government must make a Code of Conduct stating the standards of behaviour for Councillors in the performance of their responsibilities as Councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, Councillors must understand and commit to complying with the Local Government principles and obligations of Councillors in accordance with section 169 of the Act, as well as the standards of behaviour set out in this Code of Conduct. All Councillors are required to make a declaration of office under section 169 of the Act. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.

## The Local Government Principles and Values

The legislation is founded on five Local Government principles with which Councillors must comply while performing their roles as elected representatives. These principles are listed below.

- Transparent and effective processes, and decision-making in the public interest.
- Sustainable development and management of assets and infrastructure, and delivery of effective services.
- Democratic representation, social inclusion and meaningful community engagement.
- Good governance of, and by, Local Government.
- Ethical and legal behaviour of Councillors and Local Government employees.

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

1. In making decisions in the public interest, Councillors will:
  - make decisions in open council meetings
  - properly inform relevant personnel of all relevant information
  - make decisions in accordance with law and policy
  - commit to exercising proper diligence, care and attention.
2. To ensure the effective and economical delivery of services, Councillors will:
  - manage council resources effectively, efficiently and economically
  - foster a culture of excellence in service delivery.
3. In representing and meaningfully engaging with the community, Councillors will:
  - show respect to all persons
  - clearly and accurately explain Council's decisions
  - accept and value differences of opinion.

# Councillor Code of Conduct

4. In exercising good governance, Councillors are committed to:
  - the development of open and transparent processes and procedures
  - keeping clear, concise and accessible records of decisions.
5. To meet the community's expectations for high level leadership, Councillors will:
  - be committed to the highest ethical standards
  - uphold the system of Local Government and relevant laws applicable.

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

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

## Standards of behaviour

This Code of Conduct sets out the standards of behaviour applying to all Councillors in Queensland. The behavioural standards relate to, and are consistent with, the Local Government principles and their associated values. The standards of behaviour are summarised as the three R's, being:

- 1. RESPONSIBILITIES**
- 2. RESPECT**
- 3. REPUTATION**

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

### **1. Carry out RESPONSIBILITIES conscientiously and in the best interests of the Council and the community.**

For example, Councillors will, at a minimum, have the following responsibilities:

- 1.1. Attend and participate meaningfully in all Council meetings, committee meetings, informal meetings, briefings, relevant workshops and training opportunities to assist Councillors in fulfilling their roles other than in exceptional circumstances and/or where prior leave is given;
- 1.2. Respect and comply with all policies, procedures and resolutions of Council;
- 1.3. Use only official Council electronic communication accounts (e.g. email accounts) when conducting Council business;
- 1.4. Report any suspected wrongdoing to the appropriate entity in a timely manner;
- 1.5. Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances);
- 1.6. Cooperate with any investigation being undertaken by the Local Government or other entity;
- 1.7. Ensure that the Councillor's Advisor is aware of their obligations to comply with the standards of behaviour in the Code of Conduct for Councillor Advisors in Queensland.

# Councillor Code of Conduct

## 2. Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way.

For example, Councillors will, at a minimum, act in the following ways:

- 2.1. Treat fellow Councillors, council employees and members of the public with courtesy, honesty and fairness;
- 2.2. Not use abusive, obscene or threatening language (either oral or written) or behaviour towards other Councillors, council employees or members of the public;
- 2.3. Have proper regard for other people's rights, obligations, cultural differences, safety, health and welfare.

## 3. Ensure conduct does not reflect adversely on the REPUTATION of Council.

For example, Councillors will, at a minimum, conduct themselves in the following manner:

- 3.1. When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the council decision represents the majority view of the Council;
- 3.2. When making public comment, clearly state whether they are speaking on behalf of Council or expressing their personal views;
- 3.3. At all times strive to maintain and strengthen the public's trust and confidence in the integrity of Council and avoid any action which may diminish its standing, authority or dignity.

## Consequences of failing to comply with the Code of Conduct

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

A complaint about the conduct of a Councillor must be submitted to the Office of the Independent Assessor (OIA), who will assess the complaint and determine the category of the allegation. In order of least to most serious, the categories of complaint are **unsuitable meeting conduct**, **inappropriate conduct**, **misconduct**, and then **corrupt conduct**.

## Unsuitable meeting conduct

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

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

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



# Councillor Code of Conduct

## Inappropriate conduct

Under the legislation, any conduct by a Councillor that is contrary to the standards of behaviour in the Code of Conduct or a policy, procedure or resolution of a Council, and is not unsuitable meeting conduct, misconduct or corrupt conduct is dealt with as **inappropriate conduct**.

The conduct of a Councillor is also inappropriate conduct if the conduct contravenes an order by the Chairperson of a meeting of Council for the Councillor to leave the meeting, or is a series of conduct at Council meetings that leads to orders for the Councillor's unsuitable meeting conduct being made on three occasions within a period of one year. The local government is not required to notify the OIA and may deal with the conduct under section 150AG of the Act (including Brisbane City Council).

The OIA is responsible for assessing allegations of suspected inappropriate conduct other than those arising from unsuitable meeting conduct. If the OIA chooses to refer the matter to the Council to deal with, the Council must deal with the matter as quickly and effectively as possible.

## Misconduct

Councillors are required to comply with all laws that apply to local governments. This includes refraining from engaging in misconduct. The OIA is responsible for assessing and investigating instances of suspected misconduct. The OIA may make an application to the Councillor Conduct Tribunal to be heard and determined.

The conduct of a Councillor is misconduct if the conduct:

- adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions or exercise of the Councillor's powers, or
- is, or involves:
  - a breach of trust placed in the Councillor, either knowingly or recklessly;
  - misuse of information or material acquired by the Councillor, whether the misuse is for the benefit of the Councillor or for the benefit or to the detriment of another person;
  - a Councillor giving a direction to any Council employee (other than the Mayor giving direction to the Chief Executive Officer in accordance with section 170 of the Act);
  - a release of confidential information outside of the Council;
  - failure to declare a conflict of interest or appropriately deal with a conflict of interest in a meeting;
  - attempting to influence a decision maker about a matter in which the Councillor has a conflict of interest;
  - failure by a Councillor to report a suspected prescribed conflict of interest of another Councillor;
  - failure to submit, update or review the Councillor's register of interests, or
- is a failure by the Councillor to comply with:
  - an order made by the Council or the Councillor Conduct Tribunal;
  - any acceptable request guidelines of the Council made under legislation;
  - the reimbursement of expenses policy of the Council.

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

The conduct of a Councillor may also be misconduct if a Councillor purports to direct the Chief Executive Officer in relation to disciplinary action regarding the conduct of a Councillor Advisor.

# Councillor Code of Conduct



## Corrupt Conduct

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

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

Councillors are reminded of their obligations under section 38 of the *Crime and Corruption Act 2001* to report suspected corrupt conduct.

The OIA has entered into a section 40 arrangement with the CCC which allows the OIA to commence investigation into some allegations of corrupt conduct and report the matters to the CCC on a monthly basis, to provide the CCC with the opportunity to assume responsibility for or monitor an investigation, should the CCC consider that appropriate.

## **Background information on independent ARMC members**

### **Hayden Wright**

Hayden has been a career local government officer and former local government CEO. He was appointed as Town Clerk at Cairns City Council in 1988 and became the CEO at Redland Shire Council in 1993, a position he held for 10 years. Hayden was appointed Executive Director of the Office of the CEO at Brisbane City Council in 2003. In this role he was responsible for formal and legislated governance of the Council.

In 2009 Hayden commenced his own consulting practice to offer consulting services to councils and, in that capacity, has assisted and advised many councils, particularly Indigenous councils, on managing governance issues. In 2013 Hayden was appointed by the LGAQ as its Independent Councillor Advisor to provide confidential advice and support to councillors throughout the state. He has also been appointed as a Statutory Advisor to Mt Isa City Council in 2022. Hayden has served on numerous Audit Committees and currently serves on two including Gympie.

Hayden has been member of the Gympie's Audit and Risk Committee since 2016 and was appointed Chairperson in 2022.



## Capability Statement

### Introduction

Brett de Chastel is well known in the Queensland local government sector with over 30 years of experience across a broad range of government disciplines and has experience at executive management level in a number of Queensland Councils. Most recently, he has been CEO of Noosa Shire Council for 8 years but has held a range of other executive level positions in local councils and also owned and operated a boutique management consultancy firm focusing on providing services to Queensland local governments.



### Skills and Qualifications

Brett has a unique mix of skills and qualifications including: –

- MBA (University of New England with a double major in Local Government and Human Resources);
- Bachelor of Laws (UQ) with 10 years experience as a local government lawyer;
- Fellow of Australian Institute of Company Directors and Graduate of the AICD Company Directors course;
- Fellow of Local Government Managers Australia (Qld);
- Bachelor of Arts (UQ) (majoring in Journalism).

Brett has held Executive level positions in a number of Councils including Ipswich City Council, Noosa Shire Council and the Sunshine Coast Regional Council. He also has had some time in the private sector as a consultant and undertaken projects such as :-

- Preparation of major report into Indigenous Councils governance and sustainability practices on behalf of the State Government
- Appointed by Department of Local Government as Governance Advisor for Wujal Wujal Aboriginal Shire Council to turn around their precarious financial position.
- Keynote Speaker at numerous State LGMA conferences on local government issues
- Undertaking a number of CEO and Council Executive Performance reviews across Queensland
- Development of Corporate Plans and Operational Plan frameworks for a number of Queensland Councils including Weipa Town Authority and Aurukun Shire Council.
- Presentation of financial training for Councillors to a range of Councils including Torres Strait, Cherbourg, Yarrabah, Mornington Island and Carpentaria.
- Member of State Government Capability Steering Committee examining local government sustainability across Queensland.
- Research paper for Australian Centre of Excellence for Local Government on attraction and retention of CEO and local government executives to remote and regional locations in Australia.
- Volunteer mentor and advisor for Cherbourg Aboriginal Shire Council.

[www.dechastel.com.au](http://www.dechastel.com.au)

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### Timeline

- **2022 to present** - Principal consultant at de Chastel and Associates.
- **2015 to 2021** – Local Government Managers Australia (Qld) Board member and State President of LGMA Qld from 2019 to 2021. Representing Queensland CEOs in negotiations on local government policy issues with State Ministers and providing support for many CEOs across Queensland.
- **2014 to 2021** – CEO of Noosa Shire Council.  
This including starting the new Council following de-amalgamation and leading some innovative local government practices including community juries, establishing a nationally recognised digital hub and a national award winning environmental project. Throughout the 8 years as CEO of Noosa Council, Noosa was recognised as one of the best run Councils in Queensland.
- **2008 to 2013** – Principal consultant at de Chastel and Associates. Providing strategic services to more than 25 Councils across Queensland including undertaking financial sustainability assessments, facilitating community and corporate plans, reviewing governance arrangements and supporting a number of indigenous Councils across Queensland.
- **2008:** Regional Director Governance, Sunshine Coast Regional Council.  
This role entailed establishing the Governance arrangements for the fourth largest Council in Australia. This included ultimate responsibility for corporate planning, corporate performance, regional governance relationships, media relations, community engagement, risk management, Council decision making frameworks and corporate strategy.
- **2001 – 2008:** Director Corporate Services, Noosa Shire Council.  
The role included Director responsibility for finance, legal services, budget control, rating policies, organisational development, information technology, records, HR, Workplace Health and Safety, corporate planning, corporate performance, etc.
- **1998 – 2001:** Deputy Chief Executive Officer, Ipswich City Council.  
That role included responsibility for corporate governance, information technology, records, corporate planning, legal services and HR.
- **1989 – 1998:** City Solicitor at Ipswich City Council.  
Management responsibility for all legal issues involving the Council including 1995 amalgamation, establishing an internet company, negotiating major infrastructure agreements at Springfield and all litigation involving the Council.
- **1988:** Solicitor in private practice at Henderson Trout (now Clayton Utz).  
That role was primarily as a commercial lawyer.



- **1985 – 1987:** Articled clerk at Graham Larsen and Co, a small legal practice at Mareeba, North Queensland.
- **2006 – 2012:** Director of United Synergies. Volunteer role as Director of United Synergies which is a large not-for-profit organisation specialising in suicide prevention and post trauma counselling, crisis housing for young people, youth mentoring programs and alternative education pathways for at risk youth etc. This is a highly successful not-for-profit company with over 80 staff and an annual turnover of over \$10 M. Brett undertook business planning and risk management sessions for the company on a volunteer basis. Chairman of Board of Directors from 2009 to 2012.
- **Other** – Volunteer Surf Lifesaver with Noosa Heads Surf Lifesaving Club - 2004 to present.

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[www.dechastel.com.au](http://www.dechastel.com.au)

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### **Jason Powell**

Jason Powell is a Chartered Accountant with 16 years' experience in accounting and professional services. As a Senior Manager in BDO's Sunshine Coast office, Jason specialises in providing audit and assurance services to a wide range of industry areas.

Over the course of his time in the audit and assurance sector, Jason has had the opportunity to manage the audit engagements of a number of ASX-listed entities, local governments and public sector statutory bodies.

Jason has extensive experience in risk identification and mitigation through delivering strong corporate governance structures to a range of organisations. Jason's capabilities in the provision of risk and advisory services are complimented by his experience in delivering an outsourced internal audit function for the University of the Sunshine Coast.

# Councillor Portfolio Policy



Document Control		
<b>Policy Title:</b>	<b>Councillor Portfolio Policy</b>	<b>Policy Type: Council</b>
<b>Responsible Directorate:</b>	<b>Corporate Services</b>	<b>Doc Id No: 1577779</b>
<b>Date Review Due</b>	<b>September 2024</b>	

<b>Version<sup>1</sup></b>	<b>Council/Executive Meeting Date (Date of Adoption/Endorsement)</b>	<b>Minute Number</b>
V1.0.11	13 April 2016	M03/04/16
V1.0.13	27 May 2020	M10/05/20
V1.0.14	25 October 2023	M05/10/23

## 1. Purpose and Scope

This policy applies to all Councillors and staff members of the Gympie Regional Council. The purpose of this policy is to outline the roles for Councillors within their allocated portfolio and the responsibilities of relevant staff members under this policy.

The portfolio process is intended to be for information sharing and help guide the direction of council's decision-making efforts by enabling resources to be allocated to projects and initiatives that work toward Council's Vision as outlined in the Corporate Plan.

Councillor Portfolios are allocated at the commencement of the Council term and reassigned by resolution of Council, as required. Refer to Attachment 1 – Current Councillor Portfolios as at October 2022.

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<sup>1</sup> The Version Number is direct from the Corporate Records Management System

# Councillor Portfolio Policy



## 2. Related Legislation/Documents

*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Right to Information Act 2009*  
*Records Management Act 2002*  
*Human Rights Act 2019*  
Code of Conduct for Councillors in Queensland  
Council's Corporate Plan 2022-2027  
Gympie Regional Council Staff Code of Conduct

## 3. Definitions

To assist in interpretation of this policy the following definitions apply:

<b>Act (the Act)</b>	<i>Local Government Act 2009</i>
<b>Business Days</b>	Refers to the typical hours in a day when normal business operations take place. A business day is normally Monday through Friday from 8.00am to 5.00pm, excluding public holidays.
<b>Council 'C'</b>	Elected members as Council.
<b>council 'c'</b>	The administrative arm of council.
<b>Councillors</b>	All elected officials, including the Mayor.
<b>Executive Leadership Team (ELT)</b>	The Chief Executive Officer (CEO) and Directors.
<b>Portfolio</b>	A strategy or work program in the function and responsibilities of council.
<b>Staff Member</b>	Any person employed directly by Gympie Regional Council, regardless of their employment status (full time, part time, casual, volunteer) and contractors which includes on-hired temporary or labour services (agency staff) and sub-contractors as well as all others who perform work on behalf of council, or as defined pursuant to the Act.



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## 4. Human Rights Commitment

Gympie Regional Council (council) has considered the human rights protected under the *Human Rights Act 2019* (Qld) when adopting or amending this policy. When applying this policy, council will act in a way that is compatible with human rights to meet the objectives of the Act.

## 5. Policy Statement

### 5.1 Objectives:

- 5.1.1 Portfolio Councillors act as sounding boards for strategic issues and suggestions from the Executive Leadership Team, members of the public, and other Councillors relating to their portfolio.
- 5.1.2 By the Portfolio Councillors giving their views, reflective of Council's vision and direction regarding issues, to assist the organisation's leadership team in understanding the Council's preferences and direction. This will assist in appropriately managing council's resources and enabling value for money administration.
- 5.1.3 The Portfolio Councillors are able to speak with knowledge on strategic matters and projects in their responsible portfolio area at Council meetings and publicly if requested to by the Mayor.
- 5.1.4 Residents are able to identify which Portfolio Councillors to approach in relation to raising concerns or requesting information.

## 6. Role of Portfolio Councillors

6.1 In addition to their responsibilities as a Councillor under the *Local Government Act 2009*, Portfolio Councillors are:

- 6.1.1 To liaise with the community and attend meetings or forums as required, with regard to their assigned portfolio.
- 6.1.2 To liaise with other Councillors regarding matters that may affect their portfolio areas.
- 6.1.3 Councillors should attend their scheduled Portfolio Meeting, to be informed on any topical issues, proposed legislative changes or industry and technology updates.
- 6.1.4 Have a thorough understanding of Council's Corporate Plan, in particular the strategic priorities, strategic pathways and performance measures for the activities within their assigned portfolio.
- 6.1.5 To report to a Council Ordinary Meeting on relevant strategic activities within the portfolio and generally, champion the advancement of Council's strategic priorities, pathways and decisions, relevant to the Portfolio area.
- 6.1.6 Portfolio Councillors are not, and cannot be, responsible for the operational performance or outcomes of the portfolio area.

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6.1.7 In accordance with the provisions of the Act, Councillors:

- Cannot direct staff members
- Cannot inform any report recommendations
- Must abide by Council decisions
- Must abide by Council policies; and
- Must abide by the Code of Conduct for Councillors in Queensland.

## 7. Staff Member's Responsibility

- 7.1 The Executive Leadership Team may discuss the proposed content of reports with Portfolio Councillors, but the report preparation and content will always remain the staff member's responsibility. It is most important that reports presented to Council are written by staff members reflecting their professional judgement.
- 7.2 The Executive Leadership Team are responsible for the operational performance and outcomes of their respective portfolio areas.
- 7.3 Staff members can be nominated to attend Portfolio Councillor Meetings by the Director.
- 7.4 Directors are to ensure that regular Portfolio Meetings are scheduled with the Portfolio Councillors. A minimum of one meeting per quarter should be held and all other Councillors receive an invitation for optional attendance.
- 7.5 Directors are to ensure that all invitees receive a copy of the agenda.
- 7.6 Directors are responsible for ensuring that notes from the meetings are taken and distributed to all Councillors and relevant staff members within seven (7) business days of the meeting being held.
- 7.7 Copies of notes from each Portfolio Meeting are to be saved in council's record management system by the Director or delegate.
- 7.8 In accordance with the provisions of the Act, staff members:
- Must abide by Council decisions
  - Must abide by Council policies; and
  - Must abide by the Gympie Regional Council Staff Code of Conduct.

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## 8. Portfolio Meeting Protocol

- 8.1 The responsible Director is to be the chairperson of the Portfolio Meetings.
- 8.2 Portfolio meetings are not statutory or decision-making meetings.
- 8.3 The agenda is to be provided five (5) business days prior to the scheduled meeting on the approved template.
- 8.4 Agenda items are to be set by the relevant Director with input from the Portfolio Councillor that may be inclusive of community feedback, other Executive Leadership Team members or relevant staff members.
- 8.5 Portfolio Meetings will be held at Town Hall, Gympie, unless advised otherwise.
- 8.6 Records are to be taken of meeting discussions and outcomes. These records are to be distributed to all Councillors, Executive Leadership Team and relevant staff members, within seven (7) business days, after the meeting.

## 9. Review

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council.
3. As initiated by the CEO.
4. Periodic review every year.

## 10. Delegations

Nil.



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## ATTACHMENT 1 - M04/10/22

Strategic Activity	Portfolio Councillors/Meeting Lead	Strategic Items for Consideration at Meeting
Governance, Risk and Disaster Management	Mayor Hartwig and Councillor Fredman/CEO	Governance Framework, risk profile, policy review analysis, internal audit, disaster management readiness/business continuity.
Environment and Waste	Mayor Hartwig and Councillor Milne/Director Community Sustainability	Waste minimisation and recycling initiatives, planning strategy, Waste Management Strategy, waste service targets, balanced environmental protection and planning, risk issues, assets management
Planning and Regulatory Compliance	Councillor Stewart and Councillor Waldock/Director Community Sustainability	Planning strategy, planning scheme progress, sustainability strategy, risk issues.
Water and Waste Water	Councillor Waldock and Councillor Smerdon/Director Infrastructure Services	Water and waste water services, asset management planning progress, strategic plans, water allocations, risk issues.
Civil Works and Design, Asset Management, Facilities, Property and Open Space	Councillor Smerdon and Councillor Devereaux/Director Infrastructure Services	Asset management planning progress, strategic plans responses, risk issues. Strategic direction, licensing and leasing trend analysis, asset management planning progress, risk issues. Open Space initiatives.
IT and Finance	Councillor Polley and Councillor Milne/Director Corporate Services	ERP Project, cyber/IT risk, IT strategy response. Long term financial indicators, valuation and asset recognition, finance strategy response, risk issues.
Arts, Culture, Libraries, Community Development and Customer Service	Councillor Jensen and Councillor Stewart/Director Community Sustainability	Continued support to community and organisations, progress of Arts and Cultural Plan, inclusive cultural and community places and spaces including library services.
Economic Development, Tourism, Events and Communication	Mayor Hartwig and Councillor Polley/Director Corporate Services	Communication and engagement, proactive advocacy, active recreation and sports, economic development planning and destination management.