



**Minutes of Ordinary Meeting
Held Wednesday, 10 April 2024**

*Held in the Simeon Lord Room
Esk Library Building
Redbank Street, Esk*

Present

Cr Jason Wendt	(Mayor)
Cr Michael Bishop	(Councillor)
Cr Helen Brieschke	(Councillor)
Cr Brett Freese	(Councillor)
Cr Tiara Hurley	(Councillor)
Cr Kylee Isidro	(Councillor)
Cr Sally Jess	(Councillor)
Mr A Johnson	(Chief Executive Officer)
Mr C Young	(Director Operations)
Mr L Hannan	(Director Planning and Development)
Mr G Smith	(Director Finance)
Mrs K Jones	(Director HR and Customer Service)
Mr D Rowe	(Director Corporate and Community Services)
Mrs H Golinski	(Minute Secretary / Executive Assistant)
Ms M Janke	(Communications Manager)

CONTENTS

Amalgamating freehold lots - Lowood		Mayor and Councillor Reports.....	28
Telstra site	13	Meetings authorised by Council	28
Business arising out of minutes of		Opening of Meeting.....	3
previous meeting	3	Operations Report for March 2024.....	16
Closure of Meeting.....	29	Receipt of Petition.....	29
Code of Conduct for Councillors in		Reception of notices of motion for next	
Queensland and Policy Review – EX007		meeting.....	29
Investigation Policy	26	Recruitment and Selection Policy.....	25
Confirmation of Minutes	3	Tender 1344 – Late Response – Shop 1	
Conflict of Interest	4	Railway Street Lowood and Amendment	
Consideration of notified motions	29	to Tenant name – Shop 2 Railway	
Finance report.....	4	Street Lowood	11
Items for reports for future meetings	29	Tender 1345 – Greening Lowood Pipeline	
Leave of Absence	3	13
Matters of Public Interest	3		

Opening of Meeting

The Mayor, Cr Jason Wendt, opened the meeting at 10.00 am.

Leave of Absence

Nil

Confirmation of Minutes**Resolution**

Moved – Cr Isidro Seconded – Cr Brieschke

“THAT the Minutes of the Ordinary Meeting held 13 March 2024 as circulated to all Members of Council be confirmed”.

Carried

Vote - Unanimous

Business arising out of minutes of previous meeting

Nil

Matters of Public Interest**Matters of public interest – Cr Brieschke**

To our new Council, I would like to formally congratulate Mayor Wendt and Councillor's on your success at the recent Local Government Elections. I would also like to thank all Councillors for supporting me in my appointment as Deputy Mayor. I welcome you to Team Somerset and this is a moment to wish you all the best for the term ahead.

Somerset Regional Council is conducting a new survey – ‘Have Your Say – Housing Needs in Somerset’. The aim of the assessment is to gain information from the community in regard to housing needs in our region, in particular crisis and emergency accommodation, housing for older people and those living with a disability.

You can complete the survey on Council's website or access hard copies at libraries and at customer service centres until Monday 15 April.

Friday 12 April Somerset School Holiday fun continues this Friday for young people 12 and over at the Lowood Youthfest, 11.30 am – 5.00 pm at Lowood State School.

The day features workshops, activities, live music and food trucks. The event is a joint initiative of ICYS - Ipswich Community Youth Service and Somerset Regional Council and funded by Queensland Government, Tackling Regional Diversity through Connected Communities grant program.

Saturday 13 April Somerset Dogfest at Fernvale Memorial Park, 8.00 am to 1.00 pm. A Lawn Bowls and Auction Day will be held at Toogoolawah Bowls Club in aid of the Toogoolawah State School P & C., 2.00 pm.

Matters of public interest – Cr Bishop

Nil

Matters of public interest – Cr Isidro

I would like to take the opportunity to thank the residents of the Somerset region for entrusting me to represent the community for another term. Although it was a challenging campaign, I am humbled that the residents voted with confidence and I look forward to working with the Mayor and my fellow Councillors over the next 4 years.

Upcoming events for April

12 Youth Fest, Lowood

13 Dogfest, Fernvale

16 Agribusiness forum, Esk

18 Kilcoy Art Society Inc general meeting, Kilcoy

Matters of public interest – Cr Hurley

I would like to mention that a Lawn Bowls and Auction Day will be held at Toogoolawah Bowls Club in aid of the Toogoolawah State School P & C on Saturday 13 April 2024.

Matters of public interest – Cr Freese

Congratulations to the Deputy Mayor I think she will do a wonderful job and also thank you to the community for placing your trust in me and electing me to Council.

I also wanted to mention that I attended the Cattle Australia event on Monday evening along with fellow councillors. It was a very informative event and a great networking evening for producers.

Matters of public interest – Cr Jess

Congratulations to the Mayor and Deputy Mayor and to my fellow councillors on their election. I am looking forward to the next 4 years working well as a Team and achieving things for our region.

Matters of public interest – Mayor Wendt

The Small Business Friendly survey will soon be open. The survey can be found at somerset.qld.gov.au. I recommend all small business operators complete and submit that survey.

Declarations of Interest

As this is a new term of Council the CEO outlined to the chamber the difference in appropriate alternate declarations of interest available to all councillors should the need arise.

There were no declarations of interest in the following agenda items were notified at this time.

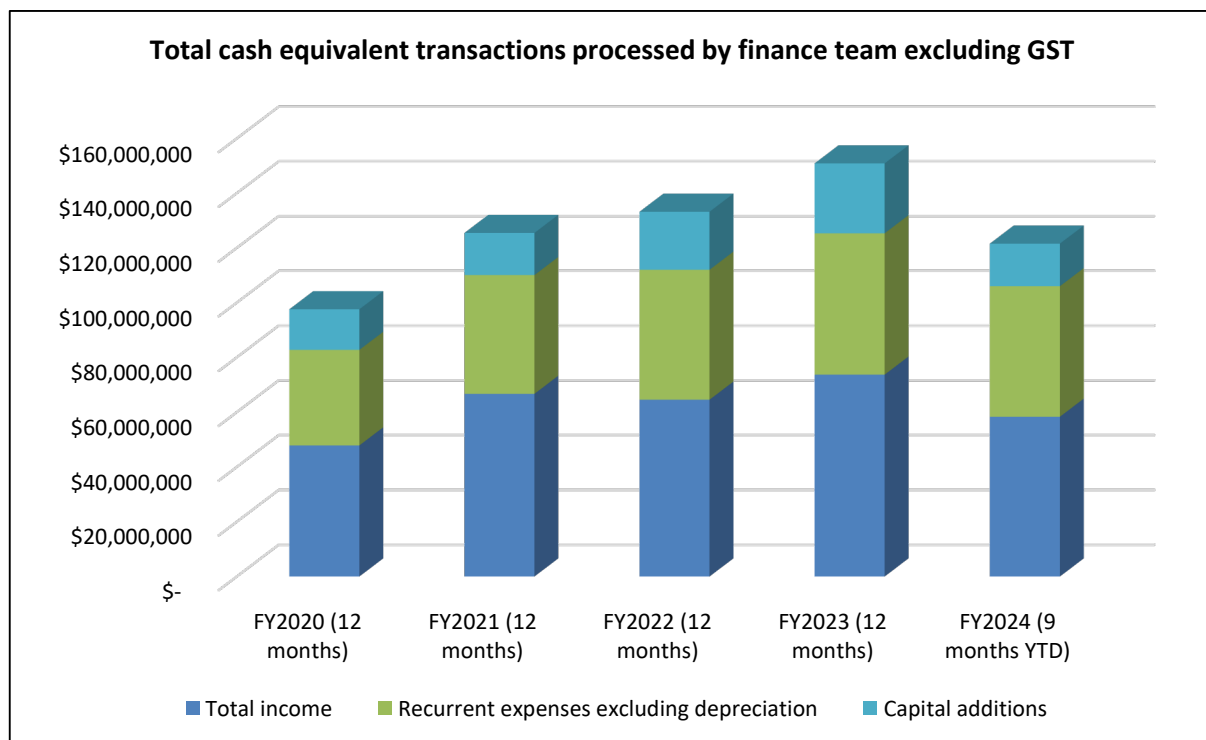
Subject:	Finance report
File Ref:	Monthly reporting - finance
Action Officer:	DFIN

Background/Summary**Financial reports**

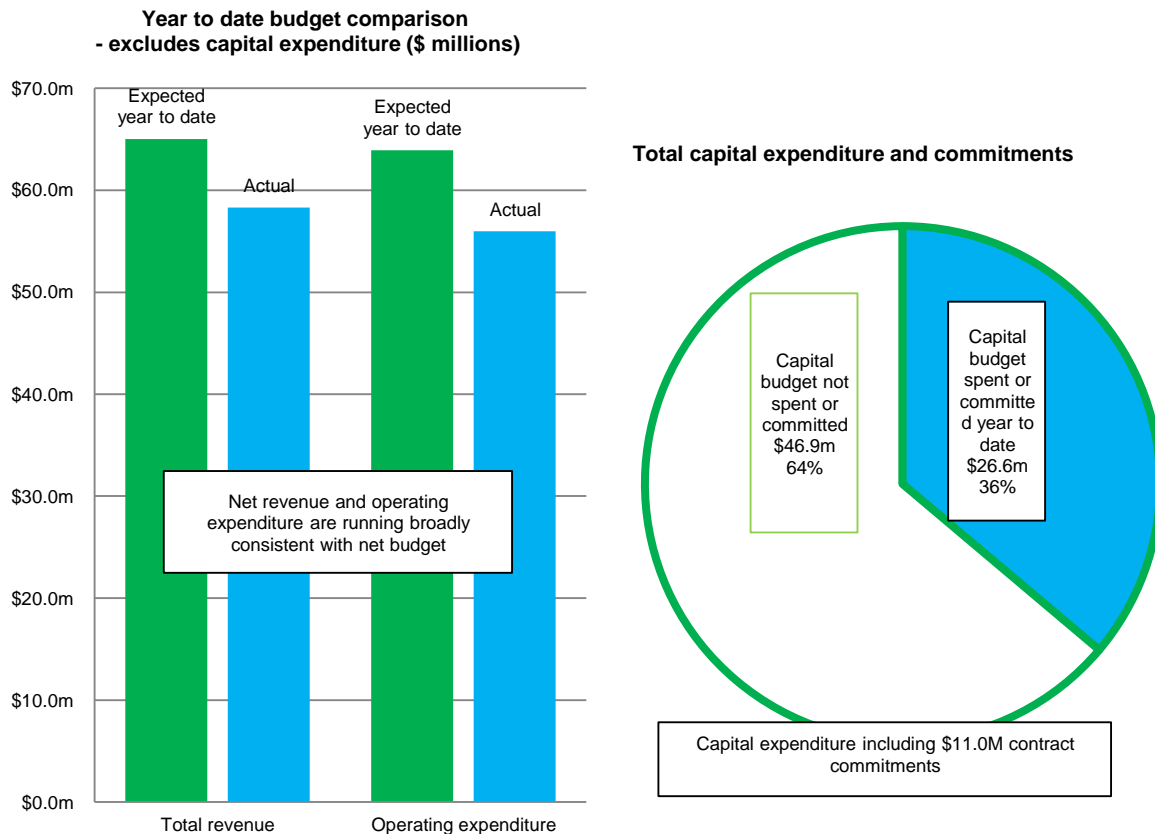
Reports for the period 1 July 2023 to 26 March 2024 are attached detailing the progress that has been made in relation to Council's FY2024 budget consistent with Local Government Regulation 2012 s204. The budget used is the revised budget adopted 24 January 2024 rather than the original budget. The revised budget includes significant new capital expenditure such as the \$10M Muckerts - McCulkins Lane upgrade project.

The main budget variances result from less than expected contract works being offered by the Department of Transport and Main Roads (affecting both revenue and expenditure), the prepayment of 96% of this year's Financial Assistance Grant during last financial year and the reallocation of road maintenance expenditure at certain locations to natural disaster restoration costs following confirmation of their eligibility for funding under Commonwealth State Disaster Restoration Funding Arrangements.

The finance team has processed cash equivalent transactions (excluding GST and depreciation) to date versus previous years as below. Total FY2023 transactions were 55% greater than FY2020 transactions. This represents a 16%+ year-on-year increase in overall activity. Total transactions after nine months of FY2024 are tracking above those of FY2023.



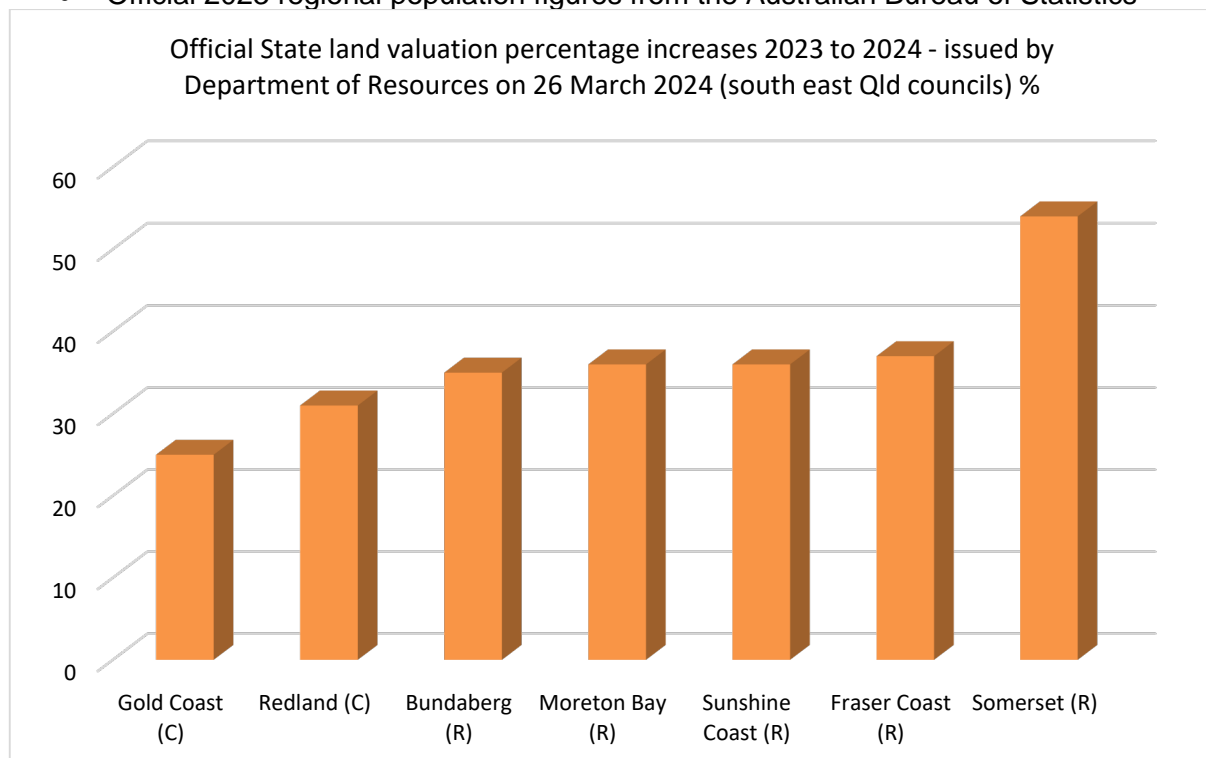
Provisional results for the financial year to date with 74% of the financial year completed are summarised as follows:

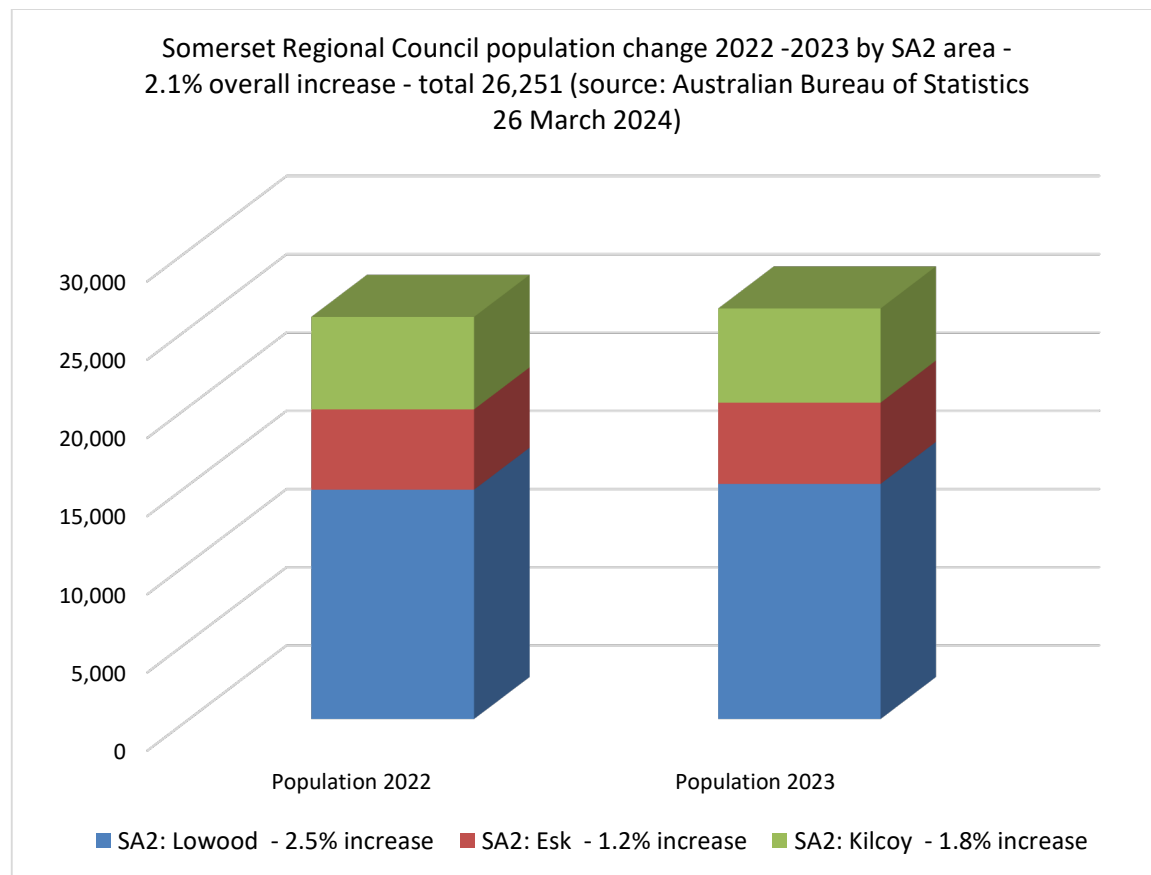


Official land valuation and population data

On 26 March 2024, the following data was issued which will impact Somerset:

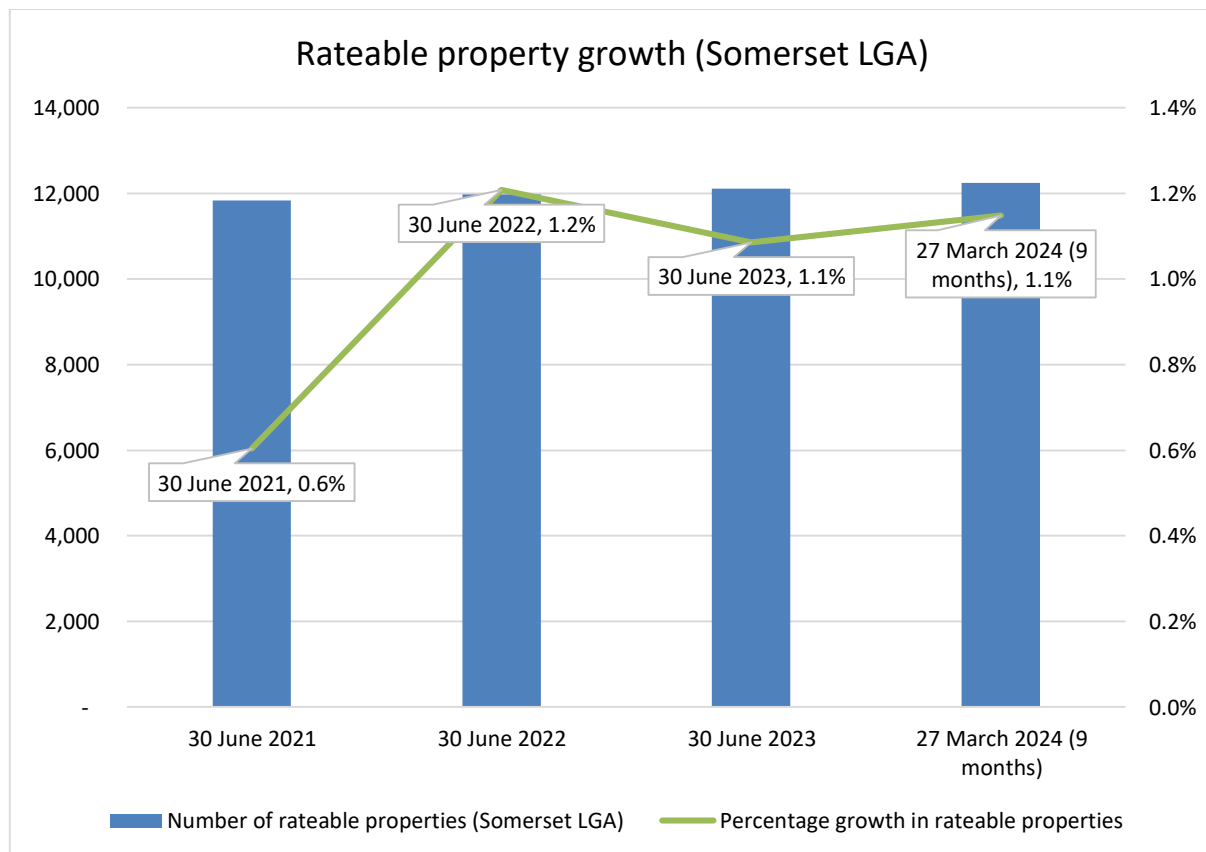
- Official state land valuations from the Department of Resources effective 1 July 2024
- Official 2023 regional population figures from the Australian Bureau of Statistics





Growth

Rateable property data provides an indication of regional growth. The total number of rateable properties in Somerset has increased as follows. The percentage growth during the first eight months of FY2024 exceeds the percentage growth of the whole of FY2023.



Grants

- Council is awaiting the outcome of funding applications lodged under the Australian Government's Disaster Ready Fund (DRF) for the following project:

	Project value	DRF funding sought
Heatwave mitigation - mature tree planting in low SEIFA greater western Brisbane	\$4,170,000	\$2,085,000

- Council is awaiting the outcome of funding applications lodged under the Queensland Resilience and Risk Reduction Fund (QRRRF) in October - November 2023. Queensland Reconstruction Authority officers have confirmed that they are still assessing these applications:

	Project value	QRRRF funding sought
Moore 1A flood - overland flow risk mitigation project	\$303,280	\$151,640
Fernvale 2A flood - overland flow risk mitigation project	\$461,726	\$230,863

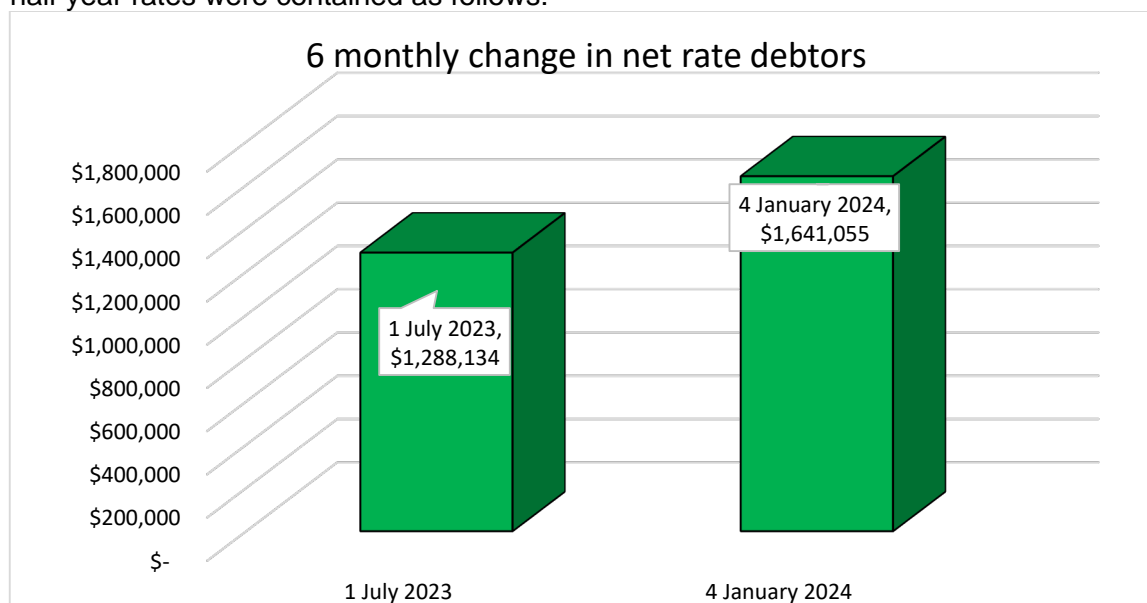
- Council is in the process of applying for funding under various competitive programs for projects including replacing streetlights with LED (Commonwealth Community Energy Upgrade Fund), Toogoolawah Gateway Centre, Toogoolawah Pool upgrade, Kilcoy Indoor Sports Centre upgrade, and Mt Glen Rock recreation facilities (both Commonwealth Thriving Suburbs Program and State SEQ Community Stimulus Program). An application will also be made for Mt Glen Rock under the State Growing Future Tourism Program.

- During March 2024, Council has obtained extensions of time on three Queensland Government grant funded projects, in particular because of flood restoration works from the 2022 floods. These are for the Greening Lowood Pipeline project, Lowood-Minden Road (Zabels intersection) project and Esk-Crows Nest Road (Toowoomba boundary section).

Rates

Council issued rates notices on 16 January 2024 with a due date of 2 April 2024.

Council issues rate notices each six months. Total rate debtors prior to the issue of current half year rates were contained as follows:



Council's revenue policy requires that a recommendation to sell properties to recover overdue rates be given to Council twice each financial year covering all properties for which actions may legally be commenced. This recommendation will be brought to Council in April 2024.

Investments

Council relies on interest revenue to keep rates at the lowest possible level. The Reserve Bank of Australia rapidly increased its target interest rate from 0.10% on 3 May 2022 to 4.35% on 6 December 2023.

An investment summary is attached detailing interest earnings from Queensland Treasury Corporation (QTC) cash fund and other sources. Council's key long-term investment strategy has been to maintain interest-bearing credit facilities totalling \$53.8 million to Urban Utilities (UU) which helps fund vital infrastructure like Lowood wastewater treatment plant as well as providing mutual benefit to both UU and Council.

These currently carry a combined weighted average interest rate of 3.27%. Interest rates on the UU facilities are reviewed annually by QTC based on the rate resetting formula.

Interest revenue for FY2024 is budgeted at \$318 on average for every rateable property in Somerset. After nine months, actual interest revenue is \$271 per rateable property compared to pro rata budget of \$232 per rateable property.

Road maintenance and flood repairs

Council's 30 most costly road segments including both ordinary maintenance and flood repairs for the year to date were as below.

Costs per linear metre where relevant has been added for context:

Road segment	Cost (\$000's)	Cost per linear metre (\$)
Scrub Creek (flood repairs) 01671 Ch1670-Ch1850	312	
Tooloorum Rd (flood repairs) 07752 Ch3000-Ch6620	131	36
GlamorganVale Rd (flood repairs) 06311 Ch7438-Ch7470	128	
Esk Crows Nest Rd (flood repairs) 08911 Ch4420-Ch4440	127	
Mount Byron Rd (flood repairs) 07927 Ch10960-Ch12850	119	63
Kangaroo Ck Rd (flood repairs) 03180 Ch3220-Ch6820	112	31
Western Branch Rd (flood repairs) 08642 Ch22640-Ch25070	96	40
Monsildale Rd (flood repairs) 08545 Ch1530-Ch3750	91	41
Reinbotts Rd CulvCh0.4	86	
Hine Rd (flood repairs) 01802 Ch554-Ch595	85	
Stirlings Rd (flood repairs) 07785 Ch550-Ch3000	82	33
Western Branch Rd (flood repairs) 08639 Ch19880-Ch21920	81	40
Highwood La (flood repairs) 07967 Ch4490-Ch6690	78	35
Loughrans Rd (flood repairs) 05629 Ch0-Ch2200	78	35
Hine Rd Ch0.57Hine RdBrNo2	77	
Eastern Branch Rd (flood repairs) 08554 Ch870-Ch2720	75	41
Banks Ck Rd (flood repairs) 05482 Ch5040-Ch8210	74	23
Highwood La (flood repairs) 07966Ch2630-Ch4490	73	39
Banffs La (flood repairs) 05618 Ch20-Ch2070	71	35
Larsens Rd (flood repairs) 05607 Ch3890-Ch5940	71	35
Sim Jue Ck Rd (flood repairs) 07758 Ch1120-Ch3120	69	34
Glenhowden Rd (flood repairs) 08290 Ch2430-Ch4480	68	33
Wanora Rd (bitumen) Mtc2762m	67	
Boyces Rd (flood repairs) 03548Ch20-Ch2460	66	27
Mount Byron Rd (flood repairs) 07884Ch6040-Ch7480	66	46
Tungi Rd (flood repairs) 08706 Ch1630-Ch3050	65	46
Kiernan La (flood repairs) 05615 Ch20-Ch1560	65	42
Emu Ck Rd (flood repairs) 04223 Ch3754-Ch3755	65	
Vineyard Rd (flood repairs) 01668 Ch1513-Ch1514	64	
Highwood La (flood repairs) 07965 Ch790-Ch2590	64	35
Subtotal (\$000's)	2,706	

Special road maintenance - renewal

In addition to ordinary bitumen road maintenance and flood repairs, expenditure on resealing of bitumen roads is budgeted for FY2024 at \$2.3M. Resealing is a necessary part of the ongoing cost of managing the sealed road network.

Attachments

Financial reports and payment listings

Recommendation

THAT Council receive the financial reports for 1 July 2023 to 26 March 2024 and the report on payments processed from 28 February 2024 to 26 March 2024 totalling \$14,981,553.11 and that the contents be noted.

Resolution

Moved – Cr Isidro

Seconded – Cr Brieschke

“THAT Council receive the financial reports for 1 July 2023 to 26 March 2024 and the report on payments processed from 28 February 2024 to 26 March 2024 totalling \$14,981,553.11 and that the contents be noted.”

Carried

Vote - Unanimous

Subject:	Tender 1344 – Late Response – Shop 1 Railway Street Lowood and Amendment to Tenant name – Shop 2 Railway Street Lowood
File Ref:	Corporate Management - Tendering – Quotations - 2023 – 2024 – Tenders - Tender 1344 – Commercial Lease of Land – Railway Street Lowood
Action Officer:	DCORP

Background/Summary

Council owns freehold Lots 16 and 17 on SP133023, located on Railway Street in Lowood. The Lots have tenancy arrangements in place which permits the building owner to leave their building on Council's land for the duration of the agreement. All current arrangements expire on the 30 June 2024.

In December 2023 Council released Tender 1344 for six (6) tenancy arrangements on the Lots. The terms of the Tender were for an initial term of one (1) year, with an option to renew for a further year. Responses for the Tender closed midday 10 January 2024. No responses were received for Shop 1.

At the 24 January 2024 Ordinary meeting, Council resolved to

- “1. accept the tenders received for tenancies two (2) to six (6) for one year plus an option for one year for the sites rented by tenancy agreements to the existing tenants with the exception of tenancy two (2) where the parties have changed, and
2. authorise the Chief Executive Officer to finalise the tenancy agreements where the tenants have chosen to tender for new tenancy arrangements and determine the status of the tenancies that were not tendered and take appropriate action as necessary and report to Council prior to June 2024.”

The tenant in Shop 2 has made a request that the name of the tenant on the Tenancy Agreement be changed back to the original name of Scholz and Bien Pty Ltd and James Edward Madden.

Abbey Health Pty Ltd (trading as Lockyer Podiatry) is the existing tenant of Shop 1. Abbey Health submitted a late tender response on 5 March 2024 (attached for reference).

Attachments

Confidential Attachment 1 - Late Response – Tender 1344 – Shop 1 Railway Street, Lowood – Abbey Health (5 March 2024)

Recommendation

THAT Council:

1. Accept the change of Tenant on Commercial Tenancy Agreement for Shop 2 Railway Street, Lowood to Scholz and Bien Pty Ltd and James Edward Madden.

2. Accept the late response for Tender 1344 – Tenancy Agreement for Shop 1 Railway Street in Lowood from Abbey Health Pty Ltd for one year plus an option for one year.

Resolution

Moved – Cr Isidro

Seconded – Cr Bishop

“THAT Council:

1. Accept the change of Tenant on Commercial Tenancy Agreement for Shop 2 Railway Street, Lowood to Scholz and Bien Pty Ltd and James Edward Madden.
2. Accept the late response for Tender 1344 – Tenancy Agreement for Shop 1 Railway Street in Lowood from Abbey Health Pty Ltd for one year plus an option for one year.”

Carried

Vote - Unanimous

Subject:	Request for Licence – Bureau of Meteorology Flood Warning Equipment Pohlmanns Range Road, Gregors Creek
File Ref:	SRC - Council Properties - Leasing Out
Action Officer:	DCORP

Background/Summary

The Bureau of Meteorology a rain gauge on Pohlmanns Range Road, Gregors Creek for the past 15 years and is seeking to formalise the agreement with Council. The equipment collects and sends data directly to the Bureau of Meteorology.

The Bureau of Meteorology is seeking to secure a long-term licence over the area of road reserve on Pohlmanns Range Road, Gregors Creek, and are seeking a 10 + 10 year Licence.

Attachments

Confidential attachment - Draft Short Form Licence Agreement provided by The Bureau of Meteorology including Site Plan

Recommendation

THAT Council enter into a Licence Agreement with The Bureau of Meteorology for the area of road reserve on Pohlmanns Range Road, Gregors Creek for a term of 10 years with a further option of 10 years.

Resolution

Moved – Cr Freese

Seconded – Cr Brieschke

“THAT Council enter into a Licence Agreement with The Bureau of Meteorology for the area of road reserve on Pohlmanns Range Road, Gregors Creek for a term of 10 years with a further option of 10 years.”

Carried

Vote - Unanimous

Subject:	Amalgamating freehold lots - Lowood Telstra site
File Ref:	SRC Development Applications/Material Change of Use/DA23663
Action Officer:	DCORP

Background/Summary

Council owns the Lowood Telstra site located on 110-112 Main Street, which consists of three freehold land titles: Lot 66 CC1330, Lot 14 RP215724 and Lot 70 RP225705. Lots 66 and 14 are zoned town centre and Lot 70 is zoned general residential. The Lots are overlaid with easements in favour of Telstra for access, facility operations and light and air for telecommunications facilities.

In October 2020, Council authorised the amalgamation of Lots 70 RP225705 and Lot 14 RP215724.

In December 2023, Council approved a development application to for a material change of use for a Garden Centre and Nursery to be constructed in two stages across the three lots. In the same meeting Council also resolved to support the West Moreton Landcare Group Inc. in utilising 110-112 Main Street in Lowood as a Garden Centre by preparing a lease document.

Amalgamating all three Lots would allow Council to facilitate the Garden Centre development and reduce Council operating costs.

Attachments

Nil

Recommendation

THAT Council authorise amalgamation of lots L70 RP225705, L14 RP215724 and L66 CC1330 located at 110-112 Main Street, Lowood.

Resolution

Moved – Cr Hurley

Seconded – Cr Isidro

“THAT Council authorise amalgamation of lots L70 RP225705, L14 RP215724 and L66 CC1330 located at 110-112 Main Street, Lowood.”

Carried

Vote - Unanimous

Subject:	Tender 1345 – Greening Lowood Pipeline
File Ref:	Corporate Management - Tendering-Quotation - Tenders
Action Officer:	Raad Jarjees

Background/Summary

The Greening Lowood pipeline is an initiative by the Somerset Regional Council (SRC) to provide a beneficial use from the recycled water out of the recently built Lowood Fernvale wastewater treatment plant (WWTP).

Stage 1 (this Tender) will be to supply and install a new pipeline and associated components to provide a recycled water pipeline to three customer outlets in the Lowood township:

- Lowood Bowls Club;
- Lowood Recreational Reserve; and
- Lowood Golf Club.

The scope of works in this Tender includes the following:

- Supply and installation of new pipeline and all associated components including trenching and Horizontal Directional Drill (HDD);
- Managing works adjacent to Public Utility Plant (PUP);
- Traffic Management; and
- Managing the connection works to Urban Utilities (UU) asset and customers.

Funding

\$1,400,000 funding has been secured through the SEQ Community Stimulus Program.

Procurement

The market has been tested twice for the Greening Lowood Pipeline project.

The first invitation Request for Quotation (RFQ) was released via Vendor Panel for Local Buy registered contractors on 18 December 2023 and closed on 15 Jan 2024, this invitation was sent to twenty (20) potential contractors, however, no submissions were received.

The second invitation was a Request for Tender (RFT) was released via Vendor Panel, as an open tender on 16 January 2024, closed on 14 February 2024. For this invitation, a total of ten (10) conforming, one (1) alternative and one (1) non-conforming tenders were received.

The conforming tenders were assessed by the assessment panel in accordance with Council's Procurement Policy and the selection criteria as outlined in the tender documents.

All tenderers and their evaluated scores are tabled below, ranked from highest to lowest.

Name of Tenderer	Price Score	Overall Score	Ranking
Allstar Infrastructure Pty Ltd	3.70	5.34	10
Brisbane Civil	6.39	5.90	8
D and J Civil	4.12	4.74	11
Durack Civil	6.41	6.37	4
GCE Contractors	5.82	6.06	7
HeH Civil	5.20	5.84	9
Hydrovision	5.53	6.20	6
Newlands Civil Construction Pty Ltd	7.48	7.21	2
Silverstrand Developments	10.00	8.25	1
Utilstra Conforming	6.32	6.24	5
Utilstra Alternative	7.84	7.15	3

Allstar Infrastructure Pty Ltd

Allstar's price is the highest price received. The submission provided sufficient details for methodology, good track record of working on similar projects and reasonable exclusions - inclusions.

Brisbane Civil

Brisbane Civil's price is lower than the mean value of all tenders received. The submission included detailed methodology, good track record and reasonable exclusions - inclusions.

D and J Civil

D and J's price was the second highest price received. D and J provided simple methodology, some experience with previous watermain works, and identified no exclusions in their submission.

Durack Civil

Durack's price was lower than the mean value of all tenders received. Their submission provided detailed methodology, however major exclusions were identified, which would present substantial variations to the project pricing.

GCE Contractors

GCE's price was higher than the mean value of all tenders received, with numerous exclusions. The submission included methodology with sufficient details and relevant previous watermain projects.

HeH Civil

HeH's tender price was higher than the mean value. The submission included detailed methodology, relevant previous project experience, and reasonable exclusions - inclusions.

Hydrovision

Hydrovision's price was higher than the mean value. The submission included sufficient details for methodology and listed reasonable exclusions - inclusions. Hydrovision submission provided previous relevant watermain project, and the company is currently working with SRC on various utilities upgrade projects.

Newlands Civil Construction Pty Ltd

Newland's submitted price was lower than the mean value. The submission included relevant previous project experience and detailed methodology. The submission included some price escalation condition which was considered in the overall evaluation.

Silverstrand Developments Pty Ltd

Silverstrand's submitted price was the lowest price. Silverstrand is currently delivering the Scrub Creek bridge project for SRC under QRA funding. The submission included sufficient details of methodology and programme. No exclusion was included in the submission. Silverstrand confirmed the price and availability of resource in post-tender meeting. Silverstrand submission ranked first in both price score and overall best value index score.

Utilstra Conforming and Alternative

Utilstra provided two submissions, one with an alternative methodology. The conforming tender price was lower than the mean value, and the alternative methodology submission price was the second lowest price received. Both submissions included sufficient details for methodology and programme. Utilstra only submitted previous relevant projects interstate, none in Queensland.

Attachments

Confidential attachment - Tender Assessment Summary Sheet

Recommendation

THAT Council

1. award Tender 1345 – Greening Lowood Pipeline to Silverstrand Development Pty Ltd for an estimated tender price of \$1,534,667.39 (inclusive of GST), and

2. confirm its intention to fund the Greening Lowood Pipeline construction cost plus the \$169,565 design cost and estimated project management costs beyond the \$1.4M funding available under the SEQ Community Stimulus program allocated portion as part of its 2024 - 2025 budget.

Resolution

Moved – Cr Brieschke

Seconded – Cr Jess

“THAT Council

1. award Tender 1345 – Greening Lowood Pipeline to Silverstrand Development Pty Ltd for an estimated tender price of \$1,534,667.39 (inclusive of GST), and
2. confirm its intention to fund the Greening Lowood Pipeline construction cost plus the \$169,565 design cost and estimated project management costs beyond the \$1.4M funding available under the SEQ Community Stimulus program allocated portion as part of its 2024 - 2025 budget.”

Carried

Vote - Unanimous

Subject:	Operations Report for March 2024
File Ref:	Governance – Reporting – Officer Reports
Action Officer:	EAO

Background/Summary

Details of the Operations report for the month of March 2024 are as follows:

Engineering Services Team

The Engineering Services Design Team continues design delivery for the 2023-2024 design program, with designs being readied for issue for construction or for grant fund submission for the following Capital Works projects:

- Coominya Toilet Car Park;
- Cressbrook Street Culvert;
- Kennedy Street Storm Water;
- Minden State School - School Transport Improvement Program (STIP);
- Toogoolawah State Drop Off Bay - Transport Improvement Program (STIP).

The team are also finalising the design for the following Capital Works projects:

- Graham Road, Fernvale;
- Burn Street, Fernvale - Design Modification from Consultants Design;
- Ashton Park RV Parking, Kilcoy.

The team also continued work with external consultants to progress designs for the projects below:

- West Road - Patrick Estate Road, Patrick Estate – GHD; design ongoing;
- Fulham St, Toogoolawah – Contour Consulting Engineers; design ongoing;
- Clive St, Fernvale – NK Transportation; and design ongoing;
- Muckerts - McCulkins Lane upgrade – Engeny – Design ongoing and;
- Lester Kropp Bridge Upgrade - Hatch – Design ongoing.

These external design projects will be managed throughout the remainder Q1 2024, with delivery of all to be in Q2 2024.

The team continues to provide engineering support to the works department on several projects such as:

- Railway Street, Lowood;
- Esk Crow Nest Road Stage 2.

The Engineering Services Team provided engineering development advice to the Planning Department and assessment and applicant response to Operational Work applications with three (3) new operational works applications being properly received in March.

There was one “On Maintenance” inspections for the month of March, which has been approved as on maintenance:

- Hedley Park Stage 8 – Earthworks, Civils and Stormwater.

There was no “Off Maintenance” inspections for the month of March.

This team again note the current major developments currently “On Maintenance” and due to come “Off Maintenance” within the next 12 months include:

- Parklands at Clarendon Stages 2D and 2E– On Maintenance;
- Pine Tree Hill, Kilcoy Stages 3 to 6– On Maintenance;
- Hedley Park Stage 7 – Off Maintenance;
- Windsor Drive, Mount Hallen Stage 5C – On Maintenance;
- Hedley Park Stage 8 – On Maintenance.

The Engineering Services Parks and Facilities Team continues to oversee operations in the parks and facilities areas with the current drier weather system bringing some relief to the mowing crew. The crew are also currently reviewing updated mowing maps for the region for presentation at a future Council meeting.

The Engineering Services Team continue to set out traffic counters within the region and provide continual assessment of Council infrastructure to ensure our information remains current within our asset and GIS systems, with all signage requirements being reviewed within our main town areas as well as overseeing works within road reserve applications, property access applications and heavy vehicle permits.

Permit	Mar-24	Mar-23
Land Access Permit	12	72
Property Access Applications	10	26
National Heavy Vehicle Regulator Permits Processed	9	4

The Engineering Services Team have continued inspections of council road assets and updated asset system to ensure council record are current.

Works Team

Projects Commenced in March:

- REPA Mt Stanley Region. Flood restoration works on drainage structures (*Browns Contractors*);

- REPA Toogoolawah Region. Flood restoration works on drainage structures (*Browns Contractors*);
- REPA Toogoolawah Region. Flood restoration works on sealed pavements (*Browns Contractors*);
- REPA Rasmussen Road. Flood restoration works on drainage structures (*A and M Civil*);
- REPA Fernvale - Glamorgan Vale - Marburg Region. Flood restoration works on sealed roads (*A and M Civil*);
- REPA Maria Creek. Flood restoration works on drainage structures (*A and M Civil*);
- REPA Gregors Creek Road land slip (*Durak Civil*).

Completed Projects in March:

- REPA East Wivenhoe Region. Flood restoration works on drainage structures (*CPM*);
- REPA Harlin - Moore - Mt Stanley Region. Flood restoration works on drainage structures (*Brown Contractors*);
- Royston and Stanton Streets, Kilcoy, kerb and channel, reseal and asphalt.

Projects underway:

- Kilcoy Transfer Station, Kilcoy. Capping of landfill and reconstruction of transfer station;
- Murrumba Road culverts, Murrumba. Replace existing corrugated structures with concrete culverts, road works are completed waiting for guardrail contractors;
- Prenzlau Road, Prenzlau. Pavement widening;
- Esk Crows Nest Road, Eskdale. Stage 2, sealing Strategic Regional Connector to Toowoomba Boundary section;
- Clarendon Road, Lowood. Rehabilitate and widen to 9m road from O'Reillys Weir Road to Wyatts Road (*SRC and A and M Civil*);
- Waverley and Sheppards Road, Lake Manchester. Stage 2, road-widening and fire exclusion zone (*Sam's Tree Services, A and M Civil*), waiting for final seal;
- Wells Street, Linville. Pathway and parking improvement at Linville State School;
- Railway Street, Lowood. Pathway from Station St to Prospect St. Includes removal of Leopard trees and replace K and C sections;
- Sandy Creek Crossing. Reconstruct low level stream crossing (BVRT Horse bypass), including approaches to crossing and crossing structure. Undertake reinstatement of trail surface to Hassall Street and adjacent connectivity. Works substantially complete - awaiting seeding - vegetative securing of crossing and associated riverbank/s;
- Savages Crossing, Fernvale. Reinststate carpark surfaces, replace bollards and signage. Install flood boom gates on approach roads – all works completed except boom gate installation and re-vegetation (*A and M Civil*);
- Twin Bridges, Fernvale. Reinststate carpark surfaces, replace bollards and signage, re-align site access gate - arrangements. Install flood boom gates on approach roads – all works completed except boom gate installation and re-vegetation (*A and M Civil*);

- Burtons Bridge, Borallon. Reinstall carpark surfaces, replace bollards including re-alignment of exclusion measures to better manage launch access point/s to the river. Install flood boom gates on approach roads – all works completed except boom gate installation and re-vegetation *(A and M Civil)*;
- Kilcoy Depot, Esk Depot, Lowood Depot. Safety, security, and legislative improvements (*various contractors*);
- Lowood Minden Road, Minden. Milleski Road to Oscar Road, Zabels Road North intersection upgrade (*Brown Contractors*);
- Lowood State School, Lowood. New pathway along Peace and Prospect streets to connect to BVRT (*A and M Civil*);
- REPA Esk Region. Flood restoration works on drainage structures and unsealed roads (*A and M Civil*);
- REPA Jimna - Monsildale Region. Flood restoration works on unsealed roads (*CPM*);
- REPA Kilcoy Region. Flood restoration works on drainage structures and unsealed roads (*CPM*);
- REPA Fernvale - Glamorgan Vale Region. Flood restoration works on drainage structures (*A and M Civil*);
- REPA Coominya - Esk Region. Flood restoration works on drainage structures (*A and M Civil*);
- REPA Toogoolawah Region. Flood restoration works on unsealed roads;
- REPA Toogoolawah Region. Flood restoration works on drainage structures (*Dully's Home Design and A and M Civil*);
- REPA Scrub Creek. Bridge project, Brisbane River crossing (*Silverstrand Developments*).

Ongoing projects:

- Mowing and slashing works on Council roads;
- Crews continue to respond and complete CSR's;
- General programmed maintenance of Council's civil infrastructure.

Department of Transport and Main Roads (TMR) Works

Council is presently working on the following projects on behalf of TMR:

- Repairing potholes throughout the TMR network;
- Slashing grass on road shoulders and manage vegetation;
- Repairing signs and guideposts and upgrade guide signs;
- Chemical herbicide spot spraying;
- Guardrail repairs;
- Drainage repairs;
- After hours callouts.

Council continues to advocate for increased maintenance funds to service the state-controlled road under the Road Maintenance Performance Contract.

REPA Works

A total of 69 submissions have been lodged with QRA for Reconstruction of Essential Public Assets. The categories for the submissions are Unsealed Roads, Sealed Roads, Drainage, and Individual Sites (e.g., bridges and landslips). All submissions have been assessed and approved. The submissions have been bulked up into 46 packages. The assistance by the Queensland Reconstruction Authority (QRA) is acknowledged.

Drainage packages are progressively being documented to enable calling of quotations. This will be followed by Sealed Roads packages and Individual Sites.

All works are required to be completed by the end of June 2024 and while Council is working towards this end, we are keeping the Queensland Reconstruction Authority informed of our progress, especially the more complex individual sites e.g. Scrub Creek Road bridge betterment project.

Summary	No.	Percentage
Total SRC Packages (works done by SRC)	10	22%
Total External Packages (Contract works by contractors)	36	78%
Total number of Packages	46	
Procurement Progress		
Contract Awarded (incl SRC)	40	87%
Tender in Review	2	4%
RFQ In Progress	2	4%
RFQ Outstanding	2	4%
Construction Status		
Not Started	9	19.6%
0-50% Completed	8	17.4%
50 - <100% Completion	7	15.2%
Completed	16	34.8%
Forecast - Actual Completion		
Before 30/06/24	40	87.0%
After 30/06/24	6	13.0%
Acquittal Status (Submissions not Contracts)		
At Acquittal	11	15.9%
Outstanding	58	84.1%

Flood Restoration Expenditure

	FY22	FY23	FY24	Total
TOTAL	\$4,312,179	\$7,141,230	\$21,134,634	\$32,588,043

Workshop – Mechanical

- Completed repairs, services, and scheduled maintenance of Council fleet;
- Annual B services on all council and SES trailers are still being carried out;
- One new replacement lease vehicle arrived;

- Two new tandem trailers have arrived for P and G Cemetery Crew;
- One new Isuzu crew cab truck has just arrived for Kilcoy C and M crew 2 and is waiting to be fitted out for the crew;
- Two small repair jobs for IWS trucks;
- One lease vehicle had a minor recall repaired by the Dealer;
- One minor warranty repair was completed by the Dealer on a lease vehicle;
- One warranty repair on the air conditioning of a John Deere mower was done by the Dealer RDO Gatton;
- Maintenance on all mowers and slasher continues but is slowing down as the grass growing season slows down;
- P.511 Fuso water truck had a leaking radiator that was replaced;
- P.895 Kubota UTV and P.894 Rapid Spray unit had various repairs to damaged panels, guards and lights as well as a couple of accessories fitted i.e water tank for hand washing and an extra reverse mirror;
- P.242 Komatsu wheel loader that was damaged badly during an incident involving a tree back in late December 2023, has finally been repaired, tested, and placed back in service. Availability of some of the parts was the hold up with the repairs.

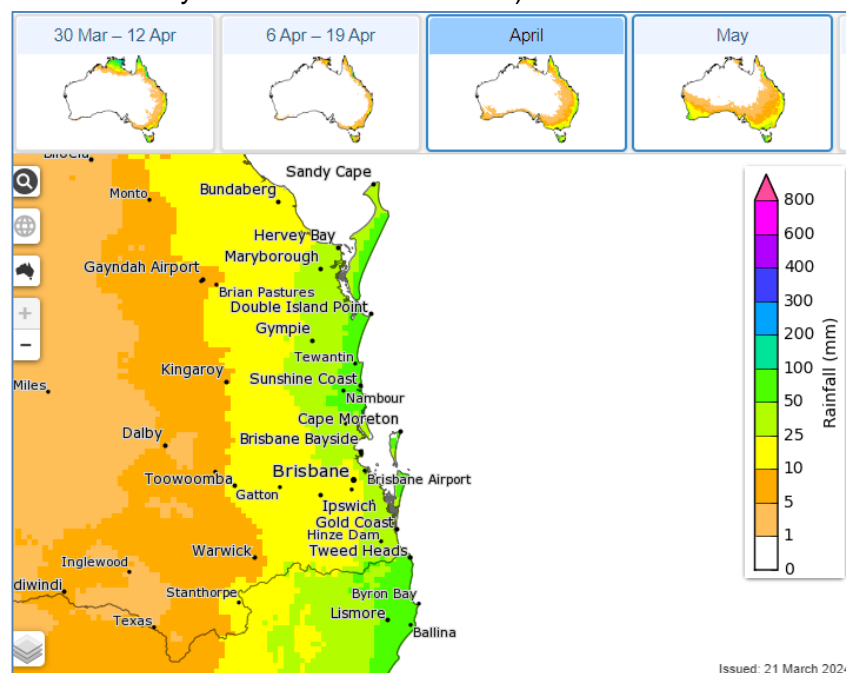
Workshop – Fabrication

- Welding bay has been carrying out various repairs to Council fleet as well as repairs to other various council assets around the region, such as handrail, park furniture, etc.;
- Fabricate replacement guard rail post for damaged guard rails on various bridges in the region. Once these are fabricated, they will need to be galvanised. This work is ongoing from last month but should be complete next month;
- P.696 Slasher had rear grass deflector completely replaced, the wear strips on the side skids were replaced and damage to the deck repaired. Wear strips on the skids of two other slashers were also replaced;
- P.502 Isuzu Ausroads Road maintenance truck had some body mounting brackets repaired.

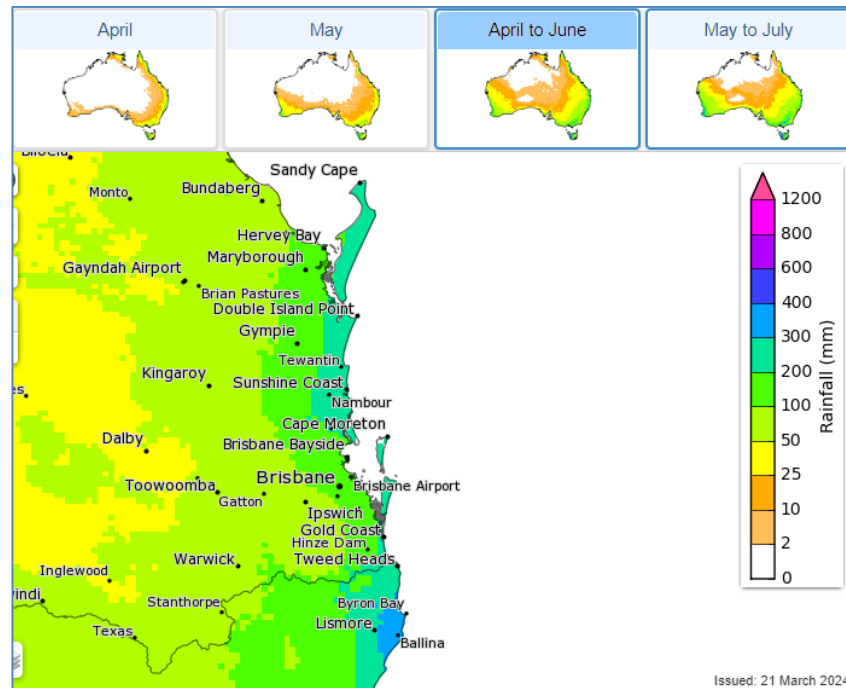
Weather Outlook

Outlook for April (these are the most likely totals – i.e. 75% chance).

Outlook for April
(these are the most likely totals – i.e. 75% chance)



Outlook for April to June (these are the most likely totals – i.e. 75% chance)



Disaster Management

The following activities were conducted in February 2024:

- New LGA-wide LiDAR has been Quality Assurance tested and provided to Council;
- The Building Inclusive Disaster Resilient Communities (BIDRC) project is winding up
- Local Action Group meeting was held in Esk;
- Training held with key LDCC staff regarding LDCC operations, including the use of WaterRide for flood forecasting;
- Standard Operating Procedures for LDCC operations updated;
- Consultants engaged for development of historical flooding maps, in particular the 2011, 2013 and the 2022 flood events;
- Council successfully received funding under the Emergency Response Fund Flood Warning Infrastructure Network for seven projects.
- Somerset's Chair of the Local Disaster Management Group, Cr Graeme Lehmann, retired after 15 years on the group.

Activations - Operations:

N/A

Waste Management

Council applied for an exemption for Clean Earth to be used for operational purposes at the Esk Landfill. This application was approved in March.

Council staff met onsite with ATC to progress the development of a site management plan for the Esk Landfill.

Weighbridge data for March, will be provided at the next Council meeting.

Kerbside Collection Contract – Ipswich Waste

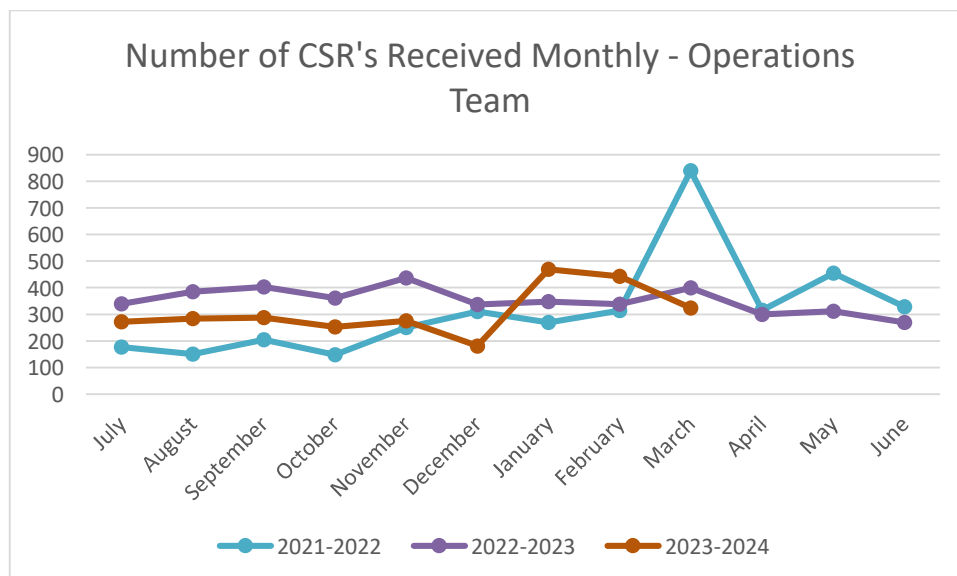
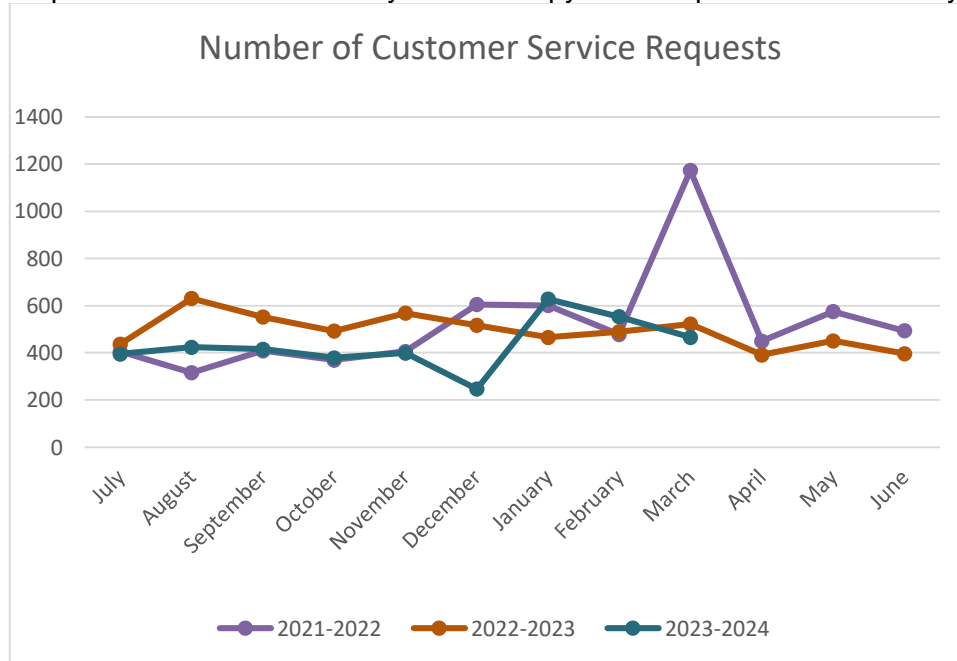
March monthly report from Ipswich Waste (Council's contractor) had not been received at the time this report was completed, kerbside collection information for March 2024 will be provided in April's 2024 report.

Approved Park - Community Events

26 March – BVRTUA – Mural Opening Festival, Fernvale.

Customer Service Requests

Council received 465 customer service requests for the month of March 2024 on Council's corporate customer service system. A copy of the report is attached for your information.



	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24
Cemeteries	1	1	1	3	0	1	7	3	2
Disaster Management	0	0	1	1	0	0	0	0	1
Departmental reviews	0	0	2	0	0	0	2	1	1
Fences on roadways	0	1	0	0	0	0	0	0	0
Illegal dumping clean ups	20	14	11	8	11	7	6	10	9
Overgrown Council land	2	1	2	3	1	0	5	2	3

Parks including mowing, cleaning - maintenance park equipment including public toilets, tables and chairs, shade shelters etc.	3	9	7	11	7	3	11	7	13
Roads - bitumen	25	20	13	21	16	10	41	56	42
Roads - gravel	18	13	8	14	17	9	23	33	19
Roads - drainage	8	5	7	10	15	8	42	46	18
Roads - culverts	3	1	2	0	1	2	6	8	4
Roads - vegetation	19	14	25	15	38	21	83	70	32
Roads - footpaths	3	5	8	12	4	4	11	7	6
Roads - linemarking	1	1	2	0	0	0	0	0	0
Roads - bridgework	0	0	1	0	1	0	0	1	0
Roads - traffic furniture	16	17	15	25	20	7	23	19	12
Rural Property Number	1	4	2	5	5	3	3	2	4
Stormwater issues within private properties	1	0	0	1	0	3	3	2	1
Waste management		0	1	1	0	0	0	0	0
Wheelie bins	0	0	0	0	0	0	0	0	0
Cancellation of extra services	0	19	9	2	2	2	11	6	3
Damaged lids and wheels	11	15	9	15	11	8	14	28	22
Replacement Split Bins	29	24	32	18	32	18	55	26	41
New Services	21	28	24	24	21	28	14	16	14
Extra services	4	6	10	3	12	10	22	11	5
Stolen - Non Delivery of New Bins	5	16	9	13	8	7	14	10	8
Missed services	8	3	6	1	1	0	11	5	2
Contractor requests - complaints	3	2	4	2	1	2	2	0	3
Facilities	0	0	0	0	0	0	0	0	0
Air conditioning	2	1	0	3	1	0	0	0	0
Carpentry, painting, tiling and flooring	11	12	10	5	2	2	9	10	12
Electrical	5	7	6	4	7	1	3	10	10
Equipment, furniture and fixtures	10	10	8	6	7	3	8	7	2
Grounds maintenance	1	5	4	4	2	1	4	4	4
Pest Control	2	1	1	0	2	0	0	1	2
Plumbing	23	19	29	13	24	11	25	26	22

Roofing and guttering	2	0	0	3	2	0	3	3	0
Security, locks and CCTV	2	2	6	0	3	4	2	2	2
Signage	0	4	6	5	1	0	1	0	0
Vandalism	7	2	2	0	1	3	2	8	0
Cleaning	5	2	4	1	0	3	3	2	4
	272	284	287	252	276	181	469	442	323

Attachments

Customer Service Report for March 2024.

Recommendation

THAT Council receive the Operations monthly report for March 2024 and the contents be noted.

Resolution

Moved – Cr Bishop

Seconded – Cr Isidro

“THAT Council receive the Operations monthly report for March 2024 and the contents be noted.”

Carried

Vote - Unanimous

Subject: Recruitment and Selection Policy
File Ref: HR Policies_HR013_Recruitment and Selection
Action Officer: DHRCS

Background/Summary

As per the Internal Audit of Recruitment in March 2023, the Recruitment and Selection Policy – HR/013 was reviewed and approved by Council on 29 November 2023.

An agreed management action from the Internal Audit of Recruitment in March 2023 was to include in the Recruitment and Selection Policy that the Recruitment and Selection Procedure would be reviewed at least annually and be authorised by the Chief Executive Officer.

Reference to an annual review and authorisation by the Chief Executive Officer is now included in section 4.1 of the Recruitment and Selection Policy and presented to Council for consideration.

Attachments

- Proposed Somerset Regional Council Recruitment and Selection Policy – HR/013
- Former Somerset Regional Council Recruitment and Selection Policy – HR/013

Recommendation

THAT Council adopt the proposed Somerset Regional Council Recruitment and Selection Policy – HR/013 and the former policy Somerset Regional Council Recruitment and Selection Policy – HR/013 be repealed.

Resolution

Moved – Cr Brieschke

Seconded – Cr Bishop

“THAT Council adopt the proposed Somerset Regional Council Recruitment and Selection Policy – HR/013 and the former policy Somerset Regional Council Recruitment and Selection Policy – HR/013 be repealed.” (Attached as Appendix A)

Carried*Vote - Unanimous*

Subject:	Code of Conduct for Councillors in Queensland and Policy Review – EX007 Investigation Policy
File Ref:	CORPORATE MANAGEMENT - POLICY - Policy Development – Doc Id. 1080792, 1455025
Action Officer:	GBIO

Background/Summary***Councillor Code of Conduct***

In accordance with Section 150D of the *Local Government Act 2009*, the Minister for Local Government must make a code of conduct that sets out the standards of behaviour for Councillors in performing their official functions as elected representatives, consistent with the local government principles. By following the behaviours set out in the code of conduct, Councillors increase public confidence in local government and Council decisions.

A revised Code of Conduct for Councillors in Queensland was approved on 22 February 2024, which is attached for Council's convenience and noting (Attachment 1 – NEW – Code of Conduct for Councillors in Queensland approved on 22 February 2024).

Investigation Policy

In accordance with Section 150AE of the *Local Government Act 2009* (LGA), a local government must adopt, by resolution, an investigation policy specifying how it deals with suspected councillor conduct breaches referred by the Independent Assessor (IA) to Council. The purpose of an investigation policy is to ensure consistent, transparent and accountable actions are taken in response to any complaint the Council receives.

A local government's investigation policy must:

- state the process for investigating suspected inappropriate conduct of councillors referred to council by the IA
- state the circumstances in which an entity other than council may investigate the conduct
- be consistent with natural justice
- require that councillors and other persons who make complaints about councillor conduct are given a notice about the outcome of the investigations.

To ensure an investigation process is consistent with LGA requirements, an investigation policy should include the following components:

- confidentiality
- natural justice
- receipt of the referral notice from the IA
- who investigates
- early resolution
- timeliness
- assistance for the investigator
- information about misconduct and corrupt conduct

- completion of investigation and notice about outcome.

Council have previously resolved to adopt the Investigation Policy developed by the Department of State Development and Infrastructure (the Department) – see ‘Attachment 2 – CURRENT – EX007 Investigation Policy adopted 9 November 2022.’

The Department has released a new version as at February 2024 to accommodate changes included in the *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023* (the Act), which was passed by Queensland Parliament on 15 November 2023 with provisions therein to commence application from 22 November 2023 (Attachment 3 – NEW – EX007 Investigation Policy). The Act amends the *Local Government Act 2009* to make several amendments to the councillor conduct complaints system.

The Department advises that the Act makes several reforms to the councillor conduct complaints system, including to:

- introduce a preliminary assessment process that the Independent Assessor (IA) must undertake for all complaints, notices, and referrals to establish clear statutory parameters for when the IA should take further action for conduct matters. This process will enhance the scope for insubstantial conduct matters to be ‘closed out’ as early as possible
- establish statutory limitation periods for when complaints, notices, or referrals must be made to the IA
- replace the term ‘inappropriate conduct’ with ‘conduct breach’
- limit the application of the complaints system to councillors’ conduct in their official capacity, and to sitting councillors (except where their conduct is suspected corrupt conduct)
- introduce a scheme to declare persons vexatious complainants
- clarify councillor conflict-of-interest arrangements
- make amendments to the constitution and membership of the Councillor Conduct Tribunal
- increase mandatory reporting by the IA and councils, and requires the publication of councils’ investigation reports for conduct matters.

Further, the Act introduces a scheme for mandatory training for councillors. Councillors that do not complete mandatory training may be suspended without pay or dismissed from office.

It is recommended that the newer version of the Investigation Policy developed by the Department be adopted by Council to ensure adherence with the current legislation.

Practicalities of Implementing the Investigation Policy Requirements

In the event Council has to make a decision following investigation, and:

- quorum at an Ordinary Council meeting cannot be reached;
- the Mayor is the subject of the investigation; or
- the Mayor is declared to have a conflict of interest;

the decision will need to be made by a Standing Committee (Clause 11, EX007 Investigation Policy). A local government may delegate its powers to a Standing Committee in accordance with s257(c) of the *Local Government Act 2009*.

The Standing Committee must be in existence prior to the referral notice being received from the Assessor (Clause 11, EX007 Investigation Policy). To accommodate this scenario, Council resolved to create a Conduct Breach Investigation Committee, and adopted Terms of Reference for its operation, at the Statutory Meeting of Council.

Attachments

Attachment 1 – NEW – Code of Conduct for Councillors in Queensland approved on 22 February 2024

Attachment 2 – CURRENT – EX007 Investigation Policy adopted 9 November 2022

Attachment 3 – NEW – EX007 Investigation Policy

Recommendation

THAT Council:

1. note the Minister for Local Government's Code of Conduct for Councillors in Queensland approved on 22 February 2024;
2. adopt EX007 Investigation Policy (Attachment 3)
3. repeal existing EX007 Investigation Policy adopted 9 November 2022 (Attachment 2).

Resolution

Moved – Cr Jess

Seconded – Cr Hurley

“THAT Council:

1. note the Minister for Local Government's Code of Conduct for Councillors in Queensland approved on 22 February 2024;
2. adopt EX007 Investigation Policy (Appendix B)
3. repeal existing EX007 Investigation Policy adopted 9 November 2022 (Appendix C)”

Carried

Vote - Unanimous

Meetings authorised by Council

Nil

Mayor and Councillor Reports

Cr Brieschke– Councillor Report

March

- 08 Ordinary Council Meeting
- 23 Fernvale Mural Opening
- 28 Council Swearing in Ceremony

April

- 03 Mad Hatters Tea Party, Clock Park, Lowood
- 05 Youth Week Movie Matinee and presentation of the Noosa Film Academy Student films and a movie.
- 08 Council Induction

I would like to mention the Holiday program that Council staff have coordinated during these school holidays. From the many comments I have seen on social media or people speaking with me, they have all been very grateful for these free activities. Attendances have been good whether the activity has been at a library, park, pool or the pictures and I would like to thank Council staff, operators and stall holders for their contribution to the holiday program.

Cr Bishop – Councillor Report

I attended the Mad Hatters Tea Party event in Lowood last week and I was very impressed with the work that Council staff had done for the event. It was a very good event and lots of people in attendance.

Cr Isidro – Councillor Report

March

28 Declaration of office ceremony, Esk

April

08 Councillor inductions, Esk

08 Cattle Australia regional tour, Toogoolawah

10 Council meeting, Esk

Cr Hurley – Councillor Report

I attended the Rural ambassadors event held last weekend. It was a very informative session and very encouraging to see the number of potentials young rural ambassadors in attendance. Well done to the organisers and I look forward to seeing these ambassadors at future events.

Resolution

Moved – Cr Isidro

Seconded – Cr Jess

“THAT the verbal and written reports of Mayor Wendt and Councillors Bishop, Brieschke, Freese, Hurley, Isidro, and Jess be received.”

Carried

Vote - unanimous

Receipt of Petition

Nil

Consideration of notified motions

Nil

Reception of notices of motion for next meeting

Nil

Items for reports for future meetings

THAT a report be brought to a future meeting of Council outlining the resourcing and service delivery of communications as part of the 2024-25 budget process.

Resolution

Moved – Cr Isidro

Seconded – Cr Freese

“THAT a report be brought to a future meeting of Council outlining the resourcing and service delivery of communications as part of the 2024-25 budget process.”

Carried

Vote - Unanimous

Closure of Meeting**Summary**

There being no further business, the Mayor, Cr Jason Wendt closed the meeting at 10.58 am.

APPENDIX A



Policy Subject/Title: RECRUITMENT AND SELECTION POLICY

Policy Number: HR/013

Responsible Officer: Chief Executive Officer

Legislative or Regulatory Reference: *Anti-Discrimination Act 1991*
Industrial Relations Act 2016 (Qld)
Information Privacy Act 2009
Local Government Act 2009
Local Government Regulation 2012
Public Sector Ethics Act 1994
Records Management Act 2007

Related Policies / Procedures: FO11 - Fraud Management Policy
CO13 - Information Privacy Policy
Somerset Regional Council - Officers Certified Agreement 2023
Somerset Regional Council – Field Staff Certified Agreement 2023

Application: This Policy applies to employees of Somerset Regional Council. The Policy does not form part of any employee's contract of employment.

Authorised by: Somerset Regional Council

Authorised on: 24 February 2016 [Doc ID 869358]

Review / Amendment dates: 28 March 2018 [Doc Id 1024321]
29 November 2023 [Doc Id 1565222]
21 February 2024 [Doc Id TBC]

1. Objective

To ensure Somerset Regional Council ("Council") recruits and selects quality applicants in an effective and efficient manner meeting relevant legislative requirements and adhering to merit principles.

2. Purpose

Recruiting and selecting suitable employees who exhibit the necessary level of skills and ability is integral to the success of Somerset Regional Council ("Council").

This policy aims to provide guidance and assistance to those involved in the process of recruitment and selection of employees at Council. It outlines the principles that are to be followed in the recruitment and selection process and is designed to ensure that recruitment standards are consistent, appropriate, free from discrimination or bias, and are in accordance with relevant legislation.

3. Scope

This policy applies to the recruitment and selection of all employees with the exception of the recruitment and selection of the Chief Executive Officer (Refer to *Local Government Act 2009*).

4. Policy Statement

4.1 *Recruitment and Selection Principles*

During the recruitment and selection process, Council will ensure that the best person for the position is chosen in each case. This can be achieved through the recruitment and selection of quality applicants who share the Council's commitment to the corporate vision, mission and values.

All applicants are to be treated with equity and courtesy, irrespective of individual attributes, including but not limited to, race, sexual orientation, political affiliation, religion, sex, age, or physical disability.

All recruitment and selection activities will have regard to merit principles, specifically that the success of an applicant is determined on their skills, experience and qualification/s.

Each decision-maker who has a role in the recruitment and selection process should do their utmost to ensure that the merit principles are applied in every case.

This policy is supported by Council's Recruitment and Selection Procedure, which will be reviewed at least annually and be authorised by the Chief Executive Officer.

4.2 *Equal Employment Opportunity*

Council is an equal employment opportunity employer and recognises the importance of maintaining diversity in the workplace, equal remuneration for work of equal value and ensuring that existing practices, that encourage equality of employment and development opportunities, continue and are promoted.

4.3 *Privacy*

As set out in Council's Information Privacy Policy, Council respects and complies with its obligations under privacy legislation.

Consequently, any personal information gathered during the recruitment and selection process that does not become an employee record relating to the successful candidate/s will be destroyed at the conclusion of the process and in accordance with relevant legislation, unless the permission /consent of the candidate has been obtained to keep any such information.

5. Variations

Council reserves the right to vary, replace or terminate this policy from time to time.

6. Effective from

This policy is effective from 24 February 2016.

7. Date of Resolution

This policy was approved by the Chief Executive Officer and adopted by the Somerset Regional Council at the Ordinary Meeting of 21 February 2024.

Signed:

Date: 21 February 2024

APPENDIX B



Policy Subject/Title: Investigation Policy

Policy Number: EX/007

Responsible Officer: Director Corporate and Community Services

Related Policies / Procedures:

- EX/002 Standing Orders
- EX/004 Acceptable Requests Guidelines
- EX/008 Meeting Procedures
- C/013 Information Privacy Policy
- C/015 Information Management Policy
- C/018 Administration Action Complaints Policy
- C/019 Public Interest Disclosure Policy

Code of Conduct for Councillors in Queensland

Legislation:

- Local Government Act 2009* (LGA)
- Local Government Regulation 2012 (LGR)
- City of Brisbane Act 2010* (COBA)
- City of Brisbane Regulation 2012 (COBR)
- Crime and Corruption Act 2001*
- Public Interest Disclosure Act 2010* (PIDA)
- Public Sector Ethics Act 1994* (PSEA)

Adopted by: Somerset Regional Council

Adopted on: [Date of Decision / Doc ID of Decision]

Amendments:

- 28 November 2018 (Doc Id. 1080792)
- 9 November 2022 (Doc Id. 1455025)

CONDITIONS APPLYING TO THE INVESTIGATION

1. AUTHORITY

This is Somerset Regional Council's investigation policy for how complaints about the suspected conduct breach of councillors will be dealt with as required by section 150AE of the Local Government Act 2009 (LGA).

A local government must adopt, by resolution, an investigation policy (the policy) about how it deals with the suspected conduct breach of councillors referred, by the independent assessor (the Assessor) under section 150AE(1), LGA, to the local government to be dealt with, and must be published on the local government's website, section 150AE(4), LGA.

2. POLICY STATEMENT

Chapter 5A of the LGA prescribes the councillor conduct management system. Section 150CT of the LGA establishes an Independent Assessor (the Assessor) to carry out certain functions including the preliminary assessment, dismissal, referral, or investigation of complaints about councillor conduct.

After undertaking a preliminary assessment on a councillor conduct matter, if the Assessor reasonably suspects a councillor has engaged in a conduct breach, the Assessor may decide to refer a suspected conduct breach to the Somerset Regional Council to deal with under section 150SD(4)(a) or 150W(b) of the LGA.

Upon receipt of the referral notice of a complaint of suspected conduct breach the Somerset Regional Council must deal with the 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, the Somerset Regional Council must comply with this investigation policy.

The Somerset Regional Council may decide not to start or discontinue the investigation if:

- the complaint is withdrawn by the complainant
- the complainant consents to the matter being withdrawn. For example, the matter has been resolved and it is unnecessary for the local government to investigate the matter.
- the complainant refuses to cooperate by providing additional information during the investigation phase and not enough information is available to proceed
- 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.

3. SCOPE

In Scope

This investigation policy applies to investigations and determinations by the Somerset Regional Council about the suspected conduct breach of a councillor including a mayor, which has been referred by the Independent Assessor. The policy must:

- include a procedure for investigating the suspected conduct breaches of councillors (see Addendum 3 – Investigation Standards); and
- state the circumstances in which another entity may investigate the conduct; and
- be consistent with the principles of natural justice; and

- require the local government to prepare a report about each investigation (see Addendum 2 - Report template and summary report template); and
- require a notice about the outcome of investigations be provided to the Assessor, councillor and persons who made complaint about the councillors' conduct; and
- include a procedure about when the local government may decide not to start, or to discontinue, an investigation under section 150AEA.

The policy must require the Somerset Regional Council:

- to give the councillor information about the suspected conduct, including details about the evidence of the conduct; and
- to give the councillor a notice if an investigation is not started or is discontinued; and
- 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
- to give the councillor the preliminary findings of the investigation before preparing an investigation report about the investigation (see Addendum 4 - Statement of Preliminary Findings Template); and
- to allow the councillor to give evidence or a written submission to the local government about the suspected conduct and preliminary findings; and
- to consider any evidence and written submission given by the councillor in preparing the investigation report for the investigation; and
- to include in the investigation report:
 - (i) if evidence is given by the councillor—a summary of the evidence; and
 - (ii) if the councillor gives a written submission—a full copy of the written submission.

Out of Scope

This Policy does not relate to more serious councillor conduct, such as misconduct or corrupt conduct, which are dealt with under separate legislative provisions.

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. CONFIDENTIALITY

Matters relating to the investigation of suspected conduct breach of a councillor are confidential to the local government during the investigation period, except:

- to give the councillor information about the suspected conduct, including details about the evidence of the conduct
- to give the councillor the preliminary findings of the investigation before preparing an investigation report about the investigation
- to give the councillor a notice if an investigation is not started or is discontinued; and
- for conduct the subject of a complaint - to give the person who made the complaint, and the Assessor a notice if an investigation is not started or is discontinued.

However, once the conduct is investigated and an investigation report is received, a summary of the investigation report must be made publicly available before any discussion is undertaken by the Somerset Regional Council. The published summary report must not contain any names or identifying information about the complainant and persons who were interviewed or a transcript of interview, or provided a statement or affidavit, unless the complainant is a councillor or chief executive officer of the local

government, whose identity was disclosed at the meeting at which the investigation report was considered.

Once the matter has been investigated and a report has been provided to the local government, the matter will be placed on the council meeting agenda and the investigation report and any recommendations of the investigator may be debated in the council meeting, which may be in a closed session under section 254J(j) of the LGR. At this point, the summary investigation report is not treated as confidential as it must be publicly available and attached to the agenda papers that are circulated before the meeting.

A final decision by resolution of the council in an open council meeting must take place when the decision is made about whether a councillor engaged in a conduct breach and if so any decision about orders that are made under section 150AH of the LGA. Any decision that is not consistent with the recommendation of the investigation report must state in the meeting minutes, the reasons for the decision. The minutes must give sufficient information to demonstrate the logic that has been applied to justify the decision not to follow the recommendation of the investigation report.

The full investigation report must be made publicly available within 10 business days of the Somerset Regional Council making a decision by resolution about whether the councillor engaged in a conduct breach and if so, any orders made in relation to the matter. The published report must not contain any names or identifying information about the complainant, persons who were interviewed or a transcript of interview, or provided a statement or affidavit unless the complainant is a councillor or chief executive officer of the local government whose identity was disclosed at the meeting at which the investigation report was considered.

When deciding what action to take, the local government may consider any previous conduct breach of the councillor, any allegation made in the investigation that was admitted or not challenged, and the local government is reasonably satisfied is true.

A notice about the outcome of the investigation must be given to the Assessor as soon as practicable that states the decision, the reasons for the decision and the details of any orders made under section 150AH of the LGA.

Note: *For investigation report templates please refer to Addendum 2 - Report template and summary report template, and Addendum 4 - Statement of Preliminary Findings Template. These templates must be used by the investigator.*

5. NATURAL JUSTICE

Any investigation of suspected conduct breach of a councillor must be carried out in accordance with natural justice.

Natural justice or procedural fairness refers to three key principles:

- that the councillor who is the subject of the suspected conduct breach matter has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken i.e., fair hearing
- that the investigator should be objective and impartial i.e., absence of bias
- that any actions taken, or decisions made are based on evidence i.e., not on suspicion or speculation.

A fair hearing means the councillor who is the subject of the suspected conduct breach matter will receive information about the suspected conduct, including;

- the preliminary findings of the investigation before the preparing of an investigation report about the investigation; and
- a notice if an investigation is not started or is discontinued including the reasons for the decision
- allow the councillor to give evidence or a written submission to the local government about the suspected conduct breach and preliminary findings; and
- require the local government to consider the evidence or written statement from the councillor in preparing the investigation report, and
- include, if evidence is given by the councillor, a summary of the evidence and, if a written submission is provided, a full copy of the written submission, in the investigation report.

The local government must give the following notices to the other parties;

- the person who made the complaint if an investigation is not started or dismissed including the reasons for the decision
- the Assessor if an investigation is not started or dismissed including the reasons for the decision.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

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

6. STANDARD OF PROOF

The civil standard of proof is applied by the Investigator when determining whether a councillor has engaged in a conduct breach.

The civil 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 Investigator and/or the local government, is reasonably satisfied that its existence is more probable than not.

7. TIMELINE

The councillor conduct framework must 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 the local government's meeting within eight weeks of commencing the investigation, after the receipt of the complaint from the Assessor.

Note: *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. Delay in procuring an investigator to undertake the investigation should be avoided by the local government.*

8. EXPENSES

Local Governments must pay the expenses associated with the investigation of suspected conduct breach of a councillor including any costs of:

- an independent investigator engaged on behalf of the Somerset Regional Council
- travel where the investigator needed to travel to undertake the investigation, or to interview witnesses
- obtaining legal or expert advice.

Note: *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. Any costs incurred by complainants, or the subject councillor will not be met by council. 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.*

9. COUNCILLOR CONDUCT REGISTER

The chief executive officer must ensure decisions and any orders under section 150AH of the LGA made about suspected conduct breach of a councillor or any decision to not start, or to discontinue an investigation of suspected conduct breach under section 150AEA of the LGA, are entered into the relevant councillor conduct register.

PROCEDURES FOR THE INVESTIGATION

10. INDEPENDENT ASSESSOR'S REFERRAL

The Somerset Regional Council will receive a referral notice from the Assessor about the suspected conduct breach of a councillor. The referral notice will include details of the conduct and any complaint received about the conduct, state why the Assessor reasonably suspects that the councillor has engaged in a conduct breach and include information about the facts and circumstances that form the basis of the Assessor's reasonable suspicion.

The Somerset Regional Council must deal with the matter and the investigation must be conducted in a way that is consistent with this investigation policy.

The Assessor must also give a notice to the councillor that states the councillor's conduct has been referred to the Somerset Regional Council to deal with and a copy of the referral notice must be attached.

11. RECEIPT OF ASSESSOR'S REFERRAL

On receipt of a referral notice about the suspected conduct breach of a councillor from the Assessor, the chief executive officer will forward a copy of that referral notice to the mayor and all councillors, including the subject councillor, as a confidential document.

The councillor who is the subject of the complaint 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 model meeting procedures section 5.

The mayor will manage the investigation process and may undertake the investigation themselves, or engage an external investigator, to investigate the suspected conduct

breach and prepare an investigation report with recommendations about whether the councillor engaged in a conduct breach and how the conduct may be dealt with. If the mayor has a conflict of interest in the matter, the mayor's powers to manage the investigation must be delegated by council resolution to the Deputy Mayor, or if the Deputy Mayor is conflicted, then an acting mayor must be appointed from the other councillors by resolution, to manage the investigation.

Where the local government meeting loses quorum due to conflicts of interest of councillors or absent councillors, then the conduct matter must be delegated to the mayor or a standing committee to make a decision. If the referral notice is about the suspected conduct breach by the mayor, then the matter must be delegated to a standing committee.

The Somerset Regional Council will establish a standing committee under section 264 of the LGR to deal with decisions about a conduct breach matters which are delegated by resolution to a standing committee. The standing committee will decide about the mayor's conduct in all circumstances where there is a loss of quorum or more generally, may also deal with councillors' conduct.

While section 12(4)(f) of the LGA provides that the mayor has the extra responsibility of being a member of each standing committee, the mayor could not be a decision-making member of a standing committee dealing with decisions about the mayor's conduct because of the conflict of interest. The remainder of the unconflicted members of the committee will decide the matter.

The standing committee must be in existence before receiving the referral notice from the Assessor, in circumstances where there is no quorum to decide a matter under sections 150AEA or 150AG of the LGA due to conflicts of interest.

12. WHEN THE LOCAL GOVERNMENT MAY DECIDE NOT TO START, OR TO DISCONTINUE, AN INVESTIGATION

On receipt of the referral notice from the Assessor, the mayor will manage the investigation unless it is delegated. If there are circumstances for considering not starting or discontinuing an investigation, the matter will be placed on the agenda for the next council meeting. The local government may decide by resolution to not start, or discontinue, a suspected conduct breach matter. The resolution must state the decision and the reasons for the decision.

The only circumstances in which the local government can formally not start or discontinue a matter are under section 150AEA of the LGA.

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

13. LOCAL GOVERNMENT INVESTIGATING THE SUSPECTED CONDUCT BREACH OF A COUNCILLOR

Unless the matter has been delegated by the local government, the mayor will manage the investigation of suspected conduct breach matters relating to other councillors by either performing the role of Investigator or engaging a suitably qualified person to undertake the investigation and provide an investigation report for the local government to consider. The mayor is authorised by council to expend money as reasonably needed to engage contractors in accordance with the council's procurement policy.

If the investigator obtains information which indicates a councillor may have engaged in misconduct, the investigator must cease the investigation and advise the mayor and the chief executive officer. The chief executive officer will determine if the conduct is within the timeframe for reporting the matter. The chief executive officer will then provide an information notice to the Assessor giving the details of the suspected misconduct. The notice must be given within 1 year after the conduct occurred, or within 6 months after the conduct comes to the knowledge of the chief executive officer or another person who gave the information notice to the Assessor, but within 2 years after the conduct occurred.

If the investigator obtains information that indicates a councillor may have engaged in corrupt conduct, the investigator must cease the investigation and advise the mayor and chief executive officer. The chief executive officer will then provide an information notice to the Assessor giving the details of the suspected corrupt conduct or notify the Crime and Corruption Commission of the suspected corrupt conduct. There are no reporting time limits for corrupt conduct.

14. ENGAGING AN INVESTIGATOR

Once an investigator has been selected to undertake the investigation, that investigator will follow the investigation standards of the local government (see Addendum 3– Investigation Standards) e.g. an investigation plan and file management system will be established.

Once the investigation is finalised the investigator will prepare a report for the local government including the following the details:

- the investigation process
- any witnesses interviewed
- documents or other evidence obtained
- a statement of the relevant facts ascertained
- confirmation that the subject councillor has been provided with an opportunity to respond to the complaint and the evidence compiled
- the investigation findings
- a statement of any relevant previous disciplinary history
- any recommendations about dealing with the conduct
- a record of the investigation costs.

15. COMPLETION OF INVESTIGATION

Findings and recommendations

The investigator must prepare a Preliminary Statement of Findings and must give the preliminary findings to the councillor before preparing the Investigation Report and allow the councillor to give evidence or a written statement about the conduct and preliminary findings.

The investigator must consider any evidence or written submission given by the councillor in preparing the investigation report and include a summary of the evidence and a full copy of any written submission in the investigation report.

Investigation Report

The investigator must prepare an investigation report about the investigation of a suspected conduct breach matter referred by the Assessor to the local government under section 150AFA of the LGA. (However, this does not apply to a decision by the Establishment and Coordination Committee under the COBA). The investigation report must include the findings of the investigation, a summary of the evidence or a full copy

of any written submission given by the councillor and recommendations for consideration by the local government (see Addendum 2 – Report Template).

A summary investigation report with the preliminary Statement of Findings and summary of the outcome of the investigation attached, must be prepared for public availability before the meeting where the councillors will consider the investigation report matter on or before the day and time prescribed by the LGR section 254C and the COBR section 242C, which is;

- 5pm on the next business day after the notice of the meeting at which a decision is to be made has been provided to the councillors, or
- the day and time when the agenda for the meeting at which a decision is to be made is publicly available.

The Somerset Regional Council, must prepare a summary of the investigation report that must include—

- 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.

The following information must not be made publicly available—

- if the investigation relates to the conduct of a councillor that was the subject of a complaint—
- the name of the person who made the complaint or any other person, other than the councillor; or
- information that could reasonably be expected to result in identifying a person who made the complaint or any other person;
- if a person, other than the councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit—
 - o the name of the person; or
 - o information that could reasonably be expected to result in identifying the person or any other person, other than the councillor;
 - o any other information the local government is entitled or required to keep confidential under a law.

Making a decision about the investigation

The Somerset Regional Council must make a decision as to whether the subject councillor has engaged in a conduct breach.

When debating this matter the subject councillor who has a declarable conflict of interest in the matter, must declare the conflict of interest, and the eligible councillors (those who do not have a conflict of interest in the matter) can decide by resolution for the subject councillor to remain in the meeting during the debate and may answer questions put to the subject councillor through the chairperson to assist the eligible councillors in making a decision. The resolution can include conditions that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed a conduct

breach and what, if any, penalty to impose if the councillor is found to have committed a conduct breach.

Should the complainant be a councillor, that councillor has a declarable conflict of interest in the matter and must follow the declarable conflict of interest procedures set out in the model meeting procedures section 5.

If the council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or section 238 of the COBA, or deferred to another date when a quorum will be present.

If a decision is reached that the councillor has engaged in a conduct breach, the Somerset Regional Council (with the exception of the councillor the subject of the investigation and the complainant, if another councillor), will consider the findings and recommendations of the investigator's report and decide what, if any, action it will take under section 150AH of the LGA.

After making a decision about the conduct breach, the Somerset Regional Council must make the investigation report for the investigation publicly available after the meeting at which the decision about the outcome of the investigation is made, by;

- on or before the day and time prescribed by regulation, or 5pm on the tenth day, or
- the day and time that the meeting minutes are made publicly available.

The following information contained in the investigation report **must not** be made publicly available;

- if the investigation relates to the conduct of a councillor that was the subject of a complaint
 - o the name of the person who made the complaint or any other person, other than the councillor even if that person has a declarable conflict of interest; or
 - o information that could reasonably be expected to result in identifying a person;
- if a person, other than the councillor, provided information for the purposes of the investigation including, for example, by giving an interview or making a submission or affidavit:
 - o the name of the person; or
 - o information that could reasonably be expected to result in identifying the person or any other person, other than the councillor;
 - o the submission or affidavit of, or a record or transcript of information provided orally by, a person, including, for example, a transcript of an interview;
 - o any other information the local government is entitled or required to keep confidential under a law e.g. documents subject to legal professional privilege or information that is part of a public interest disclosure under the Public Interest Disclosure Act 2010.

The report made publicly available **must** include the name of the person who made the complaint if:

- the person is a councillor or the chief executive officer of the local government; and
- the person's identity as the complainant was disclosed at the meeting at which the report for the investigation was considered.

16. DISCIPLINARY ACTION AGAINST COUNCILLORS

If the Somerset Regional Council decides that the councillor has engaged in a conduct breach, any of the following orders may be imposed:

- (i) order that no action be taken against the councillor, or
- (ii) make an order outlining action the councillor must undertake in accordance with section 150AH(1)(b) of the LGA.

Note: *For further information refer to Addendum 5 - Conduct Breach Disciplinary Action Guideline.*

17. NOTICE ABOUT THE OUTCOME OF THE INVESTIGATION

After an investigation is finalised, the Somerset Regional Council must give a notice about the outcome decision of the investigation if the local government decides not to start or discontinue an investigation (section 150AEA of the LGA), or makes a decision about whether the councillor has engaged in a conduct breach (section 150AG of the LGA) including the reasons for the decision and any orders made under section (150AH of the LGA) to:

- the Assessor
- the person who made the complaint about the councillor' conduct that was the subject of the investigation, and
- the subject councillor who was investigated.

18. DATE OF RESOLUTION

This policy was adopted by Somerset Regional Council resolution at the Ordinary Meeting of [insert date] and applies from [insert date].

Signed:

Date:

ADDENDUMS –

ADDENDUM 1 – INDEX

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

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

Conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

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

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

Investigator means the person responsible under this investigation policy for carrying out the investigation of the suspected conduct breach of a councillor or mayor

Summary of investigation report means a summary of the full investigation report prepared before making a decision about the outcome of the investigation that must be publicly available on or before the day prescribed by regulation.

Investigation report means a report provided by the investigator to the local government that must be publicly available within 10 business days after the local government makes a decision about the outcome of the investigation.

LGA means the *Local Government Act 2009*

Local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government

Misconduct see section 150L of the LGA

Model meeting procedures see EX/008 Meeting Procedures and section 150F of the LGA

Referral notice see section 150AB, AC and AD of the LGA

Tribunal means the Councillor Conduct Tribunal as established under section 150DK of the LGA

Unsuitable meeting conduct see section 150H of the LGA

ADDENDUM 2 – REPORT TEMPLATE AND SUMMARY REPORT TEMPLATE

Conduct Breach Complaint Investigation and Recommendation Report to Somerset Regional Council

Reference number:

Date received from council:

1. 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)

2. 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*)*

3. The subject councillor

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

4. Conflict of interest considerations

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

5. 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.

6. 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.

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*

7. Recommendation to council

Recommendations made by the investigator who investigated the conduct.

It is recommended that:

- This report be submitted to the Somerset 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;
- 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:*

- If Somerset 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.*
- If council finds the councillor has engaged in a conduct breach, the following disciplinary action under section 150AH LGA is recommended (refer to *Addendum 5 - Conduct Breach Disciplinary Action Guideline*).

..... (SIGN)

NAME:

ATTACHMENTS:

8. 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.

ADDENDUM 3 – INVESTIGATION STANDARDS

The investigation must be managed in a consistent manner.

Documentation must be contained in an efficient records management system.

Confidential information must be secured appropriately.

1. Case Management file

The investigation must be supported by a recognised case management tool so that emails, letters, statements, and evidence can be stored and secured confidentially. File notes must 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.

2. 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 must 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:

- Research the legislation and policy framework thoroughly.
- Identify lines of inquiry and record them as a file note in case file management system.
- Present all the evidence the councillor provides or gives in a written statement.
- Gather further evidence (for example, from interviewing other witnesses, obtaining documents, or carrying out site inspections) when necessary.
- 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.
- Undertake a proper and impartial examination of the evidence gathered, including expert advice and analysis and / or legal advice if required.
- Draw conclusions based on the evidence and applying the appropriate legislative and policy frameworks.

3. Prepare an investigation report

Prepare the investigation report for the local government to consider on the template attached (Addendum 2).

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 must 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 4 – 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: Particulars:	Substantiated / Not Substantiated Summary of Evidence: Summary of reasons for finding:

Date

Investigator's signature and name

ADDENDUM 5 – 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.

1. What is a conduct breach?

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

- breaches a behavioural standard (Code of Conduct for Councillors in Queensland)
- breaches a council policy, procedure, or resolution
- 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
- 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.

2. 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:

1. whether or not the councillor has engaged in a conduct breach, and,
2. 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.

3. 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:

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

4. 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:

- Any previous conduct breach of the councillor
- Any allegation made in the investigation that:
 - o was admitted, or was not challenged and
 - o the local government is reasonably satisfied is true.

5. 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 engaging in a conduct breach	Second instance engaging in a conduct breach	Third instance engaging in a 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 reprimanding the councillor 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

APPENDIX C



Policy Subject/Title: Investigation Policy

Policy Number: EX/007

Responsible Officer: Director Corporate and Community Services

Related Policies / Procedures: EX/002 Standing Orders
EX/004 Acceptable Requests Guidelines
EX/008 Meeting Procedures

Authorised by: Somerset Regional Council

Authorised on: 9 November 2022 (Doc Id 1455025)

Amendments: 28 November 2018 (Doc Id 1080792)
9 November 2022 (Doc Id 1455025)

1. AUTHORITY

This is Somerset Regional Council's investigation policy for how complaints about the inappropriate conduct of councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009* (the LGA). However, this policy does not relate to more serious councillor conduct.

2. COMMENCEMENT

The investigation policy was adopted by Council resolution on 9 November 2022 and applies from 10 November 2022.

3. SCOPE

This investigation policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a councillor/s which has been referred by the Independent Assessor.

4. DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the LGA

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

Conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

Councillor conduct register means the register required to be kept by Council as set out in section 150DX of the LGA

Inappropriate conduct see section 150K of the LGA

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

Investigator means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a councillor or Mayor

LGA means the *Local Government Act 2009*

Local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government

Misconduct see section 150L of the LGA

Model procedures see section 150F of the LGA

Referral notice see section 150AC of the LGA

Tribunal means the Councillor Conduct Tribunal as established under section 150DK of the LGA

Unsuitable meeting conduct see section 150H of the LGA

5. CONFIDENTIALITY

Matters of suspected inappropriate conduct of a councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

Note: It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the local government. Any release of information that a councillor knows, or should reasonably know, to be confidential to the local government, may be contrary to section 171(3) of the LGA and dealt with as misconduct.

6. NATURAL JUSTICE

Any investigation of suspected inappropriate conduct of a councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

Natural justice or procedural fairness refers to three key principles:

- that the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing)
- that the investigator(s) should be objective and impartial (absence of bias)
- that any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Ensuring decisions are based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material. A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

7. ASSESSOR'S REFERRAL

The Council will receive from the assessor a referral notice about the suspected inappropriate conduct of a councillor/s. The referral notice will include details of the conduct and any complaint received about the conduct, state why the assessor reasonably suspects that the councillor has engaged in inappropriate conduct, and include information about the facts and circumstances that form the basis of the assessor's reasonable suspicion.

The referral notice may be accompanied by a recommendation from the assessor about how the local government may investigate or deal with the conduct. The recommendation of the assessor may be inconsistent with this policy.

The investigation must be conducted in a way consistent with:

- (i) any recommendation of the assessor
- (ii) to the extent that this policy is not inconsistent with the recommendation of the assessor – this investigation policy, or
- (iii) in another way the local government decides by resolution.

A resolution under subsection (iii) must state the decision and the reasons for the decision.

8. RECEIPT OF ASSESSOR'S REFERRAL

On receipt of a referral notice about the suspected inappropriate conduct of a councillor/s from the assessor, the Council's Chief Executive Officer will forward a copy of that referral notice to the Mayor and all councillors, other than the councillor who is the subject of the complaint, or the complainant if the complainant is a councillor, as a confidential document.

Should the Mayor or a councillor/s disagree with any recommendation accompanying the assessor's referral notice, or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or councillor may request the matter be placed on the agenda of the next council meeting for the council to decide, by resolution, the appropriate process to investigate the complaint. Such a request must be made in accordance with the council's meeting procedure requirements.

9. INVESTIGATOR

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other councillors.

If the suspected inappropriate conduct involves conduct where, in the circumstances, the Mayor believes it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer may refer the suspected inappropriate conduct to the president of the Councillor Conduct Tribunal (the Tribunal) or other entity to investigate and make recommendations to the council about dealing with the conduct.

If the suspected inappropriate conduct involves an allegation about the conduct of the Mayor or the Mayor as the complainant, then the Chief Executive Officer may refer the suspected inappropriate conduct to the president of the Tribunal, or another entity, to investigate and make recommendations to the council about dealing with the conduct.

10. EARLY RESOLUTION

Before beginning an investigation, the investigator should consider whether the matter is appropriate for resolution prior to the investigation. This consideration can include any recommendations made by the assessor.

A matter is only appropriate for early resolution if the parties to the matter both voluntarily agree to explore early resolution. The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all councillors that the matter has been resolved. The Chief Executive Officer will also update the councillor conduct register to reflect this.

11. TIMELINESS

The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

Note: 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 (if the Mayor is not the investigator) to seek an extension of time.

12. ASSISTANCE FOR INVESTIGATOR

If the Mayor, or another councillor appointed by Council resolution, is the investigator of a matter of suspected inappropriate conduct, the Mayor or councillor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

13. POSSIBLE MISCONDUCT OR CORRUPT CONDUCT

If during the course of an investigation the investigator obtains information which indicates a councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information that indicates a councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the assessor or Crime and Corruption Commission to be inappropriate conduct.

14. COMPLETION OF INVESTIGATION

On the completion of an investigation, the investigator will provide a report to a Council meeting outlining as appropriate:

- the investigation process
- any witnesses interviewed
- documents or other evidence obtained

- a statement of the relevant facts ascertained
- confirmation that the subject councillor has been provided with an opportunity to respond to the complaint and the evidence gathered
- the investigation findings
- a statement of any relevant previous disciplinary history
- any recommendations about dealing with the conduct
- a record of the investigation costs.

The Council (with the exception of the councillor the subject of the investigation and the complainant, if another councillor) will consider the findings and recommendations of the investigator's report and decide whether the councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

The Chief Executive Officer is also required to ensure the details are entered into the councillor conduct register.

If there is a risk to the health and safety of the complainant, under s 254J of the LGR the Council may resolve that the meeting be closed to the public for the councillors to consider the investigation report and any recommendations. In accordance with s254J(6) of the LGR, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has been re-opened to the public and the decision recorded in the meeting minutes.

15. DISCIPLINARY ACTION AGAINST COUNCILLORS

If the Council decides at the completion of the investigation that the councillor has engaged in inappropriate conduct, the Council may:

- order that no action be taken against the councillor, or
- make an order outlining action the councillor must undertake in accordance with section 150AH(1)(b) of the LGA.

16. NOTICE ABOUT THE OUTCOME OF INVESTIGATION

After an investigation is finalised, the council must give notice about the outcome of the investigation to the person who made the complaint about the councillor/s' conduct that was the subject of the investigation and the subject councillor.

17. COUNCILLOR CONDUCT REGISTER

The Chief Executive Officer must ensure decisions about suspected inappropriate conduct of a councillor/s are entered into the councillor conduct register.

Where a complaint has been resolved under section 10 of this policy, or otherwise withdrawn by the complainant, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

18. EXPENSES

Council must pay any reasonable expenses of Council associated with the investigation of suspected inappropriate conduct of a councillor including any costs of:


- the president of the Tribunal in undertaking an investigation for Council

- an independent investigator engaged on behalf of, or by the Tribunal
- an independent investigator engaged on behalf of the local government
- travel where the investigator needed to travel to undertake the investigation, or to interview witnesses
- seeking legal advice
- engaging an expert.

Note: Council may order the subject councillor reimburse it for all or some of the costs arising from the councillor's inappropriate conduct. Any costs incurred by complainants or the subject councillors will not be met by Council.

19. DATE OF RESOLUTION

This policy was approved by the Chief Executive Officer and adopted by the Somerset Regional Council at the Ordinary Meeting of 9 November 2022.

Signed: 

Date: 9 November 2022