

Cherbourg Aboriginal Shire
Council

Working Papers

For Council Meeting Held 16 & 17 August 2023

*Cherbourg
Aboriginal
Shire
Council*

*Minutes – Council
Meeting*

24 April 2024

MINUTES

COUNCIL MEETING

HELD 24 APRIL 2024

Attendance

Mayor Bruce Simpson
Deputy Mayor Carla Fisher
Cr Gordon Wragge
Cr Tom Langton
Cr Daniel Weazel

Officers: CEO - Zala
Minute Taker - Eileen Jacobs

9.03am Mayor Opened Meeting

Opening Prayer - Uncle John Stanley

Sorry Business - 1 Minutes Silence for Late - Adrian Yock
- Fred West Duncan
- Julie Murdoch

Councillor Obligations

Prescribed Conflict of Interest

Nil

Declarable Conflict of Interest

Nil

Register of Interest

Nil

9.21am Entered Meeting - DATSIP Staff Lucy Kelly
Warren Collins
Jean Cobbo
Margaret Cobbo

DATSIP Staff presented a brief update of Staff, current Programs, future programs and offered their assistance wherever possible.

Council is also interested in strengthening current relationships with DATSIP.

9.47am Left Meeting - DATSIP Staff Lucy Kelly
Warren Collins
Jean Cobbo
Margaret Cobbo

Minute Approval

Cherbourg Aboriginal Shire Council resolves that the minutes of the

- Council meeting held on 13 & 14 March 2024
- Post Election Meeting held on 20 March 2024

be adopted.

Moved: Cr Tom Langton
Seconded: Cr Daniel Weazel

Motion No. 2497 Carried
For Vote: Council Voted Unanimously

MAYOR'S REPORT

Elders Council

Council agreed to establish an Elders Council and apply for funding for the Elders Council.

Resolution

Council agrees to establish an Elders Council and proceed through the funding process, and DATSIP to secure funding for the Elders Council.

Moved: Cr Gordon Wragge
Seconded: Deputy Mayor Carla Fisher

Motion No. 2498 Carried
For Vote: Council Voted Unanimously

Cherbourg Health Council

Council discussed the future of the Cherbourg Health Council.

Resolution

Cherbourg Aboriginal Shire Council resolve to proceed with the Cherbourg Health Council with a view to handing over to community at a later stage.

Moved: Cr Gordon Wragge

Seconded: Cr Daniel Weazel

Motion No. 2499 Carried
For Vote: Council Voted Unanimously

Portfolios

The creation of councillor portfolios was discussed.

Resolution "that Cherbourg Aboriginal Shire Council create Councillor Portfolios" was put to the vote.

For - Cr Gordon Wragge
- Cr Daniel Weazel
- Deputy Mayor Carla Fisher
- Mayor Bruce Simpson

Against - Cr Tom Langton

For Vote: 4

Against: 1

Resolution

Council resolves that Councillor Portfolios be created for Cherbourg Aboriginal Shire Council.

Moved: Cr Gordon Wragge

Seconded: Deputy Mayor Carla Fisher

Motion No. 2500 Carried
For Vote: 4
Against: 1

Law & Order

Council also discussed Law and Order on the Community. Further discussions with relevant bodies will be undertaken to address and find appropriate solutions.

Report Approval

Cherbourg Aboriginal Shire Council resolves that the Mayor's Report be adopted.

Moved: Cr Gordon Wragge

Seconded: Cr Daniel Weazel

Motion No. 2501 Carried

For Vote: Council Voted Unanimously

CORPORATE SERVICES REPORT & FINANCE REPORT

*Corporate Services Manager presented the Corporate Services Report
Finance Manager presented the Finance Report.*

Housing Workshop

Council discussed Housing and decided to hold a Housing workshop.

Resolution

Cherbourg Aboriginal Shire Council resolves to hold a Housing Workshop on 16 May 2024.

Moved: Cr Tom Langton

Seconded: Cr Daniel Weazel

Motion No. 2502 Carried

For Vote: Council Voted Unanimously

Budget Workshop

Resolution

Cherbourg Aboriginal Shire Council resolves to hold a Budget Workshop within the next week.

Moved: Deputy Mayor Carla Fisher

Seconded: Cr Tom Langton

Motion No. 2503 Carried

For Vote: Council Voted Unanimously

Report Approval

Cherbourg Aboriginal Shire Council resolves that the Corporate Services & Finance Report be adopted.

Moved: Cr Gordon Wragge

Seconded: Cr Tom Langton

*Motion No. 2504 Carried
For Vote: Council Voted Unanimously*

ECONOMIC & COMMUNITY DEVELOPMENT REPORT

Report Approval

Cherbourg Aboriginal Shire Council resolves that the Economic and Community Development Report be adopted.

Moved: Cr Tom Langton

Seconded: Cr Gordon Wragge

*Motion No. 2505 Carried
For Vote: Council Voted Unanimously*

COMMUNITY SERVICES REPORT

Community Services Manager presented her Report

Report Approval

Cherbourg Aboriginal Shire Council resolves that the Community Services Report be adopted.

Moved: Cr Tom Langton

Seconded: Cr Gordon Wragge

*Motion No. 2506 Carried
For Vote: Council Voted Unanimously*

OPERATIONS DEPT REPORT

Operations Dept Manager's presented his report

Demolition Concrete Tank

Water Tank at Council Office Building is a breeding ground for mosquitoes. As tank is not being used Operations Manager suggests that tank be demolished.

Resolution

Council resolves to demolish the old water tank at the Cherbourg Aboriginal Shire Council Office.

Moved: Cr Tom Langton
Seconded: Cr Gordon Wragge

Motion No. 2507 Carried
For Vote: Council Voted Unanimously

Report Approval

Cherbourg Aboriginal Shire Council resolves that the Operations Dept Report be adopted.

Moved: Deputy Mayor Carla Fisher
Seconded: Cr Gordon Wragge

Motion No. 2508 Carried
For Vote: Council Voted Unanimously

CHIEF EXECUTIVE OFFICER REPORT

CEO presented his Report

Recommendation regarding Councillor Code of Conduct

CEO provided information on Councillor Code of Conduct.

Resolution

In relation to the Councillor Code of Conduct applying to all Mayors and Councillors across Queensland.

- A. The Council note that the Code of Conduct made by the State Government on 22 February 2024 applies to the Mayor and Councillors and*
- B. Acknowledge that our Mayor and Councillors commit to meeting, and where possible, exceeding the requirements set out in that Code of Conduct*

Moved: Cr Gordon Wragge

Seconded: Cr Tom Langton

*Motion No. 2509. Carried
For Vote: Council Voted Unanimously*

Audit & Risk Committee:

CEO provided information in relation to the Audit & Risk Committee.

Resolution

In Relation to the Council's Audit and Risk Committee, the Council appoint

- Mayor Bruce Simpson*
- Cr Daniel Weazel*

To be members of the Audit and Risk Committee and note that all Council members can attend those committee meetings as observers if they wish to do so.

Moved: Cr Gordon Wragge

Seconded: Cr Tom Langton

*Motion No. 2510. Carried
For Vote: Council Voted Unanimously*

Quarter 3 Review - Operational Plan progress report 2023/2024

Council's Operational Plan progress report was present to council

Resolution

That Council receive and note the Operational Plan Quarter 3 Review Progress Report.

Moved: Cr Tom Langton

Seconded: Cr Daniel Weazel

Motion No. 2511 Carried
For Vote: Council Voted Unanimously

Ready Tech Software

Ready Tech Software report was presented for council consideration.

Resolution

Council resolves that;

- A. We should further investigate with Market and more discussion with our team on implementation process.
- B. We should look for funding given the initial cost is very high of \$253,000 plus any additional costs

Moved: Deputy Mayor Carla Fisher

Seconded: Cr Tom Langton

Motion No. 2512 Carried
For Vote: Council Voted Unanimously

Dameglio Lease

Option to renew lease for 3 years for the Dameglio Lease - Cherbourg Store

Resolution

That council agrees to the Option to Renew Lease for 3 years for the Dameglio Lease (Cherbourg Store) Barambah Avenue.

Moved: Cr Gordon Wragge

Seconded: Cr Daniel Weazel

*Motion No. 2513 Carried
For Vote: Council Voted Unanimously*

Mini Supermarket

As an avenue to raise revenue council will consider the option of mini supermarket in Cherbourg.

Resolution

That Council Explore options of having a mini supermarket operate in Cherbourg.

Moved: Deputy Mayor Carla Fisher

Seconded: Cr Gordon Wragge

*Motion No. 2514 Carried
For Vote: Council Voted Unanimously*

COMMERCIAL TENANCEY AGREEMENT

New lease to enable our KRP crew to collect and process cans in Nanango.

Resolution

That Council agree to the Commercial Tenancy Agreement (25 Henry Street- Nanango) for KRP to process cans in Nanango.

Moved: Cr Tom Langton

Seconded: Cr Daniel Weazel

*Motion No. 2515 Carried
For Vote: Council Voted Unanimously*

Report Approval

Council resolves that the Chief Executive Officer's Report be adopted.

Moved: Cr Gordon Wragge

Seconded: Cr Tom Langton

*Motion No. 2516 Carried
For Vote: Council Voted Unanimously*

CORRESPONDENCE

Deb Frecklington

Cherbourg Hospital Security

Director General - HLGPPW

Notice of Mandatory Councillor Training

Minister Treaty/ATSIP/Communities/Arts

Advice - New Ministerial Champion for Cherbourg is the Honourable Bart Mellish MP - Minister for Transport and Main Roads and Minister for Digital Services

New Government Champion - DG Ms Jasmina Joldic - DG Dept DJAG

Health Council

Terms of Reference

2.00pm meeting closed

2. Mayor's Report

Long-Term Goals

1. Pathway to Treaty

Objective: Lay the groundwork for treaty discussions to recognise and affirm indigenous rights.

Action Steps:

- Establish a local committee to guide treaty discussions.
- Educate the community about treaty benefits and processes.

2. Leveraging the Olympics for Community Benefit

Objective: Maximise infrastructure investments linked to the Olympics for long-term community benefit.

Action Steps:

- Coordinate with Olympic committees to secure investment in local infrastructure.
- Plan and prepare for increased tourism and economic activity.

3. Boosting Tourism and Cultural Preservation

Objective: Develop tourism while preserving and promoting local culture and language.

Action Steps:

- Create cultural heritage sites and language preservation programs.
- Develop marketing strategies to attract tourists to Cherbourg.

4. Sustainable Urban Development

Objective: Expand living spaces and improve community planning.

Action Steps:

- Implement a master plan for new subdivisions and sustainable housing.
- Encourage community participation in urban planning processes.

Conclusion Together, we can build a Cherbourg that thrives on equity, respect, and prosperity. This strategic plan is not only a roadmap but also a call to action for all community members to unite and contribute to our shared future.

Feedback and Expansion – review, offer insights, refine our approach as we move forward.

This presentation draft is intended to serve as a basis for discussion and further refinement during this and future council meetings.

Empowering Cherbourg: A Four-Year Strategic Vision & Discussion

Presented by: Mayor Bruce Simpson - DATE: 10th May 2024

Introduction The purpose of this document is to inform a discussion that will form the basis of our strategic vision for the next four years aimed at nurturing growth, equality, and sustainability in Cherbourg. This plan will lay out our immediate and long-term goals, addressing critical issues and leveraging our community's unique strengths.

Short-Term Goals

1. Strengthening Our Workforce and Economic Foundations

Objective: Enhance local employment and business opportunities through targeted initiatives.

Action Steps:

- Identify and address funding gaps with state and federal support.
- Promote small business development with incentives and support programs.

2. Advancing Health Equity

Objective: Close the health gap and improve access to healthcare and disability resources.

Action Steps:

- Conduct a comprehensive review of health services and infrastructure needs.
- Develop programs specifically tailored to increase health equity in the community.

3. Enhancing Community Infrastructure

Objective: Improve living conditions and accessibility for all community members.

Action Steps:

- Prioritise the construction and maintenance of critical infrastructure.
- Ensure new projects are inclusive, especially for individuals with disabilities.

4. Addressing Systemic Challenges

Objective: Tackle systemic and institutional racism and promote human rights.

Action Steps:

- Engage with local law enforcement and healthcare providers to foster a culture of respect and equity.
- Implement educational programs on human rights and social justice.



COMPLAINTS ABOUT THE CHIEF EXECUTIVE OFFICER POLICY

1. POLICY STATEMENT

To comply with the requirements of Section 48A of the *Crime and Corruption Act 2001*.

2. POLICY OBJECTIVES

The objective of this policy is to set out how Council will deal with a complaint that involves or may involve corrupt conduct of the Chief Executive Officer.

3. DEFINITIONS

To assist with interpreting the policy the following definitions are relevant:-

CCC means Crime and Corruption Commission.

CC Act means *Crime and Corruption Act 2001*.

CEO means the Chief Executive Officer of the Cherbourg Aboriginal Shire Council.

Complaint includes information or matter – refer to the definition in Section 48A(4) of the CC Act.

Corrupt Conduct see Section 15 of the CC Act.

Corruption see Schedule 2 (Dictionary) of the CC Act.

Council means Cherbourg Aboriginal Shire Council.

deal with see Schedule 2 (Dictionary) of the CC Act.

Nominated Person see Item 5 of this policy.

This policy should also be interpreted consistently with the CCC's publication "Corruption in Focus", available here: <https://www.ccc.qld.gov.au/publications/corruption-focus>; see chapter 2, page 2.6.

4. SCOPE

This policy applies if there are grounds to suspect that a Complaint may involve corrupt conduct of the CEO of Council.

5. NOMINATED PERSON

Having regard to Section 48A(2) and (3) of the CC Act, this policy nominates the Mayor as the Nominated Person to notify the CCC of a Complaint and to deal with the Complaint under the CC Act.

The Mayor as at the date of this policy is Cr Bruce Simpson. Complaints may be directed to the Mayor as follows:

- by email, mayor@cherbourg.qld.gov.au;
- by telephone, 07 4168 1866;
- by post or hand delivery, addressed to the Mayor, 22 Barambah Avenue, Cherbourg Qld 4605.

The CC Act applies if a reference about notifying or dealing with the Complaint to CEO is a reference to the Nominated Person.

6. COMPLAINTS ABOUT THE CEO

If the Complaint involves an allegation of Corrupt Conduct of the CEO of Council the Complaint must be reported to:

- (i) the Nominated Person; or
- (ii) a person to whom there is an obligation to report under the CC Act.

If the Nominated Person reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- (a) notify the CCC of the complaint; and
- (b) deal with the complaint, subject to the CCC's monitoring role.

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:

- (i) report the complaint to the Nominated Person as soon as practicable and may also notify the CCC; and
- (ii) take no further action to deal with the complaint unless requested to do so by the Nominated Person in consultation with Council.

If directions issued under Section 40 apply to the complaint:

- (i) the Nominated Person is to deal with the complaint, and
- (ii) the CEO is to take no further action to deal with the complaint unless requested to do so by the Nominated Person in consultation with Council.

7. RECORD KEEPING REQUIREMENTS

Should the Nominated Person decide that a Complaint, or information or matter, about alleged Corrupt Conduct of the CEO is not required to be notified to the CCC under Section 38 of the CC Act, the Nominated Person must make a record of the decision that complies with Section 40A of the CC Act.

8. RESOURCING THE NOMINATED PERSON

If the Nominated Person is required to deal with a Complaint:

- (i) Council will ensure that sufficient resources are available to the Nominated Person to enable them to deal with the complaint appropriately, and
- (ii) The Nominated Person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without authorisation under a law of the Commonwealth or the State.
- (iii) The Nominated Person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
 - purposes of the CC Act;
 - the importance of promoting public confidence in the way suspected corrupt conduct in Council is dealt with; and
 - Council's statutory, policy and procedural framework.

The Nominated Person:

- is delegated the same authority, functions and powers as the CEO to direct and control staff of Council as if the Nominated Person is the CEO of Council for the purpose of dealing with the complaint only;
- is delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Council for the purpose of dealing with the complaint;
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either Council or the CEO, to the Nominated Person.

9. LIAISING WITH THE CCC

The CEO is to keep the CCC and the Nominated Person informed of any proposed changes to this policy.

10. CONSULTATION WITH THE CCC

The CEO will consult with the CCC when preparing any policy about how Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.

11. STATUTORY REFERENCES

Unless otherwise stated, all statutory references are to the *Crime and Corruption Act 2001*.

12. APPROVAL

This Policy has been approved by Council at its ordinary meeting on 15th May 2024.

Mayor Simpson

3. Chief Executive Officer

➤ **1. Policy Review and Updates – Standing Orders and Investigation Policy:**

Over the last 6 months, our Council Advisor has been undertaking a review of a range of Council policies to help keep our Council's governance practices up to date. This work has been oversighted by the Council's Audit and Risk Committee.

Every Council in Queensland is required to have both Standing Orders (these are the rules governing the operation of Council meetings) and also an Investigation Policy (which is the policy that is used if a complaint against a Councillor is referred to Council to investigate). The State Government has recently published updated best practice guides and templates for both of these requirements which include the latest legislative requirements.

It is therefore appropriate to repeal the previous versions of these and adopt the updated versions.

Standing Orders

Standing Orders are the rules and procedures for the conduct of Council meetings. They cover issues such as:-

- who chairs the meeting
- movers and seconders for resolutions
- when Council meetings can be closed to the public for confidential discussions
- how to deal with unsuitable conduct by Councillors during a Council meeting

- keeping of minutes.

The State Department of Local Government publish model Standing Orders that Councils can adopt. These are very comprehensive and cover everything that might possibly arise at a Council meeting. In practice, most of the scenarios in those standing orders do not arise but the standing orders outline what procedures to follow in all possible instances.

To support the adoption of the latest version of the Standing Orders, our Council Advisor will undertake a training session for Councillors on Council meeting procedures.

Investigation Policy

Every Council in Queensland is required to have an investigation Policy that relates to Councillors who may be the subject of a complaint that is referred to Council for investigation. While our Council has always had a policy in place, it has not been required as no such complaints have been referred back to Council for investigation.

Also, the sample policy that can be used by Councils has been updated by the State government, so it is appropriate to adopt the latest version. Hopefully, given the good conduct by our Councillors, this policy will never be needed but we must have it in place under the provisions of the Local Government Act.

Our Council Advisor will also cover this issue in his training session for Councillors.

Recommendation Standing Orders and Investigation Policy :

That in relation to the Council's ongoing review and updating of its governance policies, Council:-

- A. Repeal its previous version of the Council's Standing Orders which govern Council's meeting procedure and adopt the latest version of the Standing Orders as attached to the report of the CEO;

B. Repeal its previous version of the Investigation Policy (which governs the process to be used if a complaint against a Councillor is referred to Council for investigation) and adopt the latest version of the Investigation Policy as attached to the report of the CEO; and

C. Publish these documents on Council's website for the information of our community.

2. Council Policy – Reimbursement of Expenses and Provisions of Facilities for Councillors:

Every Council in Queensland is required to have a policy which sets out the rules for Councillors being reimbursed for expenses or being provided with resources to assist them with their role as a Councillor. It is good practice to review this policy early in the term of each new Council to ensure that it is up-to-date and meet Council's requirements.

The previous Council had adopted a policy and this has now been updated to reflect the requirements of the new Council. There are 2 versions of the policy attached to my report:-

- Policy in revision mode – this shows all of the changes in revision mode from the current policy so that the Council can clearly identify what is being proposed.
- Final policy for adoption – this incorporates all the changes into a clean skin version for adoption.

The changes that have been made include:-

- Adding a new provision that the Mayor is being provided with an office.
- Adding the new provision for laptops to be provided to all Councillors.
- Clarifying that Council vehicles can be used for travel outside of the Shire on council business but that within the shire (e.g. attending Council meetings),

Councillors will use their own vehicle and there is no reimbursement of expenses. In the rare instances where no Council vehicle is available for travel outside the Shire on council business, the CEO can approve a councillor to use their own car and there will be reimbursement for that expense.

- Other changes are to improve wording, layout and legislation references.

Recommendation regarding Reimbursement of Expenses and Provisions of Facilities for Councillors::

in relation to the Policy on the Reimbursement of Expenses and the Provision of Facilities for Councillors, the Council:-

- A. Repeal the previous policy; and
- B. Adopt the updated policy as attached to the CEO's report and note that a copy of the new policy will be published on Council's website.

3. Policy Executive Ballot Letter and Form - District 12 - Aboriginal & Island Councils - Cherbourg:

Council must vote to choose two representatives for our LGAQ Policy Executive representing Aboriginal & Island Councils :

Policy Executive Representative.

We will now commence a ballot for your District and as these elections are being conducted in accordance with the Association's constitution, the number of votes your Council is entitled to exercise is displayed on the ballot paper. Please complete the attached Ballot paper and return it via email toreturning_officer@lgaq.asn.au NO LATER THAN 5.00PM MONDAY 20 MAY2024 when the poll will be declared immediately after the votes are counted.

Recommendation regarding Policy Executive Representative

1. Council choose two candidates from three nomination received :

Hope Vale - Cr Bruce Gibson ☒

Lockhart River - Cr Wayne Butcher ☒

Palm Island - Cr Alf Lacey ☒

➤ **4. Cherbourg Elders to form the Cherbourg Aboriginal Shire Council Elders Advisory Group:**

The Cherbourg Aboriginal Shire Council Elders Advisory Group is to be established to provide advice to the Cherbourg Aboriginal Shire Council on matters that are referred to the Group from Council.

Role

The Group will provide sound advice to Council on matters that are referred to the Group'

Skills and Talents

We are seeking well respected Elders who want to contribute and advise Council in a formal way for the betterment of the Community. We are looking for Elders who are:

- Well connected
- Knowledge and expertise in a particular area
- Known to community as a leader
- Local knowledge
- Past and ongoing demonstration of striving for the betterment of the community and region

- Collective wisdom

Expectations for applying

- Must be a resident of Cherbourg.

- Well respected by community.
- Willing to commit to the Group for a minimum of 12 months..

Recommendation that council:

1. Council adopt the terms of reference regarding Cherbourg Aboriginal Shire Council Elders Advisory Group:
2. Once the funding received from DATSIP, Proceed with expression of interest from our community.

➤ 5. Proposed designs for 2 developments in Cherbourg & Workshop:

Fisher Street Development

- Meridian Urban in partnership with Circ Design and Langtree Consulting were commissioned by Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts to prepare a residential development application at Fisher Street, Cherbourg. The contractor team comprises of urban planners, urban designer, and civil engineer.
- Following a site visit by the engineer and discussion with Council officers, three concept subdivision layouts have been prepared and are attached.
- A planning and design workshop is scheduled for the Tuesday 11 June 2024 with Council at Cherbourg to present and discuss the designs.
- The workshop will be from 9am-12pm and will include a presentation followed by activities to facilitate discussion on the three options.
- The purpose of the workshop is imparting information for councillors to discuss the designs with the community and seeking feedback on the three concept layouts to obtain a preferred design.

- The preferred design will be costed for infrastructure development and development application.

Collins Road Development

- RPS in partnership with Black & More Consulting were commissioned by Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts to prepare a residential development application at Collins Road, Cherbourg. The contractor team comprises of urban planners and civil engineers.
- Following a site visit by the planner and discussion with Council officers, two concept subdivision layouts have been prepared and are attached.
- A planning and design workshop is scheduled for the Tuesday 11 June 2024 with Council at Cherbourg to present and discuss the designs.
- The workshop will be from 9am-12pm and will include a presentation discussion on the two options.
- The purpose of the workshop is imparting information for councillors to discuss the designs with the community and seeking feedback on the two concept layouts to obtain a preferred design.
- The preferred design will be costed for infrastructure development and development application.



Chatur Zala

Chief Executive Officer

Workplace Health & Safety – April 2024

Activities

- Ongoing SMS management
- Updated records including vehicle checks, toolbox talks, training matrix and CAR
- Completed WHS March reports for CoEx and CEO
- Monthly emergency equipment checks completed.
- Hazard inspections completed
- Toolbox Talks for March and April distributed – Back Care and Duty of Care
- Participate in Project Update meetings
- Participate SurePact Update meeting
- WHS Consultant off sick during month. Work day pattern changed to suit ongoing fortnightly treatment due to long term illness
- WHS Consultant annual leave 22 – 26 April
- W@H and Gas Detector equipment bi-annual inspection completed (AEGIS)
- Update compliance records for CoEx

Recommendations/Resolution Required

- Asbestos register – quote provided
- Equipment noise audit required – quote provided

Incidents/ Alerts

- 3 Incidents reported
 - 02/04 WH&S – office door glass broken by vandals
 - 12/04 E&CD – children throwing rocks at CASC vehicles
 - 15/04 Community Serv – fire from vandals at S&R hall
- 0 Hazards reported
- 2 Safety Alerts communicated
 - 02/04 Safe Work Qld – new quad bike rules
 - 02/04 – safety zones while loading/unloading trucks

Training

- Skills Matrix (or training needs analysis) ongoing with Senior Managers
- 15-16/04 Chain Saw training – 6 participants
- First response / Fire extinguisher training due
- Chemical Handling refresher being run in May

Next Month

- Finalise electronic forklift prestart inspection with Andrew B and Sebastian
- Visit by Adam Stevenson (LGMA) and Carmen Taylor (Woorabinda ASC) planned for 09th May

Cherbourg Aboriginal Shire Council – Investigation Policy for Councillors

This document is based on the investigation policy for local governments developed by the Department of Local Government.



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Conditions applying to the Investigation

1. Authority

This is Cherbourg Aboriginal Shire Council 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.

Related Policies and Legislation

Information Privacy Policy

Whistleblowers (Public Interest Disclosure) Policy

Code of Conduct for Councillors in Queensland

Adopted Standing Orders:

Local Government Act 2009 (LGA)

Local Government Regulation 2012 (LGR)

City of Brisbane Act 2010 (COBA)

City of Brisbane Regulation 2012 (CBR)

Crime and Corruption Act 2001 (CCA)

Public Interest Disclosure Act 2010 (PIDA)

Public Sector Ethics Act 1994 (PSEA)

Adoption

This investigation policy was adopted by Cherbourg Aboriginal Shire Council by resolution on adoption date and applies from that date until amended or repealed.

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 Cherbourg Aboriginal Shire 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 Cherbourg Aboriginal Shire 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 Cherbourg Aboriginal Shire Council must comply with this investigation policy.

The Cherbourg Aboriginal Shire 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 Cherbourg Aboriginal Shire 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 Cherbourg Aboriginal Shire 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 -
 - if evidence is given by the councillor—a summary of the evidence; and
 - 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 Cherbourg Aboriginal Shire 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 Cherbourg Aboriginal Shire 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 & summary report template, and Addendum 4 - Statement of Preliminary Findings Template. These templates should 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 outcome; 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 if an investigation is not started or discontinued including the reasons for the decision;

- the person who made the complaint
- the Assessor

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 Cherbourg Aboriginal Shire 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 a conduct breach by 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 Cherbourg Aboriginal Shire 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 Cherbourg Aboriginal Shire 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 Cherbourg Aboriginal Shire 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 Cherbourg Aboriginal Shire Council will consider establishing 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 Cherbourg Aboriginal Shire Council 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 one year after the conduct occurred, or within six 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 two 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 Cherbourg Aboriginal Shire 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—
 - the name of the person; or
 - information that could reasonably be expected to result in identifying the person or any other person, other than the councillor;
 - any other information the local government is entitled or required to keep confidential under a law.

Making a decision about the investigation

The Cherbourg Aboriginal Shire 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, Cherbourg Aboriginal Shire 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 Cherbourg Aboriginal Shire 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
 - 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
 - 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:
 - the name of the person; or
 - information that could reasonably be expected to result in identifying the person or any other person, other than the councillor;
 - 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;
 - 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 Cherbourg Aboriginal Shire Council] decides that the councillor has engaged in a conduct breach, any of the following orders may be imposed:

- 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.

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 Cherbourg Aboriginal Shire Council must give a notice about the outcome decision of the investigation if the local government decides not to start or discontinue an investigation under section 150AEA of the LGA, or makes a decision about whether the councillor has engaged in a conduct breach under 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.

Addendums –

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 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

2 - Report template and summary report template

Conduct Breach Complaint Investigation and Recommendation Report to Cherbourg Aboriginal Shire Council

Reference number:

Date received from council:

1. The complaint

Description of the alleged conduct.

(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

Name of the complainant who made the complaint about 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 examine
 - 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:

a) This report be submitted to the Cherbourg Aboriginal Shire 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 a conduct breach; and if they are found to have so engaged, what action the local government will take to discipline the councillor pursuant to section 150AH of the LG Act;

b) Having analysed the material from this investigation, a conclusion might be drawn that:

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

c) If Cherbourg Aboriginal Shire Council finds the councillor has engaged in a conduct breach, are there any aggravating or mitigating circumstances that should be taken into account? *For example, any action taken by the councillor since the conduct, any Aboriginal traditions or Islander customs of the councillor.*

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

..... (SIGN)

NAME:

ATTACHMENTS:

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.

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 Cherbourg Aboriginal Shire Council 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 Cherbourg Aboriginal Shire Council 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.

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

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 a conduct breach:

- 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-
 - was admitted, or was not challenged and
 - 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 one 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 conduct breach**		✓	✓

*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.



CHERBOURG ABORIGINAL SHIRE COUNCIL

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MAYOR AND COUNCILLORS - REIMBURSEMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY

ORIGIN/AUTHORITY

Local Government Act 2009

Section 250 of the Local Government Regulation 2012

PURPOSE

This policy sets the basis by which Council provides for the following:

- Reimbursement for the Mayor and Councillors of legitimate expenses incurred, or to be incurred in carrying out their roles; and
- Facilities to be provided for and/or at the disposal of the Mayor and Councillors, while carrying out civic duties as elected representatives of the Cherbourg Aboriginal Shire Council.

APPLICATION

This policy applies to the Mayor, Deputy Mayor and Councillors.

This policy deals with the reimbursement of expenses or provision of a facility to Councillors and is made in accordance with the Local Government Act and Regulation.

DEFINITIONS

For the purpose of this policy the following definitions shall apply:

Council – shall mean the Cherbourg Aboriginal Shire Council.

Councillors – Includes the Mayor, Deputy Mayor and other Councillors, unless specifically identified.

Expenses - Expenses are payments reasonably incurred, or to be incurred, in connection with Councillors discharging their duties as a Councillor. The expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge. Expenses are not included as part of the remuneration paid by Council.

Facility - Facilities provided to Councillors that are the “tools of trade” and required to enable them to perform their duties with relative ease and at a standard appropriate to fulfil the community expectation for their role.

Reasonable - Councils must make sound judgments and consider what is prudent, responsible and acceptable to the community when determining appropriate levels of facilities and expenditure.

The Act – shall mean the *Local Government Act 2009*.

The Regulations - shall mean the *Local Government Regulation 2012*.



CHERBOURG ABORIGINAL SHIRE COUNCIL

22 BARAMBAH AVENUE
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Phone: (07) 4168 1866
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BACKGROUND

This policy has been written to be compliant with the five (5) underpinning principles set in section 4 of the

Local Government Act 2009:

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of councillors and local government employees,

In addition, the financial sustainability criteria under Section 102 of the Act requires that financial policies must be formulated to:

- (i) to ensure a reasonable degree of equity, stability and predictability; and
- (ii) so that current services, facilities and activities are financed by the current users of the services, facilities and activities; and
- (iii) having regard to the effect of the policies on the future users of services, facilities and activities.

1. PAYMENT OF EXPENSES

Expenses will be paid to a Councillor through administrative processes as approved by Council's Chief Executive Officer subject to:

- (a) the limits outlined in this policy;
- (b) Council endorsement by resolution, when any claim is made outside this policy;
- (c) in the case of reimbursement of expenses, the production of receipts and tax invoices or evidence that such expenses have been paid is required prior to reimbursement; and
- (d) expense reimbursement must be claimed within three (3) months of such expense having been paid by the Councillor and claims for reimbursements outside of this period will not be accepted.

1.1. Expense Categories

1.1.1. Professional Development /Conferences /Workshops /Training

Council will reimburse expenses incurred for:

- (a) attendance at Regional, State or National Local Government associated conferences, subject to attendance being approved by Council resolution;
- (b) attendance at Regional meetings and workshops associated with a Councillor's responsibilities;
- (c) mandatory professional development as approved by Council resolution; and
- (d) discretionary professional development deemed essential by Council for the Councillor's role and approved by Council resolution.

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CHERBOURG ABORIGINAL SHIRE COUNCIL

22 BARAMBAH AVENUE
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- 1.1.2. *Travel as required to represent Council including deputations to Government, Ministers and organisations for the purpose of promoting Council's objectives. Council may reimburse local and, in some cases, interstate and overseas travel expenses (eg flights, car, accommodation, meals and associated registration fees) deemed necessary to achieve the business of Council where:*
- (a) a Councillor is an official representative of Council; and
 - (b) the activity/event and travel have been endorsed by resolution of Council.

Councillors are to travel via the most direct route, using the most economical and efficient mode of transport. Council will pay for reasonable expenses incurred for overnight accommodation when a Councillor is reasonably required to stay outside the local government's region.

All fines incurred while travelling in either Council or privately owned vehicles when attending to Council business, will be the responsibility of the Councillor incurring the fine.

Councillors must consider alternatives to paying excess baggage such as couriering or posting material prior to departure. Any personal excess luggage e.g. gifts and souvenirs must be at the Councillor's personal cost.

1.1.3. *Travel Bookings*

All Councillor travel approved by Council resolution will be booked and paid for by Council.

Economy class is to be used in all cases. Airline tickets are not transferable and can only be procured for the Councillor's travel on Council business. They cannot be used to offset other unapproved expenses (eg cost of partner or spouse accompanying the Councillor).

1.1.4. *Travel/Transfer Costs*

Any travel/transfer expenses associated with Councillors travelling for Council approved business will be reimbursed. Examples:- Trains, taxis, buses and ferry fees, toll fees. Council will provide reimbursement for parking costs paid by Councillors while attending to official Council business.

1.1.5. *Fuel*

Councillors' may fuel up Council vehicles at the Council depot fuel bowsers prior to departure if using a Council vehicle for travel outside of the shire. If further fuel is required during travel then the provision of receipts is required for reimbursement.

1.1.6. *Accommodation*

- (a) All Councillor accommodation for Council business will be booked and paid for by Council.
- (b) Council will pay for the most economical accommodation arrangement available.
- (c) Where possible, the minimum standards for Councillors' accommodation should be three or four star rating.
- (d) Where particular accommodation is recommended by conference organisers, Council will take advantage of the package deal that is the most economical and convenient to the event.

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CHERBOURG ABORIGINAL SHIRE COUNCIL

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CHERBOURG QLD 4605

Phone: (07) 4168 1866
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1.1.7. Meals

Councillors receive an allowance as stipulated on the Claim for "Travel Accommodation/Meals" form. The amounts will be determined by the CEO and be consistent with the amount paid for staff who attend conferences.

2. FACILITIES

2.1. Provision of Facilities

All facilities provided to councillors remain the property of council and must be returned to Council when a Councillor's term expires.

2.2. Private use of Council-owned facilities

Based on the principles of transparent and effective process, good governance and ethical and legal behaviour the facilities provided to Councillors by Cherbourg Aboriginal Shire Council are to be used only for council business (not private or business use) unless prior approval has been granted by resolution of Council.

2.3. Facilities Categories

2.3.1. Administrative tools

Administrative tools should be provided to Councillors as required to assist Councillors in their role. Administrative tools include:

- (a) office space and meeting room with the Mayor being provided with a separate office
- (b) provision of a laptop with a Council email address for all Councillors
- (c) stationery
- (d) access to photocopiers
- (e) access to printers

- (g) publications such as local government magazines
- (h) use of Council landline telephones and wifi access in Council offices
- (i) Secretarial support may also be provided for the Mayor and councillors

2.3.2. Maintenance costs of Council owned equipment

Council will be responsible for the ongoing maintenance and reasonable wear and tear costs of Council owned equipment that is supplied to Councillors for official business use.

This includes the replacement of any facilities which fall under Council's asset replacement program.

2.3.3. Name Badge and Safety Equipment for Councillors



CHERBOURG ABORIGINAL SHIRE COUNCIL

22 BARAMBAH AVENUE
CHERBOURG QLD 4605

Phone: (07) 4168 1866
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A local government may provide Councillors with:

- (a) a name badge; and
- (b) the necessary safety equipment for use on official business, eg safety helmet/boots.

2.3.4. *Use of Council Vehicles on Council Business*

Councillors may access a Council vehicle for use on official business outside of the shire. This can be arranged through the CEO. If a Council vehicle is not available for any reason, with the prior approval of the CEO, a Councillor may use their private vehicle for attending Council business outside of the Shire and be reimbursed mileage at the rate approved by the ATO. In that circumstance, the Councillor must provide the CEO with details of kilometers travelled. For Council business within the Shire (e.g. attending Council meetings and events) Councillors will use their own transport with no reimbursement for that use.

2.3.6. *Insurance Cover*

Cherbourg Aboriginal Shire Council will indemnify or insure Councillors in the event of injury sustained while discharging their civic duties. The local government will pay the excess for injury claims made by a Councillor resulting from conducting official Council business.

3. CLAIMS FOR REIMBURSEMENT

All claims for reimbursement of expenses will be made on the approved form and submitted with original receipts to the Chief Executive Officer for approval.

Failure to comply with this policy, falsifying claims or logbooks or the misuse of facilities may breach the Councillors' Code of Conduct and/or represent an offence under the Criminal Code and may be referred to the Crime and Corruption Commission.

4. NOTIFICATION OF ADOPTION OF EXPENSES REIMBURSEMENT POLICY

As soon as practicable after a local government adopts its expenses reimbursement policy, the local government must publish the policy on the local government's website.

5. POLICY WILL BE DISCUSSED AT AN OPEN MEETING.

A local government cannot resolve under section 72 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

Adopted by Council by Resolution on :- _____

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CHERBOURG ABORIGINAL SHIRE COUNCIL

22 BARAMBAH AVENUE
CHERBOURG QLD 4605

Phone: (07) 4168 1866
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MAYOR AND COUNCILLORS - REIMBURSEMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY

ORIGIN/AUTHORITY

Local Government Act 2009
Section 250 *of the*
Local Government Regulation 2012

PURPOSE

This policy sets the basis by which Council provides for the following:

- Reimbursement for the Mayor and Councillors and Mayor of legitimate expenses incurred, or to be ~~incurred~~ incurred in carrying out their roles; and
- Facilities to be provided for and/or at the disposal of the Mayor and Councillors and Mayor, while carrying out civic duties as elected representatives of the Cherbourg Aboriginal Shire Community Council.

APPLICATION

This policy applies to the Mayor, Deputy Mayor, and Councillors.

This policy deals with the reimbursement of expenses or provision of a facility to Councillors and is made in accordance with the Local Government Act and Regulation.

DEFINITIONS

For the purpose of this policy the following definitions shall apply:

Council – shall mean the Cherbourg Aboriginal Shire Council.

Councillors – Includes the Mayor, Deputy Mayor and other Councillors, unless specifically identified.

Expenses - Expenses are payments reasonably incurred, or to be incurred, in connection with Councillors discharging their duties as a Councillor. The expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge. Expenses are not included as part of the remuneration paid by Council.

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Reasonable - Councils must make sound judgments and consider what is prudent, responsible and acceptable to the community when determining appropriate levels of facilities and expenditure.

The Act – shall mean the *Local Government Act 2009* ~~(as amended)~~.

The Regulations - shall mean the *Local Government Regulation 2012*.



CHERBOURG ABORIGINAL SHIRE COUNCIL

22 BARAMBAH AVENUE
CHERBOURG QLD 4605

Phone: (07) 4168 1866
Fax: (07) 4168 2727

BACKGROUND

This policy has been written to be compliant with the five (5) underpinning principles set by in section 4 of the

Local Government Act 2009:

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of councillors and local government employees,

In addition, the financial sustainability criteria under Section 102 of the Act requires that financial policies must be formulated to:

- (i) to ensure a reasonable degree of equity, stability and predictability; and
- (ii) so that current services, facilities and activities are financed by the current users of the services, facilities and activities; and
- (iii) having regard to the effect of the policies on the future users of services, facilities and activities.

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1. PAYMENT OF EXPENSES

Expenses will be paid to a Councillor through administrative processes as approved by Council's Chief Executive Officer subject to:

- (a) the limits outlined in this policy;
- (b) Council endorsement by resolution, when ~~any~~ claim ~~is made~~ ~~are~~ outside this policy;
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- (c) mandatory professional development as approved by Council resolution; and
- (d) discretionary professional development deemed essential by Council for the Councillor's role and approved by Council resolution.

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CHERBOURG ABORIGINAL SHIRE COUNCIL

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- 1.1.2. Travel as required to represent Council including deputations to Government, Ministers and organisations ~~that promote~~ for the purpose of promoting Council's objectives.

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CHERBOURG ABORIGINAL SHIRE COUNCIL

72 BARAMDAH AVENUE
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Council may reimburse local and, in some cases, interstate and overseas travel expenses (eg flights, car, accommodation, meals and associated registration fees) deemed necessary to achieve the business of Council where:

- (a) a Councillor is an official representative of Council; and
- (b) the activity/event and travel have been endorsed by resolution of Council.

Councillors are to travel via the most direct route, using the most economical and efficient mode of transport. Council will pay for reasonable expenses incurred for overnight accommodation when a Councillor is reasonably required to stay outside the local government's region.

All fines incurred while travelling in either Council or privately owned vehicles when attending to Council business, will be the responsibility of the Councillor incurring the fine.

Councillors must consider alternatives to paying excess baggage such as couriering or posting material prior to departure. Any personal excess luggage e.g. gifts and souvenirs must be at the Councillor's personal cost.

1.1.3. Travel Bookings

All Councillor travel approved by Council resolution will be booked and paid for by Council.

Economy class is to be used in all cases. Airline tickets are not transferable and can only be procured for the Councillor's travel on Council business. They cannot be used to offset other unapproved expenses (eg cost of partner or spouse accompanying the Councillor).

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Any travel/transfer expenses associated with Councillors travelling for Council approved business will be reimbursed. Examples:- Trains, taxis, buses and ferry fees, toll fees. Council will provide reimbursement for parking costs paid by Councillors while attending to official Council business.

1.1.5. Fuel

Councillors' may fuel up Council vehicles at the Council depot fuel bowsers prior to departure if using a Council vehicle for travel outside of the shire. If further fuel is required during travel then the provision of receipts is required for reimbursement.

1.1.6. Accommodation

- (a) All Councillor accommodation for Council business will be booked and paid for by Council.
- (b) Council will pay for the most economical accommodation arrangement available.
- (c) Where possible, the minimum standards for Councillors' accommodation should be three or four star rating.
- (d) Where particular accommodation is recommended by conference organisers, Council will take advantage of the package deal that is the most economical and convenient to the event.



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1.1.7. Meals

Councillors receive an allowance as stipulated on the Claim for "Travel Accommodation/Meals" form. The amounts will be determined by the CEO and be consistent with the amount paid for staff who attend conferences.

2. FACILITIES

2.1. Provision of Facilities

All facilities provided to councillors remain the property of council and must be returned to Council when a Councillor's term expires.

2.2. Private use of Council-owned facilities

Based on the principles of transparent and effective process, good governance and ethical and legal behaviour the facilities provided to Councillors by Cherbourg Aboriginal Shire Council are to be used only for council business (not private or business use) - unless prior approval has been granted by resolution of Council.

2.3. Facilities Categories

2.3.1. Administrative tools

Administrative tools should be provided to Councillors as required to assist Councillors in their role. Administrative tools include:

- (a) office space and meeting room with the Mayor being provided with a separate office
- (b) access to provision of a laptop with a Council email address for all Councillors computers
- (c) stationery
- (d) access to photocopiers
- (e) access to printers
- (f) access to facsimile machines
- (g) publications such as local government magazines
- (h) use of Council landline telephones and internet-wifi access in Council offices
- (i) Secretarial support may also be provided for the Mayors and councillors

2.3.2. Maintenance costs of Council owned equipment

Council will be responsible for the ongoing maintenance and reasonable wear and tear costs of Council owned equipment that is supplied to Councillors for official business use.

This includes the replacement of any facilities which fall under Council's asset replacement program.

2.3.3. Name Badge and Safety Equipment for Councillors

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CHERBOURG ABORIGINAL SHIRE COUNCIL

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Phone: (07) 4168 1866
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A local government may provide Councillors with:

- (a) a name badge; and
- (b) the necessary safety equipment for use on official business, eg safety helmet/boots.

2.3.4. Use of Council Vehicles on Council Business

Councillors may access a Council vehicle for use on official business outside of the shire. This can be arranged through the CEO. If a Council vehicle is not available for any reason, with the prior approval of the CEO, a Councillor may use their private vehicle for attending Council business outside of the Shire and be reimbursed mileage at the rate approved by the ATO. In that circumstance, the Councillor must provide the CEO with details of kilometers travelled. For Council business within the Shire (e.g. attending Council meetings and events) Councillors will use their own transport with no reimbursement for that use.

2.3.6. Insurance Cover

Cherbourg Aboriginal Shire Council will indemnify or insure Councillors in the event of injury sustained while discharging their civic duties. The local government will pay the excess for injury claims made by a Councillor resulting from conducting official Council business.

3. CLAIMS FOR REIMBURSEMENT

All claims for reimbursement of expenses will be made on the approved form and submitted with original receipts to the Chief Executive Officer for approval.

Failure to comply with this policy, falsifying claims or logbooks or the misuse of facilities may breach the Councillors' Code of Conduct and/or represent an offence under the Criminal Code and may be referred to the Crime and Corruption Commission.

4. NOTIFICATION OF ADOPTION OF EXPENSES REIMBURSEMENT POLICY

As soon as practicable after a local government adopts its expenses reimbursement policy, the local government must publish the policy on the local government's website.

5. POLICY WILL BE DISCUSSED AT AN OPEN MEETING.

A local government cannot resolve under section 72 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

Adopted by Council by Resolution on :-

45.



STANDING ORDERS

Cherbourg Aboriginal Shire Council

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Intent

To assist local governments, the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) provides best practice standing orders that local governments can choose to adopt to provide written rules for the orderly conduct of local government meetings. These best practice standing orders incorporate the meeting procedures that deal with matters during local government meetings that must be adhered to under the *Local Government Act 2009* (LGA) including the DHLGPPW model meeting procedures and the meeting provisions in the *Local Government Regulation 2012* (LGR). Local governments can revise their standing orders to incorporate the model meeting procedures or adopt the model meeting procedures.

1. Standing orders

- 1.1. These standing orders apply to local government meetings including standing committee meetings. These standing orders do not apply to meetings of the audit committee.
- 1.2. A provision of these standing orders may be suspended by resolution of any meeting of the local government except those sections that are mandatory under the model meeting procedures. A separate resolution is required for any suspension and must specify the application and duration of each suspension.
- 1.3. Where a matter arises at the local government meeting that is not provided for in these standing orders, the matter will be determined by resolution of the local government upon a motion which may be put without notice, but otherwise conforming with these standing orders.

Procedures for meetings of local government

2. Presiding officer

- 2.1. The mayor will preside at a meeting of a local government, except for the Brisbane City Council.
- 2.2. If the mayor is absent or unavailable to preside, the deputy mayor will preside.
- 2.3. If both the mayor and the deputy mayor, or the mayor's delegate, are absent or unavailable to preside, another councillor chosen by the councillors present at the meeting will preside at the meeting.
- 2.4. The local government will choose the chairperson for a committee meeting. This chairperson will preside over meetings of the committee.
- 2.5. If the chairperson of a committee is absent or unavailable to preside, another councillor chosen by the councillors present will preside over the committee meeting.
- 2.6. Before proceeding with the business of the local government meeting, the person presiding at the meeting will undertake the acknowledgement and/or greetings deemed appropriate by the local government.

3. Order of business

- 3.1 The order of business will be determined by resolution of the local government from time to time. The order of business may be altered for a particular meeting where the councillors at that meeting pass a procedural motion to that effect. A motion to alter the order of business may be moved without notice.
- 3.2 Unless otherwise altered, the order of business will be as follows:
- attendance
 - apologies and granting of leaves of absence
 - confirmation of previous minutes
 - business arising out of previous meetings
 - officers' reports.

Note: The minutes of a previous meeting, whether an ordinary or a special meeting, not previously confirmed will be taken into consideration, at every ordinary meeting of the local government, in order that the minutes may be confirmed. No discussion will be permitted about these minutes except with respect to their accuracy as a record of the proceedings. Amendments to the minutes may be made prior to confirming the minutes. This must be done by moving a motion to amend the minutes that must be voted on and carried. Once the resolution is passed the minutes can be amended. All councillors present at the meeting can vote to confirm the minutes including those who were absent at the previous meeting and those who had a conflict of interest at the previous meeting. Once the minutes are confirmed by resolution of the meeting they cannot be changed. If the local government needs to make a correction to the confirmed minutes, that can be done by passing a rescinding motion or a new motion that states what the correction is, but the original minutes remain as they are recorded.

4. Agendas

- 4.1 The agenda may contain:
- notice of meeting
 - amendments correcting the minutes of the previous meeting
 - adoption of the minutes of the previous meeting
 - business which the mayor wishes to have considered at that meeting without notice
 - matters of which notice has been given
 - committees' reports referred to the meeting by the chief executive officer (CEO)
 - officers' reports referred to the meeting by the CEO
 - councillor conduct breach investigation reports provided by the investigator
 - deputations and delegations from the community that are approved to attend
 - any other business the local government determines by resolution be included in the agenda.

- 4.2. Business not on the agenda, or not fairly arising from the agenda, will not be considered at any local government meeting unless permission for that purpose is given by the local government at the meeting. Business must be in accordance with the adopted terms of reference for each committee.
- 4.3. The notice of the meeting and the agenda must be given to each councillor at least two days before the meeting and in the case of Indigenous regional councillors, being Torres Strait Regional Council and Northern Peninsula Area Regional Council, at least four days prior to the meeting, unless it is impracticable to give the notice before that time.
- 4.4. The agenda for the local government must be made publicly available by 5pm on the business day after the notice of meeting is given to the councillors. Any related reports, including any summary investigation report for a conduct breach matter, for the local government meeting must also be included and available to the public when the agenda for the meeting is made publicly available, excluding confidential reports. If the related report is made available to councillors or committee members during the period starting immediately after notice of the meeting is given and ending immediately before the meeting is held, then these reports must be made available to the public as soon as practicable after it is made available to the councillors or committee members.
- 4.5. Matters on the agenda that may require the meeting to be in a closed session consistent with the provisions under section 254J LGR, can be identified on the agenda as 'may be closed by resolution of the meeting for the matter to be debated'.

5. Quorum

- 5.1. A quorum at a local government meeting is a majority of its councillors. If the number of councillors is even, then one half of the number is a quorum.
- 5.2. If a quorum is not present within 15 minutes after the time set for the meeting to begin, it may be adjourned to a later hour or a later day within 14 days after the day of the adjournment. The meeting may be adjourned by a majority of councillors present, or if only one councillor is present, then that councillor, or if no councillors are present then the CEO.

6. Petitions

- 6.1. Any petition presented to a meeting of the local government will:
 - be in legible writing or typewritten and contain a minimum of 10 signatures
 - include the name and contact details of the principal petitioner (i.e., the key contact)
 - include the postcode of all petitioners, and
 - have the details of the specific request/matter appear on each page of the petition.
- 6.2. Where a councillor presents a petition to a meeting of the local government, no debate in relation to it will be allowed, and the only motion which may be moved is:
 - that the petition be received
 - received and referred to a committee or officer for consideration and a report to the

- local government, or
- not be received because it is deemed invalid.

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- 6.3. The local government will respond to the principal petitioner in relation to all petitions deemed valid.

7. Deputations

- 7.1. A deputation wishing to attend and address a meeting of the local government shall apply in writing to the CEO not less than seven business days before the meeting.
- 7.2. The CEO, on receiving an application for a deputation, shall notify the chairperson who will determine whether the deputation may be heard. The CEO will inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time will be arranged for that purpose, and an appropriate time period allowed (e.g. 15 minutes).
- 7.3. For deputations comprising three or more persons, only three persons shall be at liberty to address the local government meeting unless the councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
- 7.4. If a member of the deputation other than the appointed speakers interjects or attempts to address the local government meeting, the chairperson may terminate the deputation.
- 7.5. The chairperson may terminate an address by a person in a deputation at any time where:
- the chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the councillors at the meeting
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards councillors or others.
- 7.6. The CEO is responsible for the deputation, including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

8. Public participation at meetings

- 8.1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the chairperson.
- 8.2. In each local government meeting, time may be required to permit members of the public to address the local government on matters of public interest related to local government. An appropriate time period will be allowed (e.g. 15 minutes) and no more than three speakers shall be permitted to speak at one meeting. The right of any individual to address the local government during this period shall be at the absolute discretion of the local government chairperson.
- 8.3. If any address or comment is irrelevant, offensive, or unduly long, the chairperson may require the person to cease making the submission or comment.

- 8.4. For any matter arising from such an address, the local government may take the following actions:
- refer the matter to a committee
 - deal with the matter immediately
 - place the matter on notice for discussion at a future meeting
 - note the matter and take no further action.
- 8.5. Any person addressing the local government shall stand, act, and speak with decorum and frame any remarks in respectful and courteous language.
- 8.6. Any person who is considered by the local government or the chairperson to be inappropriately presenting may be directed by the chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

9. Prescribed conflict of interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a local government or committee meeting (other than ordinary business matters as prescribed under section 150EF of the LGA or section 177C of the *City of Brisbane Act 2019* (COBA)). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

- 9.1. A councillor who has notified the CEO in writing, including all the particulars, of a prescribed conflict of interest in a matter to be discussed in a local government meeting must also give notice during the meeting at the time when the matter is to be dealt with.
- 9.2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a local government meeting must immediately inform the meeting of the conflict of interest and the particulars.
- 9.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must be provided:
- for a gift, loan, or contract—the value of the gift, loan, or contract
 - for an application for which a submission has been made—the matters the subject of the application and submission:
 - the name of the entity, other than the councillor, that has an interest in the matter
 - the nature of the councillor's relationship with the entity
 - details of the councillor's, and any other entity's, interest in the matter.
- 9.4. The councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice of approval from the Minister for Local Government (the Minister) to participate in deciding the matter in a

meeting including participating in the discussion and the vote.

Note: Ministerial approval may be obtained when a quorum is lost due to the number of councillors with a prescribed conflict of interest in the matter, and the matter cannot be delegated. The councillor with the conflict of interest must apply to the Minister for approval to participate. The Minister may give the approval subject to the conditions stated in the notice of approval.

9.5. Once the councillor has either left the area where the meeting is being conducted or remains in the meeting under ministerial approval, the local government can continue discussing and deciding on the matter at hand. However, if the prescribed conflict of interest was reported to the meeting by a councillor other than the subject councillor, then the councillor must disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA, will apply. If more than one councillor is reported by another councillor to have a suspected prescribed conflict of interest in a matter, the meeting must deal with each councillor individually. If the councillor with the suspected declarable conflict of interest considers there is no conflict of interest, then the eligible councillors (those who do not have a conflict of interest in the matter) must make a decision about whether or not the subject councillor has a prescribed conflict of interest under section 150EX(2) of the LGA or section 177U(2) of the COBA applies.

10. Declarable conflict of interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at local government or committee meetings that might lead to a decision that is contrary to the public interest (other than the interests that are not declarable conflicts of interest prescribed under section 150EO of the LGA or section 177L of the COBA and ordinary business matters prescribed under section 150EF of the LGA or section 177C of the COBA).

A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the councillor or councillors may disclose their belief or suspicion to the chairperson and the processes, duty to report another councillor's conflict of interest under section 150EW of the LGA or section 177O of the COBA, will apply. If more than one councillor is reported by another councillor to have a suspected declarable conflict of interest in a matter, the meeting must deal with each councillor individually. The eligible councillors must then make a decision under section 150EX(2) of the LGA or section 177U(2) of the COBA.

When dealing with a declarable conflict of interest, councillors must abide by the following procedures:

- 10.1. A councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a local government meeting must also give notice during the meeting at the time when the matter is to be dealt with.
- 10.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a local government meeting must stop participating in the decision on the matter and must inform the meeting of the conflict of interest including the particulars.
- 10.3. When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following details must be provided:
 - the nature of the declarable conflict of interest
 - if it arises because of the councillor's relationship with a related party:
 - the name of the related party to the councillor; and
 - the nature of the relationship of the related party to the councillor; and
 - the nature of the related party's interest in the matter
 - if it arises because of a gift or loan from another person to the councillor or a related party:
 - the name of the other person; and
 - the nature of the relationship of the other person to the councillor or related party and
 - the nature of the other person's interest in the matter; and
 - the value of the gift or loan and the date the gift or loan was made.
- 10.4. After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have ministerial approval to participate, or they have reasons why their participation would improve making the decision in the public interest.
- 10.5. If the councillor chooses not to leave the meeting, the councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision as prescribed in section 150ES of the LGA. In deciding on a councillor's declarable conflict of interest in a matter, only eligible councillors (those who do not have a prescribed or declarable conflict of interest in the matter) can participate in the decision making. The decision may be made even if the number of eligible councillors is less than a majority, or does not form a quorum for the meeting, or is a single eligible councillor, consistent with section 150ET of the LGA section 177Q of the COBA. If there is a single eligible councillor deciding, then a seconder for the resolution is not required.

Note: The ability to make a resolution without a seconder applies when making a resolution under section 150ES of the LGA or section 177P of the COBA.

- 10.6. The eligible councillor/s at the meeting must then decide, by resolution, whether the councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the eligible councillors. The eligible councillors may impose conditions on the councillor to either participate or leave the meeting e.g. they may stay for the debate but must leave for the vote. The councillor must comply with any decision and any condition imposed by the eligible councillors. The councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the Minister for Local Government under section 150EV.
- 10.7. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring about their ability to participate and can answer questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the councillor may remain in the meeting and participate in deciding the matter in which the councillor has a declarable conflict of interest.
- 10.8. When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the eligible councillors should consider the particular circumstances of the matter including, but not limited to:
 - how does the inclusion of the councillor in the deliberation affect the public trust
 - how close or remote is the councillor's relationship to the related party
 - if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - will the benefit or detriment the subject councillor or their related party stands to receive from the decision have a major or minor impact on them
 - how the benefit or detriment the subject councillor stands to receive compares to others in the community
 - how this compares with similar matters that the local government has decided and have other councillors with the same or similar interests decided to leave the meeting
 - whether the subject councillor has unique skills, knowledge or expertise

that might help make the best decision in the public interest.

- 10.9. If the eligible councillors cannot decide about the councillor's participation in the meeting with a declarable conflict of interest, they are taken to have decided that the councillor must leave and stay away from the meeting while the eligible councillors discuss and vote on the matter as prescribed in section 150ET(3) of the LGA or section 177Q (3) of the COBA.
- 10.10. A decision about a councillor who has a declarable conflict of interest in a matter will apply to participating in the decision and all subsequent decisions about the same matter as prescribed in section 150ET(4) of the LGA section 177Q (4) of the COBA, unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide by resolution the councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a local government meeting about the same matter e.g. workshops.
- 10.11. In making the decision, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
- 10.12. A councillor does not contravene the above procedures if the councillor participates in a decision under written approval from the Minister as prescribed in section 150EV of the LGA or section 177S of the COBA.

11. Reporting a suspected conflict of interest

If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or a declarable conflict of interest, and that councillor is participating in a decision on that matter, the informing councillor who believes that a conflict of interest exists must immediately inform the chairperson of the meeting of their belief or suspicion and the facts and circumstances that led to their belief or suspicion. If more than one councillor is reported by another councillor to have a suspected personal interest in a matter, the meeting must deal with each councillor individually.

- 11.1. The chairperson then should ask the councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the councillor agrees they have a conflict of interest, the councillor must follow the relevant meeting procedures above for prescribed and declarable conflicts of interest.
- 11.2. If the councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
- 11.3. The eligible councillors must then decide whether the relevant councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have any conflict of interest in the matter. If the meeting

decides the councillor has a conflict of interest, the councillor must follow the relevant meeting procedures above. If a councillor with a declarable conflict of interest wants to participate in the decision despite the declarable conflict of interest, then the eligible councillors must make a decision about the councillor's participation.

- 11.4. If the eligible councillors at the meeting cannot make a decision about, whether a councillor has a declarable conflict of interest under section 150ER of the LGA or section 177Q of the COBA, or whether the councillor may or may not participate in the decision despite the subject councillor's declarable conflict of interest under section 150ES of the LGA or section 177P of the COBA, then they are taken to have determined that the councillor must leave the meeting and stay away while the matter is being decided under section 150ET(3) of the LGA or section 177Q(3) of the COBA. A decision under these provisions about a councillor participating in the meeting applies to the matter and subsequent decisions, about the same matter unless there is a change to the councillor's personal interests and/or the nature of the matter being discussed. If the eligible councillors decide by resolution that the subject councillor can act in the public interest on the matter, then the councillor may participate in the meeting and be involved in processes occurring outside of a local government meeting about the same matter e.g. workshops.
- 11.5. When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all the relevant details.

Note: The minutes must include details of how the conflict of interest was dealt with, being (section 150FA of the LGA or section 177X of the COBA):

- *the name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest*
- *the particulars of the prescribed or declarable conflict of interest provided by the councillor*
- *the actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest*
- *any decision then made by the eligible councillors*
- *whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval*
- *the local government's decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the*

decision.

- 11.6. The minutes of the meeting must record the name of each eligible councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.

Note: The eligible councillors include a councillor who has either been granted approval by the Minister or their fellow councillors to participate and vote on a matter (e.g. the eligible councillors in this subsection means all councillors who were entitled to vote on the matter).

If the councillor has a declarable conflict of interest, the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the councillor.

- 11.7. Where a decision has been made under section 150ES of the LGA or section 177P of the COBA, the minutes must include the:
- decision and reasons for the decision
 - name of each eligible councillor who voted, and how each eligible councillor voted.

12. Loss of quorum

- 12.1. In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the local government must resolve to:
- delegate the consideration and decision on the matter, as described in section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated under subsection three of both sections, because an Act says it must be decided by resolution of the local government
 - decide by resolution to defer the matter to a later meeting
 - decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.
- 12.2. The local government may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:
- the mayor or CEO
 - a standing committee, or joint committee of the local government
 - the chairperson of a standing committee or joint standing committee of the local government (does not apply to Brisbane City Council)
 - another local government for a joint government activity
 - the Establishment and Coordination Committee (only applies to Brisbane City

Council).

- 12.3. The local government must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
- 12.4. The local government may only delegate a power to make a decision about a councillor's conduct under section 150AG of the LGA pursuant to section 257(2) of the LGA, to:
 - the mayor
 - a standing committee
- 12.5. A local government may only delegate a power to make a decision about a councillor's conduct pursuant to section 238(2) of the COBA, to:
 - the mayor
 - the Establishment and Coordination Committee, Brisbane City Council
 - a standing committee of the local government.
- 12.6. The Minister for Local Government may, by signed notice give approval for a conflicted councillor to participate in deciding a matter in a meeting including being present for the discussion and vote on the matter, if there is a loss of quorum and deciding the matter cannot be delegated, subject to any conditions the Minister may impose.

Motions

13. Motion to be moved

- 13.1. A councillor is required to 'move' a motion and then another councillor is required to 'second' the motion. When a motion has been moved and seconded, it will become subject to the control of the local government and cannot be withdrawn without the consent of the local government meeting.
- 13.2. Other councillors can propose amendments to the motion, which must be voted on before voting on the final motion:
 - a motion brought before a meeting of the local government in accordance with the LGA or
these standing orders will be received and put to the meeting by the chairperson.
 - the chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
 - the chairperson may refuse to accept a motion if it is not within the meeting's jurisdiction and rule a motion out of order if necessary. Any motion that is vague, proposes an unlawful action, is outside the scope of the meeting, is defamatory, vexatious or is unnecessary, may be ruled out

of order.

- 13.3 The chairperson may call the notices of motion in the order in which they appear on the agenda. Where no objection is raised to a motion being taken as a formal motion, and the motion is then seconded, the chairperson may put the motion to the vote without discussion and the vote can occur.
- 13.4 No more than one motion or one proposed amendment to a motion may be put before a meeting of a local government at any one time.

14. Absence of mover of motion

- 14.1 Where a councillor who has given notice of a motion is absent from the meeting of the local government at which the motion is to be considered, the motion may be:
 - moved by another councillor at the meeting
 - deferred to the next meeting.

15. Motion to be seconded

- 15.1 A motion or an amendment to a motion will not be debated at a meeting of the local government unless or until the motion or the amendment is seconded.
- 15.2 Procedural motions are an exception to this rule and do not need to be seconded.

16. Amendment of motion

- 16.1 An amendment to a motion should maintain or further clarify the intent of the original motion and not contradict the motion.
- 16.2 Where an amendment to a motion is before a meeting of the local government, no other amendment to the motion will be considered until after the first amendment has been voted on.
- 16.3 Where a motion is amended, the original motion cannot be re-introduced as a subsequent amendment to the first amended motion.

17. Speaking to motions and amendments

- 17.1 The mover of a motion or amendment will read it and state that it is moved but will not speak to it until it is seconded.
- 17.2 The chairperson will manage the debate by allowing the councillor who proposed the motion the option of speaking first on the motion. The chairperson will then call on any other councillors who wish to speak against the motion and then alternatively for and against the motion as available, until all councillors who wish to speak have had the opportunity.
- 17.3 A councillor may make a request to the chairperson for further information

before or after the motion or amendment is seconded.

- 17.4. The mover of a motion or amendment has the right to reply. Each councillor will speak no more than once to the same motion or same amendment except as a right of reply. Once the right of reply has been delivered the debate ends.
- 17.5. Each speaker will be restricted to not more than five minutes unless the chairperson rules otherwise.
- 17.6. Where two or more councillors indicate, they may wish to speak at the same time, the chairperson will determine who is entitled to priority.

17.7. In accordance with section 254H of the LGR or section 242H(2) of the City of Brisbane Regulation 2012(COBR), if a decision made at the local government meeting is inconsistent with a recommendation or advice given to the local government by an advisor, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Note: If a report contains distinct recommendations, the decision of the local government may be taken separately on each recommendation. If a decision by the meeting is contra to a recommendation in a report the minutes must give the reasons for the decision.

18. Method of taking vote

- 18.1. The chairperson will call for all councillors in favour of the motion to indicate their support. The chairperson will then call for all councillors against the motion to indicate their objection.
- 18.2. A councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. If a division is taken, the minutes of the meeting will record the names of councillors voting in the affirmative and of those voting in the negative. The chairperson will declare the result of a vote or a division as soon as it has been determined.
- 18.3. Councillors have the right to request that their names and how they voted be recorded in the minutes if they request it when voting other than by division.
- 18.4. Except upon a motion to repeal or amend it, the resolution will not be discussed after the vote has been declared.

19. Withdrawing a motion

- 19.1. A motion or amendment may be withdrawn by the mover with the consent of the local government, which will be without debate, and a councillor will not speak to the motion or amendment after the mover has been granted permission by the local government meeting for its withdrawal.

20. Repealing or amending resolutions

- 20.1. A resolution of the local government may not be amended or repealed unless notice of motion is given in accordance with the requirements of the legislation (five business days).
- 20.2. Councillors present at the meeting at which a motion to repeal or amend a resolution is put may defer consideration of that motion. The deferral may not be longer than three months.

21. Procedural motions

- 21.1. A councillor at a meeting of the local government may during the debate of a matter at the meeting, move the following motions, as a procedural motion without the need for a seconder:
 - that the question/motion be now put before the meeting
 - that the motion or amendment now before the meeting be adjourned
 - that the meeting proceeds to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against the chairperson's decision
 - that this report/document be tabled
 - to suspend the rule requiring that [insert requirement]
 - that the meeting stands adjourned.
- 21.2. A procedural motion that 'the question be put' may be moved and, where the procedural motion is carried, the chairperson will immediately 'put the question to the motion' or amendment to that motion under consideration. Where the procedural motion is lost, debate on the motion or amendment to that motion will resume.
- 21.3. A procedural motion that 'the motion or amendment now before the meeting be adjourned', may specify a time or date to which the debate will be adjourned. Where no date or time is specified:
 - a further motion may be moved to specify a time or date; or
 - the matter about which the debate is to be adjourned, will be included in the agenda for the next meeting.
- 21.4. Where a procedural motion that 'the meeting proceed to the next item' is carried, debate on the matter that is the subject of the motion will cease and may be considered again by the local government on the giving of notice in accordance with the standing orders.
- 21.5. A procedural motion that 'the question lie on the table' will only be moved where the chairperson or a councillor requires additional information on the matter

before the meeting (or the result of some other action of the local government or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the local government will proceed with the next matter on the agenda.

- 21.6. A motion that ‘the matter be taken from the table’, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
- 21.7. Any councillor may ask the chairperson to decide on a point of order where it is believed that another councillor:
- has failed to comply with proper procedures
 - is in contravention of the legislation; or
 - is beyond the jurisdiction of the local government meeting.

Note: Points of order cannot be used as a means of contradicting a statement made by the councillor speaking. Where a point of order is moved, consideration of the matter to which the motion was moved will be suspended. The chairperson will determine whether the point of order is upheld.

- 21.8. Upon the question of order suddenly arising during the process of a debate, a councillor may raise a point of order, and then the councillor against whom the point of order is raised, will immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or points of order at any time arising will, until decided, suspend the consideration and decision of every other question.
- 21.9. A councillor may move a motion of dissent in relation to a ruling of the chairperson on a point of order. Where such motion is moved, further consideration of any matter will be suspended until after a ruling is made. For example, where a motion of dissent is carried, the matter to which the ruling of the chairperson was made will proceed as though that ruling had not been made. Where the opposite ruling is made, that the matter was discharged as out of order, it will be restored to the agenda and be dealt with in the normal course of business.
- 21.10. The motion that ‘a report/document be tabled’ may be used by a councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
- 21.11. A procedural motion ‘to suspend the rule requiring that’ may be made by any councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule will specify the duration of the suspension.

- 21.12. A procedural motion that 'the meeting stands adjourned', may be moved by a councillor at the conclusion of debate on any matter on the agenda or at the conclusion of a councillor's time for speaking to the matter, and will be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting, the local government meeting will continue with the business before the meeting at the point where it was discontinued on the adjournment.

22. Questions

- 22.1. At a local government meeting, a councillor may ask a question for reply by another councillor or an officer regarding any matter under consideration at the meeting.
- 22.2. Questions will be asked categorically and without argument and no discussion will be permitted at the local government meeting in relation to a reply or a refusal to reply to the question.
- 22.3. A councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.
- 22.4. A councillor who asks a question at a meeting, whether or not upon notice, will be deemed not to have spoken to the debate of the motion to which the question relates.
- 22.5. The chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a councillor may move a motion that the chairperson's ruling be disagreed with, and if carried the chairperson will allow the question.

Meeting Conduct

23. Process for dealing with Unsuitable Meeting Conduct

The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a local government meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable meeting conduct by a councillor in a meeting, the following procedures must be followed:

- 23.1. When an instance of unsuitable meeting conduct has been engaged in by a councillor at a meeting the following process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor must occur.

- 23.2. The chairperson must reasonably believe that unsuitable meeting conduct has been engaged in by a councillor during a meeting. The chairperson may consider the severity of the conduct and whether the councillor has been issued with any previous warnings for unsuitable meeting conduct. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, the chairperson can make an order in relation to the conduct under section 23.7 below.
- 23.3. If the chairperson decides unsuitable meeting conduct has occurred, but is of a less serious nature, the chairperson may request the councillor take remedial actions such as:
- ceasing and refraining from exhibiting the conduct
 - apologising for their conduct
 - withdrawing their comments.
- 23.4. If the councillor complies with the chairperson's request for remedial action, no further action is required.
- 23.5. If the councillor fails to comply with the chairperson's request for remedial action, the chairperson may warn the councillor that failing to comply with the request could result in an order of unsuitable meeting conduct being issued.
- 23.6. If the councillor complies with the chairperson's warning and request for remedial action, no further action is required.
- 23.7. If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decides a warning was not appropriate under 23.2, the chairperson may make one or more of the orders below:
- an order reprimanding the councillor for the conduct
 - an order requiring the councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
- 23.8. If the councillor fails to comply with an order to leave and stay away from the meeting, the chairperson can issue an order that the councillor be removed from the meeting.
- 23.9. Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note below).

Note: Details of any order issued must be recorded in the minutes of the meeting. If it is the third or more order made within a 12-month period against a councillor, or the councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next local government meeting as a suspected conduct breach. The local government's CEO is advised to ensure details of any order made is updated in the local government's councillor conduct register.

- 23.10. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 23.2, 23.3, 23.7 and 23.8 above.

24. Process for dealing with Unsuitable Meeting Conduct by a Chairperson

- 24.1. If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor may raise the matter in the meeting by point of order.
- 24.2. The chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the councillor may move a motion that the chairperson has engaged in unsuitable meeting conduct (a seconder for the motion is required). The councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 24.3. The chairperson has a declarable conflict of interest in the matter and must declare the conflict of interest and leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the chairperson wishes to remain in the meeting, the eligible councillors must make a decision and follow the procedures set out above for declarable conflict of interest.
- 24.4. For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.
- 24.5. If the original chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible councillors, they can put forward their reasoning about their conduct, and respond to questions through the chairperson from the eligible councillors.
- 24.6. The acting chairperson of the meeting will preside over the meeting while the councillors present at the meeting vote on whether the chairperson has engaged in unsuitable meeting conduct (the acting chairperson will have a casting vote on the resolution if required).
- 24.7. If it is decided that the chairperson has engaged in unsuitable meeting conduct, the councillors can decide to make an order reprimanding the chairperson for the conduct.
- 24.8. Once the councillors make a decision, the chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting chairperson.
- 24.9. The chairperson then resumes the role of chairperson, and the meeting continues.

Note: Details of any reprimand order must be recorded in the minutes of the meeting. The local government's CEO is advised to ensure details of any order made is updated in the local government's councillor conduct register.

For conduct of a chairperson, at local government meetings that is part of a course of conduct leading to orders for unsuitable meeting conduct being made against the chairperson, on three occasions within a 12-month period, the conduct that led to the orders being made, taken together, becomes a conduct breach.

If the conduct of a councillor, including a chairperson, at the meeting becomes a conduct breach (in accordance with section 150J of the LGA and is a conduct breach under section 150K of the LGA), the local government is not required to notify the Independent Assessor (the Assessor) about the conduct, and may deal with the conduct under section 150AG of the LGA as if an investigation had been conducted. It may be dealt with at the next local government meeting.

25. Meeting Procedures for Dealing with a Suspected Conduct Breach including that which has been Referred to a Local Government by the Independent Assessor

Under chapter 5A, part 3, division 3A of the LGA, the Assessor must make a preliminary assessment and dismiss a complaint, notice or information if satisfied that particular circumstances apply – see section 150SD of the LGA. If the Assessor finds that a matter is a suspected conduct breach it must refer the matter to the local government. The Assessor refers the councillor's suspected conduct breach to the local government by giving a referral notice.

Note: A conduct breach is conduct that:

- *contravenes a behavioural standard of the Code of Conduct for Councillors, or a policy, procedure, or resolution of the local government;*
or
- *the conduct contravenes an order of the chairperson of a local government meeting for the councillor to leave and stay away from the place at which the meeting is being held; or*
- *an instance of a suspected conduct breach that may arise from circumstances of three instances of unsuitable meeting conduct orders within a 12-month period.*

25.1. In relation to matters referred by the Assessor to the local government, the local government may decide not to start or discontinue an investigation if:

- the complainant withdraws the complaint
- the complainant consents to the investigation not starting or discontinuing
- the complainant does not provide extra information when requested
- there is insufficient information to investigate the complaint
- the councillor vacates or has vacated their office as a councillor.

Note: The local government investigation must be conducted in a way that is consistent with the local government's Investigation Policy. An investigation report must be prepared to assist the councillors in making a decision on the outcome under section 150AG of the LGA. Before debating a matter relating to making a decision, a summary investigation report (with redactions) must be prepared and made publicly available under section 150AFA of the LGA on or before the day and time prescribed by regulation. However, this section does not apply in relation to a decision by the Establishment and Coordination Committee under the COBA.

25.2. The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach, unless the decision has been delegated to the mayor under section 257(2)(a) of the LGA, or to a standing committee section 257(2)(b) of the LGA or section 238(2)(a), (b) or (c) of the COBA. Under the LGA and COBA, decisions about a conduct breach can only be delegated to the mayor or a standing committee and under COBA to the Establishment and Coordination Committee.

25.3. When dealing with an instance of a suspected conduct breach which has been referred to a local government by the Assessor:

- the local government must be act in a manner consistent with the local government principle of transparent and accountable decision making in the public interest, by deciding the outcome of an investigation of a suspected conduct breach in an open meeting of the local government. However, where the matter requires debate a local government may close all or part of a meeting to the public, if considered necessary, to discuss an investigation report under section 254J of the LGR or section 242J of the City of Brisbane Regulation (CBR).
- no resolution for a decision can be made in the closed session including a decision about a conflict of interest matter. All matters must be decided in an open session of the meeting or at a later meeting.
- where a local government makes a decision about a conduct breach matter at a local government meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the

minutes of the meeting under section 254H of the LGR and section 242H of the CBR.

- the subject councillor has a declarable conflict of interest in the matter and must declare the conflict of interest. The eligible councillors at the meeting can decide by resolution that the subject councillor may remain in the meeting (unless the eligible councillors decide otherwise) during the debate about the investigation report and may answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission about the conduct breach provided by the councillor to the local government.
- the subject councillor who has a declarable conflict 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 engaged in a conduct breach and what, if any, penalty to impose if the councillor is found to have engaged in a conduct breach.
- if the complainant is a councillor, that councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures. If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the eligible councillors (who do not have a conflict of interest in the matter) must decide how to deal with the conflict of interest. The complainant councillor can be required to leave the meeting place, or conditions may be applied to allow that councillor to participate in either the debate, the vote, or the decision on any disciplinary action to be applied under section 150AH of the LGA.
- *Note: After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses, but including the name of a councillor or the CEO of the local government if they were the complainant/s, or any councillor who declared a conflict of interest in the matter.*

25.4. If the local government has lost quorum due to the number of conflicted councillors or another reason, the local government must do one of the following:

- delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, or under section 238 of the COBA, to the mayor or the Establishment and Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances, or
- decide, by resolution, to defer the matter to a later meeting, or
- decide, by resolution, not to decide the matter and take no further action

in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

Note: A local government cannot decide to take no further action on a decision about a conduct matter because it is required under the LGA. In order to reach a decision when a loss of quorum has occurred, the matter can be delegated to the mayor or a standing committee, or the matter can be deferred to a later meeting when a quorum can be maintained.

If the conduct breach referral notice is about the suspected conduct breach by the mayor, then the matter will need to be delegated to a standing committee for a decision.

The local government should establish a standing committee under section 264 of the LGR to deal with decisions about conduct breach matters. 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. The standing committee will decide about the mayor's 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 a conflict of interest. The remainder of the unconflicted members of the committee will decide the matter.

25.5. If a decision is reached that the subject councillor has engaged in a conduct breach, then the councillors must decide what penalty or penalties from the orders detailed in 150AH of the LGA, if any, to impose on the councillor. In deciding what penalty to impose, the local government may consider any previous inappropriate conduct of the councillor and any allegation made in the investigation that was admitted, or not challenged, and that the local government is reasonably satisfied is true.

25.6. The local government may order that no action be taken against the councillor or make one or more of the following:

- 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 to address 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.
- 25.7. A local government may not make an order in relation to a person who has vacated their office as a councillor.
- 25.8. The subject councillor, and where relevant, the complainant councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the chairperson must advise them of the decision made by the local government and if relevant any orders made by resolution.

Note: The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the Assessor as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH the details of the order.

26. General conduct during meetings

- 26.1. After a meeting of the local government has been formally constituted and the business commenced, a councillor will not enter or leave from the meeting without first notifying the chairperson.
- 26.2. Councillors will speak to each other or about each other during the local government meeting by their respective titles ('mayor' or 'councillor'), and when speaking of or addressing officers, will call them by their respective official or departmental title and will confine their remarks to the matter under consideration.
- 26.3. No councillor who is speaking will be interrupted except upon a point of order being raised either by the chairperson or by another councillor.
27. When the chairperson speaks during the process of a debate, the councillor speaking or offering to speak will immediately cease speaking, and each councillor present will observe strict silence so that the chairperson may be heard without interruption.

28. Disorder

- 28.1. The chairperson may adjourn the meeting of the local government, where disorder arises at a meeting other than by a councillor.
- 28.2. On resumption of the meeting, the chairperson will move a motion, to be put without debate, to determine whether the meeting will proceed. Where the motion is lost, the chairperson shall declare the meeting closed, and any

outstanding matters will be deferred to a future meeting.

Attendance and non-attendance

29. Attendance of public and the media at a local government meeting

- 29.1. An area shall be made available at the place where any meeting of the local government is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area will be permitted to attend the meeting.
- 29.2. When the local government is sitting in closed session, the public and representatives of the media will be excluded from the meeting.

30. Closed session

- 30.1. A local government meeting, standing committee meeting and advisory committee meeting may resolve that a meeting be closed to the public if its councillors and members consider it necessary to discuss any of the following matters pursuant to section 254J(3) of the LGR or section 242J(3) of the COBR:
 - appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees
 - industrial matters affecting employees
 - the local government's budget (which does not include the monthly financial statements)
 - rating concessions
 - legal advice obtained by the local government or legal proceedings involving the local government, including for example, legal proceedings that may be taken by or against the local government
 - matters that may directly affect the health and safety of an individual or a group of individuals
 - negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government
 - negotiations relating to the taking of land by the local government under *the Acquisition of Land Act 1967*
 - a matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State
 - a matter relating to the consideration of an investigation report for a conduct

breach matter given to the local government by the Assessor under the LGA chapter 5A, part 3, division 5.

- 30.2. A local government or committee meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter.
- 30.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting. The local government must instead:
 - delegate consideration and decision on the matter, under section 257 of the LGA or section 238 of the COBA, unless the matter cannot be delegated
 - decide by resolution to defer the matter to a later meeting when a quorum may be available
 - decide by resolution not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.
- 30.4. None of the above will be considered, discussed, voted on or made during a closed session.
- 30.5. If a closed session includes attendance by teleconference, the councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting (a failure to do so could be a contravention of section 171(3) of the LGA or section 173(3) of the COBA).
- 30.6. To take a matter into a closed session the local government must abide by the following process:
 - pass a resolution to close the meeting
 - the resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered
 - if it is known in advance, the agenda should clearly identify that the matter may be considered in closed session, and an explanation of why the councillors at the meeting may consider it necessary to take the issue into closed session must be stated
 - no resolution can be made while in a closed meeting (other than a procedural resolution).

31. Teleconferencing of meetings

- 31.1. If a councillor wishes to be absent from a local government meeting place during a meeting, the councillor must apply to the local government to participate by

teleconference, at least three business days prior to the meeting or as soon as practicable once the councillor becomes aware of their intended absence. The local government may allow a councillor to participate in a local government or committee meeting by teleconference.

Note: There is no legislative requirement for a resolution by a local government to allow a councillor to participate by audio link or audio-visual link. This means the local government may delegate the matter. For example, the local government may delegate to the chairperson of the local government or a committee meeting the ability to decide whether a councillor can attend a meeting by audio link or audio-visual link.

31.2. The councillor taking part by teleconference is taken to be present at the meeting if the councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the councillor must be recorded in the minutes as present at the meeting.

Note: Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

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SCALE 1:1000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE: (A3)

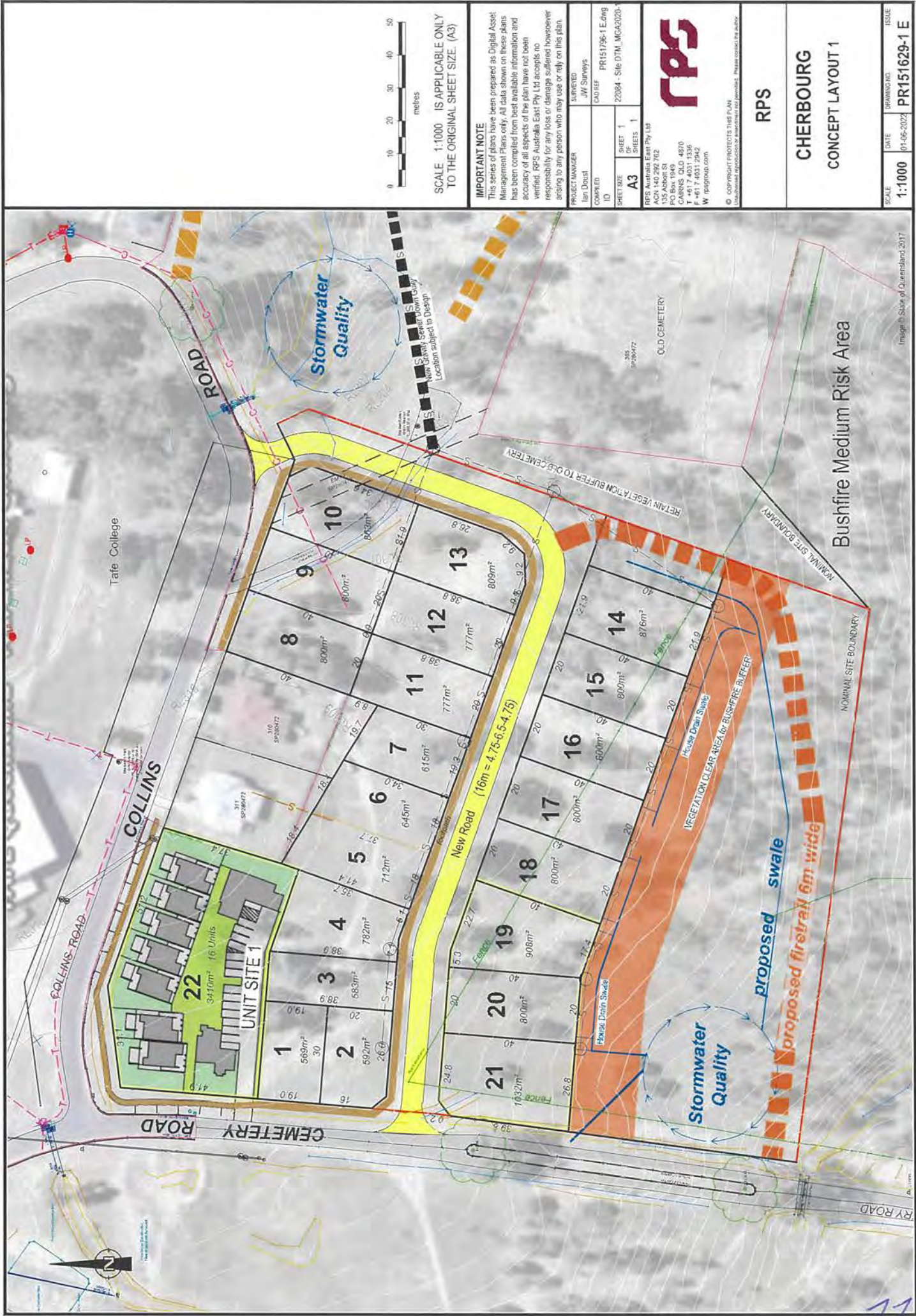
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PROJECT MANAGER	Ian Doust
SURVEYED	JW Surveys
COMPILED	CAD REF PR151796-4 Adwing
SHEET SIZE	A3
SHEET 1 OF SHEETS	1
22084 - Site DTM_MGA2020	

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RPS	
CHERBOURG	
CONCEPT LAYOUT 2	
SCALE	1:1000
DATE	01-06-2022
DRAWING NO.	PR151629-4-A
ISSUE	



SCALE: 1:1000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE: (A3)

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PROJECT MANAGER	SURVEYED
Ian Doust	JW Surveys
COMPILED	CAD REF
	PR151796-1 E.dwg
SHEET SIZE	SHEET 1
A3	OF SHEETS 1

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RPS	
CHERBOURG	
CONCEPT LAYOUT 1	
SCALE	ISSUE
1:1000	PR151629-1 E
DATE	DRAWING NO.
01-06-2022	

DRAFT
For Discussion Only



- 1 2 Bedroom Unit - Typical Internal Floor Plate 68sqm. Two storey.
- 2 4 Bedroom Unit - Approx 150sqm Internal. Two storey.
- 3 4 Bedroom Unit - Approx 130sqm Internal Single storey. Possible NDIS or Gold level Possible NDIS or NCC Gold level.
- 4 Common property open space - Assume CMS Private open space.
- 5 14 onsite secure carparks
- 6 Possible carpark expansion area, subject to CASC discussions.
- 7 Additional visitor car parking in Collins Road and Cemetery Road.
- 8 Bin Storage
- 9 Setbacks - Commence discussion with CASC to relax front setback from 6m to 3m.
- 11 Proposed 1.5m Footpath

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PLAN REF: 151796 - 02
DATE: 04 MAY 2022
CLIENT: DSDASTIP - RILPO
DRAWN BY: MJB
CHECKED BY:



1:200 @ A3

CHERBOURG
MULTIPLE DWELLING SITE
LOT 22

URBAN DESIGN

Unit 1
5-7 Baskin Street
South Townsville QLD 4006
Tel: 07 4781 4444
W: rfsrps.com.au

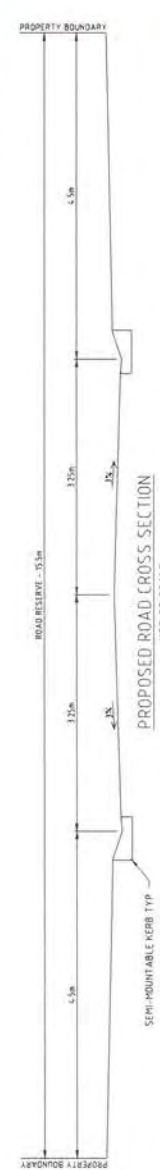
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- LEGEND**
- PROPOSED HIGH DENSITY
 - PROPOSED STAGE
 - PROPOSED SEALED ROAD
 - PROPOSED LANDSCAPING
 - PROPOSED DEVELOPMENT AREA
 - EXISTING DRAINAGE

LAYOUT PLAN OPTION 2
NOT TO SCALE



FOR REVIEW
23/02/24

DSDSATSIP		SCALE	NTS	
CHERBOURG SOCIAL HOUSING DEVELOPMENT PROPOSED SUBDIVISION OPTION 1		SHEET	1 of 3	
		REVISION	A	
		DATE	15/02/24	
		BY	1076-SK-001	

PROPOSED ROAD CROSS SECTION NOT TO SCALE		CERTIFICATION	
DATE	15/02/24	DATE	15/02/24
DESIGN	15/02/24	DATE	15/02/24
DRAWN	15/02/24	DATE	15/02/24

NO.	BY	DATE	DESCRIPTION
1	JC	21/02/24	FOR REVIEW

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m 0400 699 979
e brett@livingtreeconsulting.com.au

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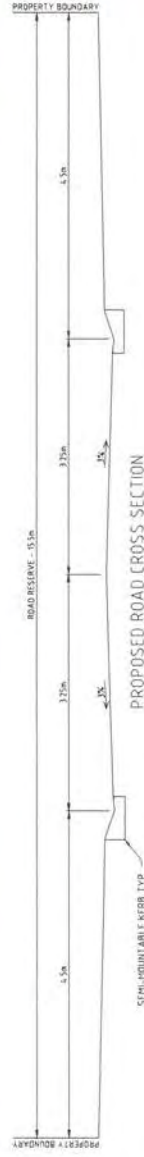


LEGEND

- PROPOSED HIGH DENSITY
- PROPOSED STAGE
- PROPOSED SEALED ROAD
- PROPOSED LANDSCAPING
- PROPOSED DEVELOPMENT AREA
- EXISTING DRAINAGE

LAYOUT PLAN OPTION 2

NOT TO SCALE



FOR REVIEW
21/02/24

REVISIONS		DESCRIPTION		DATE		BY	
1	A	JC	21/02/24	FOR REVIEW			

PROPOSED ROAD CROSS SECTION		NOT TO SCALE	
SEMI-MOUNTABLE KERB TYP		ROAD RESERVE - 9.5m	
PROPERTY BOUNDARY		PROPERTY BOUNDARY	
5.5m		5.5m	
3.75m		3.75m	
1.5m		1.5m	

CERTIFICATION		E. LANGREAR PLS 1102	
MCA		15/02/24	
HORIZ. DATUM		15/02/24	
VERT. DATUM		15/02/24	
Dwg. FILE		DATE	
DESIGN		15/02/24	
DRAWN		15/02/24	

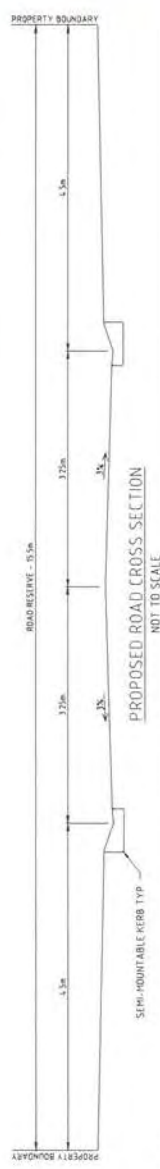
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DSDSATSIP		SCALE		NTS	
CHERBOURG SOCIAL HOUSING DEVELOPMENT		SHEET		2 of 3	
PROPOSED SUBDIVISION OPTION 2		REVISION		A	
.Full Colour inline 1.jpg		DRG No		1076-SK-002	
0400 699 979		DATE		21/02/24	
brett@langrearcounseling.com.au		BY		JC	



- LEGEND**
- PROPOSED HIGH DENSITY
 - PROPOSED STAGE
 - PROPOSED SEALED ROAD
 - PROPOSED LANDSCAPING
 - PROPOSED DRAINAGE AREA
 - EXISTING DRAINAGE

LAYOUT PLAN OPTION 2
NOT TO SCALE



FOR REVIEW
21/02/24

REVISIONS		DATE		DESCRIPTION	
No	BY	DATE	DATE	DESCRIPTION	
A	JC	21/02/24	15/02/24	FOR REVIEW	

HORIZ DATUM		MGA		CERTIFICATION	
VERT DATUM		15/02/24		COPYRIGHT (C)	
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DRG No	1076-SK-003	SCALE	NTS	DSDSATSIP	
REVISION	A	SHEET	3 of 3	CHERBOURG SOCIAL HOUSING DEVELOPMENT PROPOSED SUBDIVISION OPTION 3	
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m 0400 699 979 e brett@langtreeconsulting.com.au					

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Office of
Industrial Relations

Department of Education

3 November 2023

Chatur Zala
Chief Executive Officer
Cherbourg Aboriginal Shire Council
Via Email: ceo@cherbourg.qld.gov.au
secretary@cherbourg.qld.gov.au

Dear Chatur Zala

I refer to your request for special holidays for 2024.

Pursuant to Section 4 of the *Holidays Act 1983*, the Minister for Education and Minister for Industrial Relations has appointed:

- 12 July 2024 a holiday for the Shire of Cherbourg for the purpose of NAIDOC Day
- 12 August 2024 a holiday for the Shire of Cherbourg for the purpose of the Royal Queensland Show

Please note that it is only special holidays appointed in respect of an annual agricultural, horticultural or industrial show (show holidays) which are public holidays. On a public holiday, employees will be entitled to refuse to work in reasonable circumstances without loss of pay and to be paid penalty rates for work performed.

Should there be a need to request repeal of one or more of the above special holidays (whether or not appointment of a replacement special holiday is also requested) or appointment of an additional special holiday, 30 days prior notice of the requested repeal or appointment is to be given to the Minister. This will allow time for the Minister to decide the request, notify any repeals and/or appointments in the Queensland Government Gazette and for the requesting local government to give notice of holiday changes to its community.

Replacement of a show holiday with a special holiday on another date should be carefully considered as the replacement show holiday will only be a public holiday if it continues to be in respect of an annual agricultural, horticultural or industrial show.

1 William Street Brisbane
Queensland 4000 Australia
GPO Box 69 Brisbane
Queensland 4001 Australia
Telephone 13 QGOV (13 74 68)
WorkSafe +61 7 3247 4711
Website www.worksafe.qld.gov.au
www.business.qld.gov.au
ABN 94 496 188 983

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Notification of the appointment of the 2024 special holidays was published in the Queensland Government Gazette on 3 November 2023.

A copy of the gazette can be accessed on the [Queensland Government's publications website](#), the special holidays notifications commence on page 418 of the gazette.

Should you require further information, please contact Patricia Faulkner, Senior Industrial Officer on telephone (07) 3406 9845.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A J James', with a large, stylized flourish at the end.

A J (Tony) James
Assistant Director-General
Office of Industrial Relations



Many Tribes. One Community

Cherbourg Aboriginal Shire Council

22 Barambah Avenue, Cherbourg, Qld, 4605

Ph: (07) 4168 1866 Fax: (07) 4168 2727

Expression of Interest

We are seeking Cherbourg Elders to form the Cherbourg Aboriginal Shire Council Elders Advisory Group

About the Elders Advisory Group

The Cherbourg Aboriginal Shire Council Elders Advisory Group is to be established to provide advice to the Cherbourg Aboriginal Shire Council on matters that are referred to the Group from Council.

Role

The Group will provide sound advice to Council on matters that are referred to the Group'

Skills and Talents

We are seeking well respected Elders who want to contribute and advise Council in a formal way for the betterment of the Community. We are looking for Elders who are:

- Well connected
- Knowledge and expertise in a particular area
- Known to community as a leader
- Local knowledge
- Past and ongoing demonstration of striving for the betterment of the community and region
- Collective wisdom

Expectations for applying

- Must be a resident of Cherbourg.
- Well respected by community.
- Willing to commit to the Group for a minimum of 12 months.

Support for you:

- provide you with support regarding governance and administration duties
- clearly explain the role and responsibilities
- introduce you to your key support person who can assist you with any questions or concerns
- keep in regular contact with you and provide opportunities for you to connect with other community representatives within the Group

Please let us know if you are interested

If you are interested in joining this committee, please provide your written response to the skills and talents using the form below and email Chatur Zala at CEO@Cherbourg.qld.gov.au or drop your form in at the Council office.

Applicants will be shortlisted and then invited to meet a panel for final selection.

Please do not hesitate to contact Chatur Zala on 41681866 if you have any questions.



Many Tribes. One Community

Cherbourg Aboriginal Shire Council
22 Barambah Avenue, Cherbourg, Qld, 4605
Ph: (07) 4168 1866 Fax: (07) 4168 2727

APPLICATION FORM

Expression of Interest – Cherbourg Aboriginal Shire Council Elders Advisory Group

Your details

Name:

Address:

Phone number:

Email:

Response

Please type in the white area beneath each question. The field will expand as you type. Keep your responses to 3 or 4 sentences per question.

What skills or expertise can you bring to this committee re: Written skills, community relationships, etc.

How might your personal/professional experience be relevant or useful?

How confident are you in representing the needs and views of others as well as your own?

What sort of teams or committees have you been involved in? What was your role?

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2 May 2024

Chatur Zala
Chief Executive Officer
Cherbourg Aboriginal Shire Council

Email: ceo@cherbourg.qld.gov.au

Dear Chatur,

I write to inform you that at the close of nominations at 12pm on Wednesday, 1 May 2024, we have now received nominations (as attached) from your District for your Policy Executive Representative.

We will now commence a ballot for your District and as these elections are being conducted in accordance with the Association's constitution, the number of votes your Council is entitled to exercise is displayed on the ballot paper.

Please complete the attached **Ballot paper** and return it via email to returning_officer@lgaq.asn.au **NO LATER THAN 5.00PM MONDAY 20 MAY 2024** when the poll will be declared immediately after the votes are counted.

If you have any queries, please do not hesitate to contact me on 0438 787 038, or Darren Leckenby on 0488 725 098.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alison Smith', written in a cursive style.

Alison Smith
CHIEF EXECUTIVE OFFICER

POLICY EXECUTIVE 2024-2028

BALLOT PAPER

COUNCIL NAME: Cherbourg Aboriginal Shire Council

DISTRICT NO 12 – Aboriginal and Island Councils

VOTES			
Aurukun	2 Votes	Napranum	2 Votes
Cherbourg	2 Votes	Northern Penn	2 Votes
Doomadgee	2 Votes	Palm Island	2 Votes
Hope Vale	2 Votes	Pormpuraaw	2 Votes
Kowanyama	2 Votes	Torres Strait	2 Votes
Lockhart River	2 Votes	Woorabinda	2 Votes
Mapoon	2 Votes	Wujal Wujal	2 Votes
Mornington	2 Votes	Yarrabah	2 Votes

Record your vote by placing a clear mark (i.e. a No '1' or a "✓" or a 'X') in the square beside the name of **TWO** candidates for whom your Council votes. Leave the other square blank.

Hope Vale - Cr Bruce Gibson

Lockhart River - Cr Wayne Butcher

Palm Island - Cr Alf Lacey

Please complete and return to the Returning Officer as soon as possible, but **NO LATER THAN 5.00PM MONDAY 20 May 2024.**

EMAIL:

returning_officer@lgaq.asn.au

RETURNING OFFICER:

MS ALISON SMITH

RETURNING OFFICER

LOCAL GOVERNMENT ASSOCIATION OF QLD LTD

PO BOX 2230, FORTITUDE VALLEY BC QLD 4006 N.B.

EMAIL, REGISTERED POST OR BY HAND ONLY

General tenancy agreement (Form 18a)

Residential Tenancies and Rooming Accommodation Act 2008



Part 1 Tenancy details

Item 1 1.1 Lessor
Name/trading name
Address
 Postcode
1.2 Phone Mobile Email

Item 2 2.1 Tenant/s
Tenant 1 Full name/s
Phone Email
Tenant 2 Full name/s
Phone Email
Tenant 3 Full name/s
Phone Email

2.2 Address for service (if different from address of the premises in Item 5.1) Attach a separate list

Item 3 3.1 Agent If applicable. See clause 43
Full name/trading name
Address

 Postcode
3.2 Phone Mobile Email

Item 4 Notices may be given to
(Indicate if the email is different from item 1, 2 or 3 above)
4.1 Lessor
Email Yes No Facsimile Yes No
4.2 Tenant/s
Email Yes No Facsimile Yes No
4.3 Agent
Email Yes No Facsimile Yes No

Item 5 5.1 Address of the rental premises

 Postcode

5.2 Inclusions provided. For example, furniture or other household goods let with the premises. Attach list if necessary

5.3 Details of current repair orders for the rental premises or inclusions

Item 6 6.1 The term of the agreement is fixed term agreement periodic agreement

6.2 Starting on 6.3 Ending on

Fixed term agreements only. For continuation of tenancy agreement, see clause 6



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General tenancy agreement (Form 18a)

Residential Tenancies and Rooming Accommodation Act 2008



Item 7 Rent \$ 24 000 + GST YRLY per week fortnight month See clause 8(1)

Item 8 Rent must be paid on the day of each insert day. See clause 8(2) insert week, fortnight or month

Item 9 Method of rent payment Insert the way the rent must be paid. See clause 8(3) EFT

Details for direct credit

BSB no. 0 3 4 1 0 2 Bank/building society/credit union WESTPAC SAVING BANK KINGAROY

Account no. 2 4 0 5 6 1 Account name CHERBOURG ABORIGINAL SHIRE COUNCIL

Payment reference BARA26

Item 10 Place of rent payment Insert where the rent must be paid. See clause 8(4) to 8(6) CHERBOURG ABORIGINAL SHIRE COUNCIL

Item 11 Rental bond amount \$ See clause 13

Item 12 12.1 The services supplied to the premises for which the tenant must pay See clause 16

Electricity Yes No Any other service that a tenant must pay Yes No
Gas Yes No Type See special terms (page 8)
Phone Yes No

12.2 Is the tenant to pay for water supplied to the premises See clause 17
 Yes No

Item 13 If the premises is not individually metered for a service under item 12.1, the apportionment of the cost of the service for which the tenant must pay. For example, insert the percentage of the total charge the tenant must pay. See clause 16(c)

Electricity Any other service stated in item 12.1
Gas See special terms (page 8)
Phone

Item 14 How services must be paid for Insert for each how the tenant must pay. See clause 16(d)

Electricity BY THE TENANT
Gas BY THE TENANT
Phone BY THE TENANT
Any other service stated in item 12.1 BY THE TENANT
See special terms (page 8)

Item 15 Number of persons allowed to reside at the premises See clause 23

Item 16 16.1 Are there any body corporate by-laws applicable to the occupation of the premises by a tenant? Yes No
See clause 22

16.2 Has the tenant been given a copy of the relevant by-laws See clause 22 Yes No

Item 17 The type and number of pets approved by the lessor to be kept at the premises See clauses 33A to 33D

Type Number Type Number

Item 18 18.1 Name and telephone number of the lessor's nominated repairer for each of the following repairs

Electrical repairs CHERBOURG COUNCIL Phone 07 4168 1866
Plumbing repairs CHERBOURG COUNCIL Phone 07 4168 1866
Other repairs CHERBOURG COUNCIL Phone 07 4168 1866

18.2 Are the nominated repairers the tenant's first point of contact for notifying the need for emergency repairs? See clause 31(4)

Yes
 No - please provide lessor contact details below

Name Phone

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Part 2 Standard Terms

Division 1 Preliminary

1 Interpretation

In this agreement –

- (a) a reference to *the premises* includes a reference to any inclusions for the premises stated in this agreement for item 5.2; and
- (b) a reference to a numbered section is a reference to the section in the Act with that number; and
- (c) a reference to a numbered item is a reference to the item with that number in part 1; and
- (d) a reference to a numbered clause is a reference to the clause of this agreement with that number.

2 Terms of a general tenancy agreement

- (1) This part states, under the *Residential Tenancies and Rooming Accommodation Act 2008 (the Act)*, section 55, the standard terms of a general tenancy agreement.
 - (2) The Act also imposes duties on, and gives entitlements to, the lessor and tenant that are taken to be included as terms of this agreement.
 - (3) The lessor and tenant may agree on other terms of this agreement (*special terms*).
 - (4) A duty or entitlement under the Act overrides a standard term or special term if the term is inconsistent with the duty or entitlement.
 - (5) A standard term overrides a special term if they are inconsistent.
- Note* – Some breaches of this agreement may also be an offence under the Act, for example, if –
- the lessor or the lessor's agent enters the premises in contravention of the rules of entry under sections 192 to 199; or
 - the tenant does not sign and return the condition report to the lessor or the lessor's agent under section 65.

3 More than 1 lessor or tenant

- (1) This clause applies if more than 1 person is named in this agreement for item 1 or 2.
- (2) Each lessor named in this agreement for item 1 must perform all of the lessor's obligations under this agreement.
- (3) Each tenant named in this agreement for item 2 –
 - (a) holds their interest in the tenancy as a tenant in common unless a special term states the tenants are joint tenants; and
 - (b) must perform all the tenant's obligations under this agreement.

Division 2 Period of tenancy

4 Start of tenancy

- (1) The tenancy starts on the day stated in this agreement for item 6.2.
- (2) However, if no day is stated or if the stated day is before the signing of this agreement, the tenancy starts when the tenant is or was given a right to occupy the premises.

5 Entry condition report – s 65

- (1) The lessor must prepare, in the approved form, sign and give the tenant 1 copy of a condition report for the premises.
 - (2) The copy must be given to the tenant on or before the day the tenant occupies the premises under this agreement.
 - (3) The tenant must mark the copy of the report to show any parts the tenant disagrees with, and sign and return the copy to the lessor not later than 7 days after the later of the following days –
 - (a) the day the tenant occupies the premises;
 - (b) the day the tenant is given the copy of the condition report.
- Note* – A well completed condition report can be very important to help the parties if there is a dispute about the condition of the premises when the tenancy started. For more information about condition reports, see the information statement.

- (4) After the copy of the condition report is returned to the lessor by the tenant, the lessor must copy the condition report and return it to the tenant within 14 days.
- (5) However, the lessor does not have to prepare a condition report for the premises if –
 - (a) this agreement has the effect of continuing the tenant's right to occupy the premises under an earlier residential tenancy agreement; and
 - (b) in accordance with the Act, a condition report was prepared for the premises for the earlier residential tenancy agreement.
- (6) If a condition report is not prepared for this agreement because subclause (5) applies, the condition report prepared for the earlier residential tenancy agreement is taken to be the condition report for this agreement.

6 Continuation of fixed term agreement – s 70

- (1) This clause applies if –
 - (a) this agreement is a fixed term agreement; and
 - (b) none of the following notices are given, or agreements or applications made before the day the term ends (*the end day*) –
 - (i) a notice to leave;
 - (ii) a notice of intention to leave;
 - (iii) an abandonment termination notice;
 - (iv) a notice, agreement or application relating to the death of a sole tenant under section 277(7);
 - (v) a written agreement between the lessor and tenant to end the agreement.
 - (2) This agreement, other than a term about this agreement's term, continues to apply after the end day on the basis that the tenant is holding over under a periodic agreement.
- Note* – For more information about the notices, see the information statement.

7 Costs apply to early ending of fixed term agreement – s 357A

- (1) This clause applies if –
 - (a) this agreement is a fixed term agreement; and
 - (b) the tenant ends this agreement before the term ends in a way not permitted under the Act.
 - (2) The tenant must pay the reasonable costs incurred by the lessor in reletting the premises.
- Note* – For when the tenant may end this agreement early under the Act, see clause 36 and the information statement. Under section 362, the lessor has a general duty to mitigate (avoid or reduce) the costs.
- (3) This clause does not apply if, after experiencing domestic violence, the tenant ends this agreement or the tenant's interest in this agreement under chapter 5, part 1, division 3, subdivision 2A of the Act.

Division 3 Rent

8 When, how and where rent must be paid – ss 83 and 85

- (1) The tenant must pay the rent stated in this agreement for item 7.
 - (2) The rent must be paid at the times stated in this agreement for item 8.
 - (3) The rent must be paid –
 - (a) in the way stated in this agreement for item 9; or
 - (b) in the way agreed after the signing of this agreement by –
 - (i) the lessor or tenant giving the other party a notice proposing the way; and
 - (ii) the other party agreeing to the proposal in writing; or
 - (c) if there is no way stated in this agreement for item 9 or no way agreed after the signing of this agreement – in an approved way under section 83(4).
- Note* – If the way rent is to be paid is another way agreed on by the lessor and tenant under section 83(4)(g), the lessor or the lessor's agent must comply with the obligations under section 84(2).

- (4) The rent must be paid at the place stated in this agreement for item 10.
- (5) However, if, after the signing of this agreement, the lessor gives a notice to the tenant stating a different place for payment and the place is reasonable, the rent must be paid at the place while the notice is in force.
- (6) If no place is stated in this agreement for item 10 and there is no notice stating a place, the rent must be paid at an appropriate place.
Examples of an appropriate place -
 - the lessor's address for service
 - the lessor's agent's office

9 Rent in advance - s 87

The lessor may require the tenant to pay rent in advance only if the payment is not more than -

- (a) for a periodic agreement - 2 weeks rent; or
- (b) for a fixed term agreement - 1 month rent.

Note - Under section 87(2), the lessor or the lessor's agent must not require a payment of rent under this agreement in a period for which rent has already been paid.

10 Rent increases - ss 91 and 93

- (1) If the lessor proposes to increase the rent, the lessor must give notice of the proposal to the tenant.
- (2) The notice must state the amount of the increased rent and the day from when it is payable.
- (3) The day stated must not be earlier than the later of the following -
 - (a) 2 months after the notice is given;
 - (b) 12 months after the day the existing rent became payable by the tenant.
- (4) Subject to an order of a tribunal, the increased rent is payable from the day stated in the notice, and this agreement is taken to be amended accordingly.
- (5) However, the increased rent is payable by the tenant only if -
 - (a) the rent is increased in compliance with this clause; and
 - (b) the increased rent is not payable before the end of the minimum period before the rent may be increased under section 93; and
 - (c) the increase in rent does not relate to -
 - (i) compliance of the premises or inclusions with the prescribed minimum housing standards; or
 - (ii) keeping a pet or working dog at the premises.
- (6) Also, if this agreement is a fixed term agreement, the rent may not be increased before the term ends unless -
 - (a) this agreement provides for the rent increase; and
 - (b) this agreement states the amount of the increase or how the amount of the increase is to be worked out; and
 - (c) the increase is made in compliance with the matters mentioned in paragraph (b).

11 Application to tribunal about excessive increase - s 92

- (1) After the lessor gives the tenant notice of a proposed rent increase, the tenant may apply to the tribunal for an order setting aside or reducing the increase if the tenant believes the increase -
 - (a) is excessive; or
 - (b) is not payable under clause 10.
- (2) However, the application must be made -
 - (a) within 30 days after the notice is received; and
 - (b) for a fixed term agreement - before the term ends.

12 Rent decreases - s 94

Under section 94, the rent may decrease in certain situations.

Note - For details of the situations, see the information statement.

Division 4 Rental bond

13 Rental bond required - ss 111 and 116

- (1) If a rental bond is stated in this agreement for item 11, the tenant must pay to the lessor or the lessor's agent the rental bond amount -
 - (a) if a special term requires the bond to be paid at a stated time - at the stated time; or
 - (b) if a special term requires the bond to be paid by instalments - by instalments; or
 - (c) otherwise - when the tenant signs this agreement.

Note - There is a maximum bond that may be required. See section 146 and the information statement.
- (2) The lessor or the lessor's agent must, within 10 days of receiving the bond or a part of the bond, pay it to the authority and give the authority a notice, in the approved form, about the bond.
- (3) The bond is intended to be available to financially protect the lessor if the tenant breaches this agreement.

Example - The lessor may claim against the bond if the tenant does not leave the premises in the required condition at the end of the tenancy.

Note - For how to apply to the authority or a tribunal for the bond at the end of the tenancy, see the information statement and sections 125 to 141. Delay in applying may mean that payment is made on another application for payment.

14 Increase in bond - s 154

- (1) The tenant must increase the rental bond if -
 - (a) the rent increases and the lessor gives notice to the tenant to increase the bond; and
 - (b) the notice is given at least 11 months after -
 - (i) this agreement started; or
 - (ii) if the bond has been increased previously by a notice given under this clause - the day stated in the notice, or the last notice, for making the increase.
- (2) The notice must state the increased amount and the day by which the increase must be made.
- (3) For subclause (2), the day must be at least 1 month after the tenant is given the notice.

Division 5 Outgoings

15 Outgoings - s 163

- (1) The lessor must pay all charges, levies, premiums, rates or taxes for the premises, other than a service charge.
Examples -
body corporate levies, council general rates, sewerage charges, environment levies, land tax
- (2) This clause does not apply if -
 - (a) the lessor is the State; and
 - (b) rent is not payable under the agreement; and
 - (c) the tenant is an entity receiving financial or other assistance from the State to supply rented accommodation to persons.

16 General service charges - ss 164 and 165

The tenant must pay a service charge, other than a water service charge, for a service supplied to the premises during the tenancy if -

- (a) the tenant enjoys or shares the benefit of the service; and
- (b) the service is stated in this agreement for item 12.1; and
- (c) either -
 - (i) the premises are individually metered for the service; or
 - (ii) this agreement states for item 13 how the tenant's apportionment of the cost of the service is to be worked out; and
- (d) this agreement states for item 14 how the tenant must pay for the service.

Note - Section 165(3) limits the amount the tenant must pay.

17 Water service charges – ss 164 and 166

- (1) The tenant must pay an amount for the water consumption charges for the premises if –
 - (a) the tenant is enjoying or sharing the benefit of a water service to the premises; and
 - (b) the premises are individually metered for the supply of water or water is supplied to the premises by delivery by means of a vehicle; and
 - (c) this agreement states for item 12.2 that the tenant must pay for water supplied to the premises.

Note – A water consumption charge does not include the amount of a water service charge that is a fixed charge for the water service.

- (2) However, the tenant does not have to pay an amount –
 - (a) that is more than the amount of the water consumption charges payable to the relevant water supplier; or
 - (b) that is a fixed charge for the water service to the premises.
- (3) Also, the tenant does not have to pay an amount for a reasonable quantity of water supplied to the premises for a period if, during the period, the premises are not water efficient for section 166.
- (4) In deciding what is a reasonable quantity of water for subclause (3), regard must be had to the matters mentioned in section 169(4)(a) to (e).
- (5) The tenant must pay the amount of the charge to the lessor within 1 month of the lessor giving the tenant copies of relevant documents about the incurring of the amount.
- (6) In this clause –

water consumption charge, for premises, means the variable part of a water service charge assessed on the volume of water supplied to the premises.

Note – If there is a dispute about how much water (or any other service charge) the tenant should pay, the lessor or the tenant may attempt to resolve the dispute by conciliation. See the information statement for details.

Division 6 Rights and obligations concerning the premises during tenancy

Subdivision 1 Occupation and use of premises

18 No legal impediments to occupation – s 181

The lessor must ensure there is no legal impediment to occupation of the premises by the tenant as a residence for the term of the tenancy if, when entering into this agreement, the lessor knew about the impediment or ought reasonably to have known about it.

Examples of possible legal impediments –

- if there is a mortgage over the premises, the lessor might need to obtain approval from the mortgagee before the tenancy can start
- a certificate might be required under the *Building Act 1975* before the premises can lawfully be occupied
- the zoning of the land might prevent use of a building on the land as a residence

19 Vacant possession and quiet enjoyment – ss 182 and 183

- (1) The lessor must ensure the tenant has vacant possession of the premises (other than a part of the premises that the tenant does not have a right to occupy exclusively) on the day the tenant is entitled to occupy the premises under this agreement.

Editor's note – Parts of the premises where the tenant does not have a right to occupy exclusively may be identified in a special term.

- (2) The lessor must take reasonable steps to ensure the tenant has quiet enjoyment of the premises.
- (3) The lessor or the lessor's agent must not interfere with the reasonable peace, comfort or privacy of the tenant in using the premises.

20 Lessor's right to enter the premises – ss 192–199

The lessor or the lessor's agent may enter the premises during the tenancy only if the obligations under sections 192 to 199 have been complied with.

Note – See the information statement for details.

21 Tenant's use of premises – ss 10 and 184

- (1) The tenant may use the premises only as a place of residence or mainly as a place of residence or for another use allowed under a special term.
- (2) The tenant must not –
 - (a) use the premises for an illegal purpose; or
 - (b) cause a nuisance by the use of the premises; or

Examples of things that may constitute a nuisance –

 - using paints or chemicals on the premises that go onto or cause odours on adjoining land
 - causing loud noises
 - allowing large amounts of water to escape onto adjoining land
- (c) interfere with the reasonable peace, comfort or privacy of a neighbour of the tenant; or
- (d) allow another person on the premises to interfere with the reasonable peace, comfort or privacy of a neighbour of the tenant.

22 Units and townhouses – s 69

- (1) The lessor must give the tenant a copy of any body corporate by-laws applicable to –
 - (a) the occupation of the premises; or
 - (b) any common area available for use by the tenant with the premises.
- (2) The tenant must comply with the body corporate by-laws.
- (3) Subclause (1) does not apply if –
 - (a) this agreement has the effect of continuing the tenant's right to occupy the premises under an earlier residential tenancy agreement; and
 - (b) the lessor gave the tenant a copy of the body corporate by-laws in relation to the earlier agreement.

23 Number of occupants allowed

No more than the number of persons stated in this agreement for item 15 may reside at the premises.

24 – intentionally removed

Subdivision 2 Standard of premises

25 Lessor's obligations – s 185

- (1) At the start of the tenancy, the lessor must ensure –
 - (a) the premises are clean; and
 - (b) the premises are fit for the tenant to live in; and
 - (c) the premises are in good repair; and
 - (d) the lessor is not in breach of a law dealing with issues about the health or safety of persons using or entering the premises.
 - (e) the premises and inclusions otherwise comply with any prescribed minimum housing standards applying to the premises or inclusions.
- (2) While the tenancy continues, the lessor must –
 - (a) maintain the premises in a way that the premises remain fit for the tenant to live in; and
 - (b) maintain the premises in good repair; and
 - (c) ensure the lessor is not in breach of a law dealing with issues about the health or safety of persons using or entering the premises; and
 - (d) keep any common area included in the premises clean.
 - (e) ensure the premises and inclusions otherwise comply with any prescribed minimum housing standards applying to the premises or inclusions.

Note – For details about the maintenance, see the information statement.

- (3) However, the lessor is not required to comply with subclause (1)(c) or (2)(a) for any non-standard items and the lessor is not responsible for their maintenance if –
- the lessor is the State; and
 - the non-standard items are stated in this agreement and this agreement states the lessor is not responsible for their maintenance; and
 - the non-standard items are not necessary and reasonable to make the premises a fit place in which to live; and
 - the non-standard items are not a risk to health or safety; and
 - for fixtures – the fixtures were not attached to the premises by the lessor.
- (4) In this clause –
non-standard items means the fixtures attached to the premises and inclusions supplied with the premises stated in this agreement for item 5.2.
premises include any common area available for use by the tenant with the premises.

26 Tenant's obligations generally – s188(2), (3) and (5)

- The tenant must keep the premises clean, having regard to their condition at the start of the tenancy.
- The tenant must not maliciously damage, or allow someone else to maliciously damage, the premises.
- The tenant's obligations under this clause do not apply to the extent the obligations would have the effect of requiring the tenant to repair, or compensate the lessor for, damage to the premises or inclusions caused by an act of domestic violence experienced by the tenant.

Subdivision 3 The dwelling

27 Fixtures or structural changes – ss 207–209

- (1) The tenant may attach a fixture, or make a structural change, to the premises only if the lessor agrees to the fixture's attachment or the structural change.

Note – Fixtures are generally items permanently attached to land or to a building that are intended to become part of the land or building. An attachment may include, for example, something glued, nailed or screwed to a wall.

- (2) The lessor's agreement must be written, describe the nature of the fixture or change and include any terms of the agreement.
Examples of terms –
- that the tenant may remove the fixture
 - that the tenant must repair damage caused when removing the fixture
 - that the lessor must pay for the fixture if the tenant can not remove it
- (3) If the lessor does agree, the tenant must comply with the terms of the lessor's agreement.
- (4) The lessor must not act unreasonably in failing to agree.
- (5) If the tenant attaches a fixture, or makes a structural change, to the premises without the lessor's agreement, the lessor may –
- take action for a breach of a term of this agreement; or
 - waive the breach (that is, not take action for the breach) and treat the fixture or change as an improvement to the premises for the lessor's benefit (that is, treat it as belonging to the lessor, without having to pay the tenant for it).

28 Supply of locks and keys – s 210

- The lessor must supply and maintain all locks necessary to ensure the premises are reasonably secure.
- The lessor must give the tenant, or if there is more than 1 tenant, 1 of the tenants, a key for each lock that –
 - secures an entry to the premises; or
 - secures a road or other place normally used to gain access to, or leave, the area or building in which the premises are situated; or
 - is part of the premises.

- (3) If there is more than 1 tenant, the lessor must give the other tenants a key for the locks mentioned in subclause (2)(a) and (b).

29 Changing locks – ss 211 and 212

- The lessor or tenant may change a lock at the premises only if –
 - the other party to this agreement agrees to the change; or
 - the lessor or tenant has a reasonable excuse for making the change; or
 - the lessor or tenant believes the change is necessary because of an emergency; or
 - the lock is changed to comply with an order of the tribunal.
- However, the tenant may also change a lock at the premises if the tenant –
 - believes the change is necessary to protect the tenant or another occupant of the premises from domestic violence; and
 - engages a locksmith or other qualified tradesperson to change the lock.
- The lessor or tenant must not act unreasonably in failing to agree to the change of a lock.
- If the lessor or tenant changes a lock, the lessor or tenant must give the other party to this agreement a key for the changed lock, unless –
 - the other party agrees to not being given the key; or
 - a tribunal orders that the key not be given to the other party.
- If the tenant changes a lock under subclause (2) and gives the lessor a key for the changed lock, the lessor must not give the key to any other person without the tenant's agreement or a reasonable excuse.
- The right of the lessor or tenant to change a lock under this clause is subject to any of the following laws that apply to the premises –
 - the *Body Corporate and Community Management Act 1997*;
 - the *Building Units and Group Titles Act 1980*;
 - a body corporate by-law.

Subdivision 4 Damage and repairs

30 Meaning of emergency and routine repairs – ss 214 and 215

- (1) *Emergency repairs* are works needed to repair any of the following –
- a burst water service or serious water service leak;
 - a blocked or broken lavatory system;
 - a serious roof leak;
 - a gas leak;
 - a dangerous electrical fault;
 - flooding or serious flood damage;
 - serious storm, fire or impact damage;
 - a failure or breakdown of the gas, electricity or water supply to the premises;
 - a failure or breakdown of an essential service or appliance on the premises for hot water, cooking or heating;
 - a fault or damage that makes the premises unsafe or insecure;
 - a fault or damage likely to injure a person, damage property or unduly inconvenience a resident of the premises;
 - a serious fault in a staircase, lift or other common area of the premises that unduly inconveniences a resident in gaining access to, or using, the premises.
- (2) Also, *emergency repairs* are works needed for the premises or inclusions to comply with the prescribed minimum housing standards.
- (3) *Routine repairs* are repairs other than emergency repairs.

31 Nominated repairer for emergency repairs – s 216

- (1) The lessor's nominated repairer for emergency repairs of a particular type must be stated either –
 - (a) in this agreement for item 18; or
 - (b) in a written notice given by the lessor to the tenant.
- (2) Item 18 or the written notice must state –
 - (a) the name and telephone number of the nominated repairer; and
 - (b) whether or not the nominated repairer is the tenant's first point of contact for notifying of the need for emergency repairs.
- (3) The lessor must give written notice to the tenant of any change of the lessor's nominated repairer or the telephone number of the nominated repairer.
- (4) This clause does not apply if –
 - (a) the lessor has given the tenant a telephone number of the lessor; and
 - (b) under this agreement the lessor is to arrange for emergency repairs to be made to the premises or inclusions.

32 Notice of damage – s 217

- (1) If the tenant knows the premises have been damaged, the tenant must give notice as soon as practicable of the damage.
- (2) If the premises need routine repairs, the notice must be given to the lessor.
- (3) If the premises need emergency repairs, the notice must be given to –
 - (a) the nominated repairer for the repairs; or
 - (b) if there is no nominated repairer for the repairs or the repairer can not be contacted – the lessor.
- (4) This clause does not apply to the tenant for damage caused by an act of domestic violence experienced by the tenant.

33 Emergency repairs arranged by tenant – ss 218 and 219

- (1) The tenant may arrange for a suitably qualified person to make emergency repairs or apply to the tribunal under section 221 for orders about the repairs if –
 - (a) the tenant has been unable to notify the lessor or nominated repairer of the need for emergency repairs of the premises; or
 - (b) the repairs are not made within a reasonable time after notice is given.
- (2) The maximum amount that may be incurred for emergency repairs arranged to be made by the tenant is an amount equal to the amount payable under this agreement for 4 weeks rent.
Note - For how the tenant may require reimbursement for the repairs, see sections 219(2) and (3) and 220 and the information statement.

Subdivision 5 Pets

33A Keeping pets and other animals at premises – ss 184B and 184G

- (1) The tenant may keep a pet or other animal at the premises only with the approval of the lessor.
- (2) However, the tenant may keep a working dog at the premises without the lessor's approval.
- (3) The tenant has the approval of the lessor to keep a pet at the premises if keeping the pet at the premises is consistent with item 17.

Notes –

- 1 If item 17 states 2 cats, the tenant is approved by the lessor to keep up to 2 cats at the premises.
- 2 For additional approvals to keep a pet or other animal at the premises see clause 33C.

- (4) An authorisation to keep the pet or working dog at the premises continues for the life of the pet or working dog and is not affected by any of the following matters –
 - (a) the ending of this agreement, if the tenant continues occupying the premises under a new agreement;
 - (b) a change in the lessor or lessor's agent;
 - (c) for a working dog – the retirement of the dog from the service the dog provided as a working dog.
- (5) An authorisation to keep a pet, working dog or other animal at the premises may be restricted by a body corporate by-law or other law about keeping animals at the premises.

Examples –

- 1 The premises may be subject to a local law that limits the number or types of animals that may be kept at the premises.
- 2 The premises may be subject to a body corporate by-law that requires the tenant to obtain approval from the body corporate before keeping a pet at the premises.

33B Tenant responsible for pets and other animals – s 184C

- (1) The tenant is responsible for all nuisance caused by a pet or other animal kept at the premises, including, for example, noise caused by the pet or other animal.
- (2) The tenant is responsible for repairing any damage to the premises or inclusions caused by the pet or other animal.
- (3) Damage to the premises or inclusions caused by the pet or other animal is not fair wear and tear.

33C Request for approval to keep pet – ss 184D and 184E

- (1) The tenant may, using the approved form, request the lessor's approval to keep a stated pet at the premises.
- (2) The lessor must respond to the tenant's request within 14 days after receiving the request.
- (3) The lessor's response to the request must be in writing and state –
 - (a) whether the lessor approves or refuses the tenant's request; and
 - (b) if the lessor approves the tenant's request subject to conditions – the conditions of the approval; and
Note – See clause 33D for limitations on conditions of approval to keep a pet at the premises.
 - (c) if the lessor refuses the tenant's request –
 - (i) the grounds for the refusal; and
 - (ii) the reasons the lessor believes the grounds for the refusal apply to the request.
- (4) The lessor may refuse the request for approval to keep a pet at the premises only on 1 or more of the following grounds –
 - (a) keeping the pet would exceed a reasonable number of animals being kept at the premises;
 - (b) the premises are unsuitable for keeping the pet because of a lack of appropriate fencing, open space or another thing necessary to humanely accommodate the pet;
 - (c) keeping the pet is likely to cause damage to the premises or inclusions that could not practicably be repaired for a cost that is less than the amount of the rental bond for the premises;
 - (d) keeping the pet would pose an unacceptable risk to the health and safety of a person, including, for example, because the pet is venomous;
 - (e) keeping the pet would contravene a law;
 - (f) keeping the pet would contravene a body corporate by-law applying to the premises;
 - (g) if the lessor proposed reasonable conditions for approval and the conditions comply with clause 33D – the tenant has not agreed to the conditions;

- (h) the animal stated in the request is not a pet as defined in section 184A;
 - (i) another ground prescribed by a regulation under section 184E(1)(j).
- (5) The lessor is taken to approve the keeping of the pet at the premises if -
- (a) the lessor does not comply with subclause (2); or
 - (b) the lessor's response does not comply with subclause (3).

33D Conditions for approval to keep pet at premises - s 184F

- (1) The lessor's approval to keep a pet at the premises may be subject to conditions if the conditions -
 - (a) relate only to keeping the pet at the premises; and
 - (b) are reasonable having regard to the type of pet and the nature of the premises; and
 - (c) are stated in the written approval given to the tenant in a way that is consistent with clause 33C(3).
- (2) Without limiting subclause (1)(b), the following conditions of the lessor's approval are taken to be reasonable -
 - (a) if the pet is not a type of pet ordinarily kept inside - a condition requiring the pet to be kept outside at the premises;
 - (b) if the pet is capable of carrying parasites that could infest the premises - a condition requiring the premises to be professionally fumigated at the end of the tenancy;
 - (c) if the pet is allowed inside the premises - a condition requiring carpets in the premises to be professionally cleaned at the end of the tenancy.
- (3) A condition of the lessor's approval to keep a pet at the premises is void if the condition -
 - (a) would have the effect of the lessor contravening section 171 or 172; or
 - (b) would, as a term of this agreement, be void under section 173; or
 - (c) would increase the rent or rental bond payable by the tenant; or
 - (d) would require any form of security from the tenant.
- (4) For subclause (2), the premises are professionally fumigated, and carpets are professionally cleaned, if the fumigation and cleaning are done to a standard ordinarily achieved by businesses selling those services.

Division 7 Restrictions on transfer or subletting by tenant

34 General - ss 238 and 240

- (1) Subject to clause 35, the tenant may transfer all or a part of the tenant's interest under this agreement, or sublet the premises, only if the lessor agrees in writing or if the transfer or subletting is made under a tribunal order.
- (2) The lessor must act reasonably in failing to agree to the transfer or subletting.
- (3) The lessor is taken to act unreasonably in failing to agree to the transfer or subletting if the lessor acts in a capricious or retaliatory way.
- (4) The lessor or the lessor's agent must not require the tenant to pay, or accept from the tenant, an amount for the lessor's agreement to a transfer or subletting by the tenant, other than an amount for the reasonable expenses incurred by the lessor in agreeing to the transfer or subletting.

35 State assisted lessors or employees of lessor - s 237

- (1) This clause applies if -
 - (a) the lessor is the State; or
 - (b) the lessor is an entity receiving assistance from the State to supply rented accommodation; or
 - (c) the tenant's right to occupy the premises comes from the tenant's terms of employment.
- (2) The tenant may transfer the whole or part of the tenant's interest under this agreement, or sublet the premises, only if the lessor agrees in writing to the transfer or subletting.

Division 8 When agreement ends

36 Ending of agreement - s 277

- (1) This agreement ends only if -
 - (a) the lessor and tenant agree, in a separate written document, to end this agreement; or
 - (b) the lessor gives a notice to leave premises to the tenant under section 326 and the tenant hands over vacant possession of the premises to the lessor on or after the handover day; or
 - (c) the tenant gives a notice of intention to leave premises to the lessor under section 327 and hands over vacant possession of the premises to the lessor on or after the handover day; or
 - (d) the tenant vacates, or is removed from, the premises after receiving a notice from a mortgagee or appointed person under section 317; or
 - (e) the tenant abandons the premises and the period for which the tenant paid rent has ended; or
 - (f) the tribunal makes an order terminating this agreement.
- (2) Also, this agreement ends for a sole tenant if -
 - (a) the tenant gives the lessor a notice ending tenancy interest and hands over vacant possession of the premises; or
 - Note - See chapter 5, part 1, division 3, subdivision 2A of the Act for the obligations of the lessor and tenant relating to a notice ending tenancy interest.*
 - (b) the tenant dies.
 - Note - See section 324A for when this agreement ends if a sole tenant dies.*

37 Condition premises must be left in - s 188(4) and (5)

- (1) At the end of the tenancy, the tenant must leave the premises, as far as possible, in the same condition they were in at the start of the tenancy, fair wear and tear excepted.
 - Examples of what may be fair wear and tear -*
 - wear that happens during normal use
 - changes that happen with ageing
- (2) The tenant's obligation mentioned in subclause (1) does not apply to the extent the obligation would have the effect of requiring the tenant to repair, or compensate the lessor for, damage to the premises or inclusions caused by an act of domestic violence experienced by the tenant.

38 Keys

At the end of the tenancy, the tenant must return to the lessor all keys for the premises.

39 Tenant's forwarding address - s 205(2) and (3)

- (1) When handing over possession of the premises, the tenant must, if the lessor or the lessor's agent asks the tenant in writing to state the tenant's new residential address, tell the lessor or the agent the tenant's new residential address.
- (2) However, subclause (1) does not apply if -
 - (a) the tenant has a reasonable excuse for not telling the lessor or agent the new address; or
 - (b) after experiencing domestic violence, the tenant ended this agreement, or the tenant's interest in this agreement, under chapter 5, part 1, division 3, subdivision 2A of the Act.

40 Exit condition report - s 66

- (1) As soon as practicable after this agreement ends, the tenant must prepare, in the approved form, and sign a condition report for the premises and give 1 copy of the report to the lessor or the lessor's agent.
Example of what might be as soon as practicable - when the tenant returns the keys to the premises to the lessor or the lessor's agent
Note - For the approved form for the condition report, see the information statement. The report may be very important in deciding who is entitled to a refund of the rental bond if there is a dispute about the condition of the premises.
- (2) The lessor or the lessor's agent must, within 3 business days after receiving the copy of the report -
 - (a) sign the copy; and
 - (b) if the lessor or agent does not agree with the report - show the parts of the report the lessor or agent disagrees with by marking the copy in an appropriate way; and
 - (c) if the tenant has given a forwarding address to the lessor or agent - make a copy of the report and return it to the tenant at the address.
- (3) The lessor or agent must keep a copy of the condition report signed by both parties for at least 1 year after this agreement ends.

41 Goods or documents left behind on premises - ss 363 and 364

- (1) The tenant must take all of the tenant's belongings from the premises at the end of the tenancy.
- (2) The lessor may not treat belongings left behind as the lessor's own property, but must deal with them under sections 363 and 364.
Note - For details of the lessor's obligations under sections 363 and 364, see the information statement. They may include an obligation to store goods and may allow the lessor to sell goods and pay the net sale proceeds (after storage and selling costs) to the public trustee.

Division 9 Miscellaneous

42 Supply of goods and services - s 171

- (1) The lessor or the lessor's agent must not require the tenant to buy goods or services from the lessor or a person nominated by the lessor or agent.
- (2) Subclause (1) does not apply to -
 - (a) a requirement about a service charge; or
Note - See section 164 for what is a service charge.
 - (b) a condition of an approval to keep a pet if the condition -
 - (i) requires the carpets to be cleaned, or the premises to be fumigated, at the end of the tenancy; and
 - (ii) complies with clause 33D; and
 - (iii) does not require the tenant to buy cleaning or fumigation services from a particular person or business.

43 Lessor's agent

- (1) The name and address for service of the lessor's agent is stated in this agreement for item 3.
- (2) Unless a special term provides otherwise, the agent may -
 - (a) stand in the lessor's place in any application to a tribunal by the lessor or the tenant; or
 - (b) do any thing else the lessor may do, or is required to do, under this agreement.

44 Notices

- (1) A notice under this agreement must be written and, if there is an approved form for the notice, in the approved form.
Note - Download approved forms via the RTA website rta.qld.gov.au.
- (2) A notice from the tenant to the lessor may be given to the lessor's agent.
- (3) A notice may be given to a party to this agreement or the lessor's agent -
 - (a) by giving it to the party or agent personally; or
 - (b) if an address for service for the party or agent is stated in this agreement for item 1, 2 or 3 - by leaving it at the address, sending it by prepaid post as a letter to the address; or
 - (c) if a facsimile number for the party or agent is stated in this agreement for item 1, 2 or 3 and item 4 indicates that a notice may be given by facsimile - by sending it by facsimile to the facsimile number in accordance with the *Electronic Transactions (Queensland) Act 2001*; or
 - (d) if an email address for the party or agent is stated in this agreement for item 1, 2 or 3 and item 4 indicates that a notice may be given by email - by sending it electronically to the email address in accordance with the *Electronic Transactions (Queensland) Act 2001*.
- (4) A party or the lessor's agent may withdraw his or her consent to notices being given to them by facsimile or email only by giving notice to each other party that notices are no longer to be given to the party or agent by facsimile or email.
- (5) If no address for service is stated in this agreement for item 2 for the tenant, the tenant's address for service is taken to be the address of the premises.
- (6) A party or the lessor's agent may change his or her address for service, facsimile number or email address only by giving notice to each other party of a new address for service, facsimile number or email address.
- (7) On the giving of a notice of a new address for service, facsimile number or email address for a party or the lessor's agent, the address for service, facsimile number or email address stated in the notice is taken to be the party's or agent's address for service, facsimile number or email address stated in this agreement for item 1, 2 or 3.
- (8) Unless the contrary is proved -
 - (a) a notice left at an address for service is taken to have been received by the party to whom the address relates when the notice was left at the address; and
 - (b) a notice sent by post is taken to have been received by the person to whom it was addressed when it would have been delivered in the ordinary course of post; and
 - (c) a notice sent by facsimile is taken to have been received at the place where the facsimile was sent when the sender's facsimile machine produces a transmission report indicating all pages of the notice have been successfully sent; and
 - (d) a notice sent by email is taken to have been received by the recipient when the email enters the recipient's email server.

Part 3 Special terms Insert any special terms here and/or attach a separate list if required. See clause 2(3) to 2(5)

Council is happy to maintain base building systems ie the AC, fire portables & fire hose reel, emergency lighting, electrical board (and RCD if present) and any other core systems and that the cleaning & pest servicing covers the bathrooms & kitchen area.

DSDSATSIP are able to use the shared conference room.

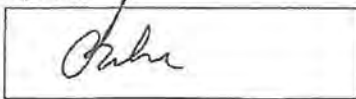
The tenant/s must receive a copy of the information statement (Form 17a) and a copy of any applicable by-laws if copies have not previously been given to the tenant/s. Do not send to the RTA—give this form to the tenant/s, keep a copy for your records.

Signature of lessor/agent

Name/trading name

CHATUR ZALA (CHIEF EXECUTIVE OFFICER)

Signature



Date 16/08/2023

Signature of tenant 1

Print name

NARINDER SINGH (CFO)

Signature



Date 24/8/23

Signature of tenant 2

Print name

Signature

Date

Signature of tenant 3

Print name

Signature

Date

B C E F

 Extinguish and control the fire (if safe to do so).

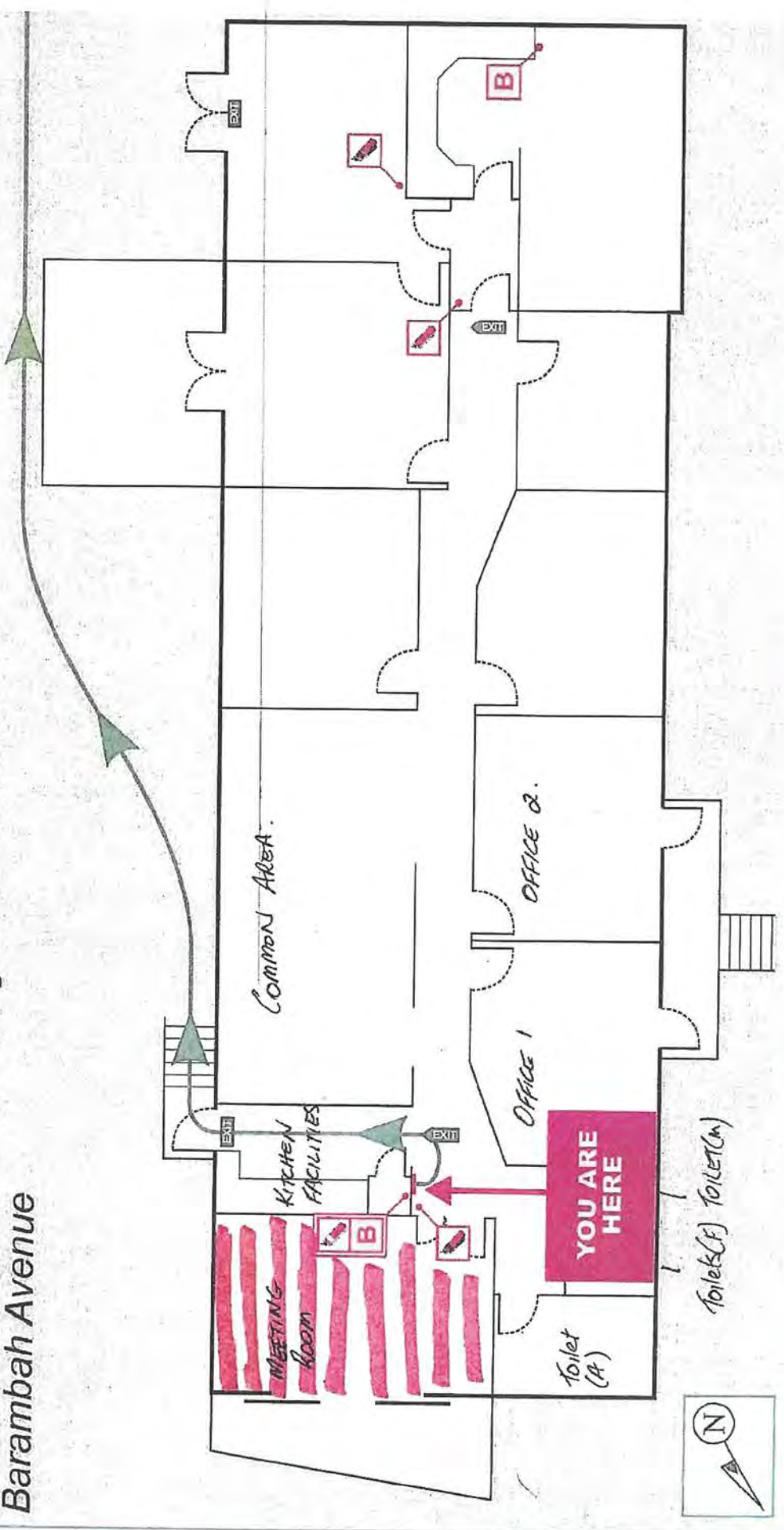
 **concept safety systems**








Ph: 1300 738 461 www.conceptsafety.com.au

- trapped in the building.
- Do not leave the assembly area until the Chief Warden gives the "all-clear".
- If any injuries are sustained, notify a Warden.

Cherbourg Community Health Centre

Barambah Avenue



 HOSE REEL
  EXTINGUISHER
  HYDRANT
  FIRE BLANKET
  MANUAL CALL POINT
  FIRE INDICATOR PANEL
  WARDENS INTERCOMMUNICATION POI

4. Corporate Services

Corporate Services Manager
April 2024



HR

HR has submitted her report to Council.

New HR has signed her contract of employment with Council. She is from the South Burnett area, Nanango and will be officially starting with us on the 1/5/2024. Ms Jackie Roberts was the successful applicant and followed up her interview, with a visit to community to see our operations. The whole process was, accountable, professional, and enjoyable.

A traineeship for the reception area has been mentioned to our current HR advisor. That position will be advertised shortly.

We also have a housing position, that will be put out to community to apply for. The role is specific for cultural and safety reasons. This person will need to be located way from our Admin building, as we are limited for space. Arrangements have been sought to define this role as well, within the Housing team.

Housing

Housing team have submitted their report to Council.

Housing team are working on refining current data like the waiting lists for better administrative and operational purposes. We have started the year with (2) lists to follow, Emergency Waiting List. The other is our General Waiting List.

I met with our Housing and Finance teams, 15/04/2024 to discuss a process for writing off debt (namely rental debt). That could/should include evictions in that process as well. It is a work in progress now but there are factors that affect both CASC Finance and CASC Housing. These issues need to be worked out or incorporated, to give Council a clearer process to follow and a better policy to adopt. At the moment, this is a mine field. Sadly, it's been carried over for so, so long.

Reception

Reception staff have been involved in minor financial processes like raising work orders, under supervision. We will have a trainee shortly that will fit the need at reception nicely. Timesheets have also been handled by our team to help with the rush on paydays. This is a big help and a skill that adds value to our overall operations.

Further training will be scheduled for the Housing staff and reception will be included in that. Dealing with difficult people will be something that would benefit both, and we'll start this training when the course is available next.

Finance

Finance Manager is diligently working on Budget Checklist items. CASC assets have been assessed and updated as well. Here is a short list of the work the finance team have been working on –

- Implemented internal audit recommendations – grant management.
- FY 2024-25 budget and long-term financial forecasting
- Assets desktop valuation of all assets class
- Preparing for interim financial audit that will begin from 20th May.
- Working together with C & ED Manager, on Assets Management Planning for Building
- 6 years data for aged debtors to determine the write off balance. *This work has only just begun but will give a better indication of our finances if Council decides to clear the debt off our books.*

Meetings

HR Interviews 13/03/2024

CASC Corporate Services Meeting 27/03/2024

Finance and Housing Meeting 15/4/2024

Other

New software is being prepared for EOFY readiness and this will be a great step forward for Council operations. We're "clearing the deck" so to say in readiness for this much needed upgrade.

Accumulated debt will be one of the very issues we'd like to focus on and proactivity in this area would benefit the capacity building that has taken place in recent years.

It will be a real game changer for CASC as the new software will also bring new skills, better security and scrutiny, and a significant increase in technology.

Lastly, Mrs Jo Simpson had nominated for my role for the (2) weeks while away on annual leave. She was the only one to nominate, CEO had no issue. From all reports she did an admiral job and the team got behind her in the same manner they do with me.

Thank You

Sam Murray | Corporate Services Manager | CASC

HR Report # 4 – May 2024



Human Resources

Executive Summary

1. Dashboard

Pay Period 5 - (TOTAL 130 staff)

(this does not include mayor and councilor's)

Fulltime 63

Part-time 27

Casual 37

Apprentices 3

Employees's

5 Years of Service =

10 Years of Service =

20 years of Service =

20+ Years of Service =

2. Industrial Relations news

September 2023 Award Changes will be presented as an in-service training to all employees on the 24th May at the "Shop" – 9am. Information on the new award rates and allowances.

3. Recruitment – Positions

A new HR Advisor has been appointed and will commence 1 May

Drain Cleaner Project has appointed 2 casual staff

Cleaner 3month contract

4. Onboarding and Recruitment

New Exit Checklist to be implemented

5. Training

Propeller training continues

Water training is nearing completion

TAFE – Re: Connection – Parks and Gardens Cert 11 and Cert 111 available for our team and other areas such as civil, We require supervisors that are competency trained.

5. Other News

EAP – Employee Assistance Program

Housing Report May 2024



HOUSING MANAGER & HOUSING OFFICER:

The month of April/May has been quite busy with the Housing Manager & Officers attending to housing enquiries, producing statements, raising rental invoices, monthly rent reconciliation for the invoices, rental checks, home visits, assisting tenants adjust their Centrelink deductions and daily interviews with clients

HOUSING MANAGER CLIENT CONTACT APRIL/MAY 24: (51)

Phone Calls	-	11
Rent Enquires	-	20
Housing Enquires	-	12
Complaints/Misc.	-	8.

HOUSING ENQUIRES FOR CLIENTS FROM OTHER AGENCIES:

- NDIS - Accommodation enquiry for a client.
- Public Trust - Enquiry about a client electricity account.
- CRAICCHS - Support for their clients (re accommodation).

COMPLAINTS: (3)

- 3 complaints - Noise from parties (letter done up and sent out).

MEETINGS:

Attended 2 meetings.

- 2 Housing Meeting

Antonia Jacobs
Housing Manager

Meetings/workshops

- Housing meeting
- Joint operation meeting

Service provided to tenants:

- **3** people inquiring about waiting list for housing.
- **47** Follow ups for tenants re: works.
- Assisted **20** tenants with calling QBuild.
- **6** House inspections
- **8** Delivered housing letters.
- **5** follow ups for upgrade programs.
- **10** Pest Control & delivered appointment cards.
- **1** Inspections of hall before and after hire
- **20** Follow ups for Occupational therapist
- **11** Disability Modifications on our books
- **3** Followed up on council buildings – due to damages.
- **3** Followed up for Kingaroy Joinery

Network with other services:

NDIS

Occupational Therapist

First Nation, Housing & Homelessness

Entry:

17 Bell Street

2/2 Collins Road

Exit:

39A Barber Street
17 Marshall Street

Mrs Joanne Simpson
Housing Inspection Officer
Cherbourg Aboriginal Shire Council

FINANCE MANAGER REPORT AS AT

30 April 2024



Cherbourg Aboriginal Shire Council
Operating Actual Vs Budget
FY 2023-2024

April

YTD Operating Income
Actual \$12.03M
Variance (\$1.63M) ▼ (11.9%)

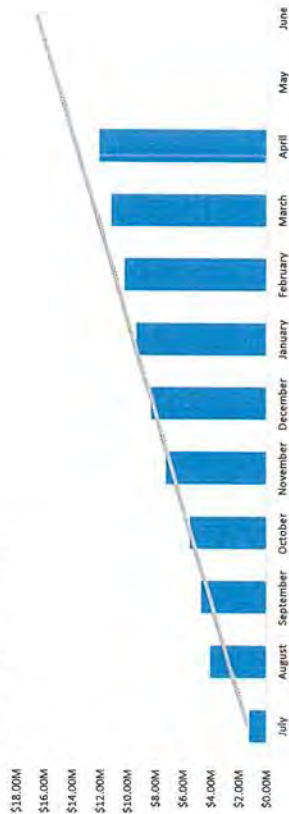
YTD Operating Expenditure
Actual \$19.33M
Variance (\$0.11M) ▲ (0.5%)



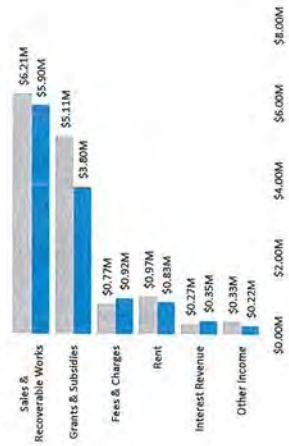
Operating Surplus Ratio
-60.69%

■ Budget ■ Actual
 ■ Positive Variance ■ Negative Variance

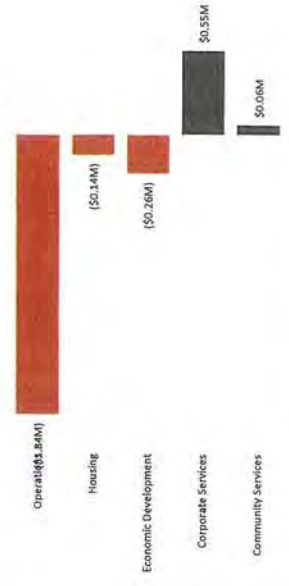
Total Income - Actual vs Budget



Income YTD



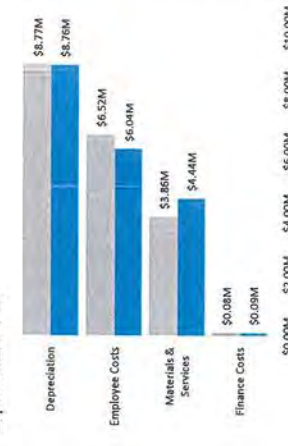
YTD Income Variance By Directorate



Total Expenditure - Actual vs Budget



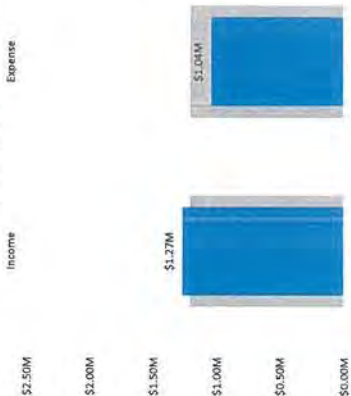
Expenditure YTD



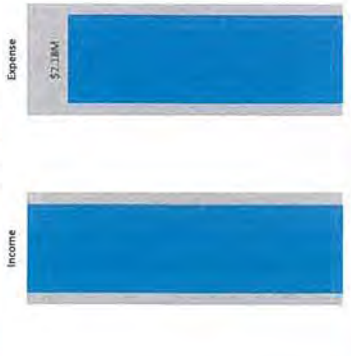
YTD Expenditure Variance By Directorate



Community Services



Corporate Services



Economic Development



Housing



Operations



Cherbourg Aboriginal Shire Council
Financial Position
FY 2023-2024

April

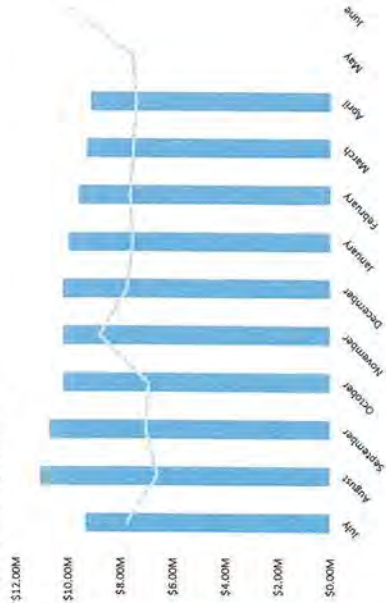
YTD Assets
 Current \$10.99M
 Non-Current \$201.03M

YTD Liabilities
 Current \$3.70M
 Non-Current \$3.88M

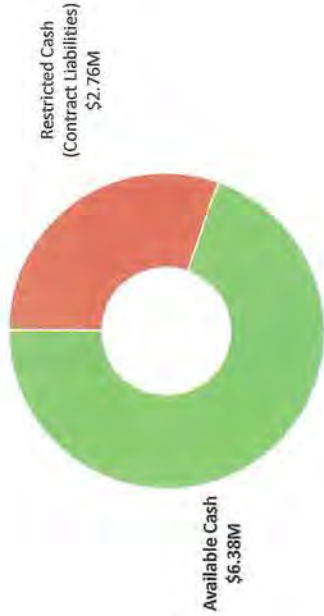
Net Financial Asset/Liability Ratio
 -28%



Cash & Cash Equivalents



Cash Balance



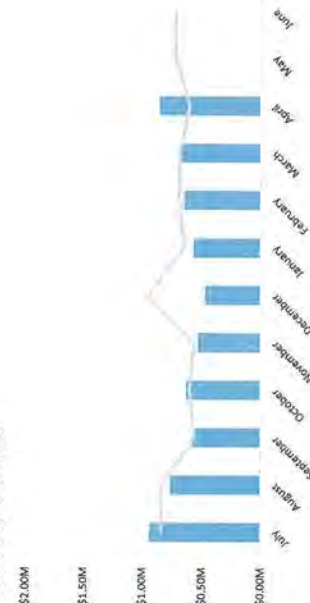
Current Assets

Cash & Cash Equivalents	\$9.14M
Contract Assets	\$0.41M
Trade & Other Receivables	\$0.85M
Inventories	\$0.46M
Biological Assets	\$0.12M
Total Current Assets	\$10.99M

Non-Current Assets

Buildings	\$35.16M
Furniture & Fittings	\$0.00M
Houses	\$120.36M
Infrastructure	\$37.43M
Land	\$1.75M
Motor Vehicles	\$0.82M
Plant & Equipment	\$4.39M
Work in Progress	\$1.13M
Total Non-Current Assets	\$201.03M

Debtors & Receivables



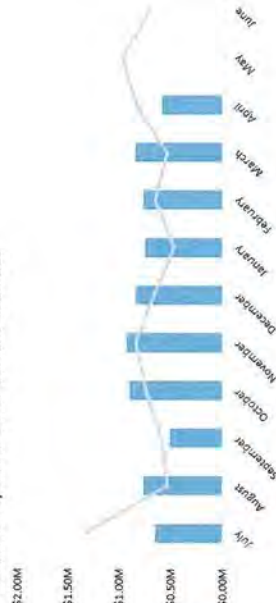
Rent Debtors



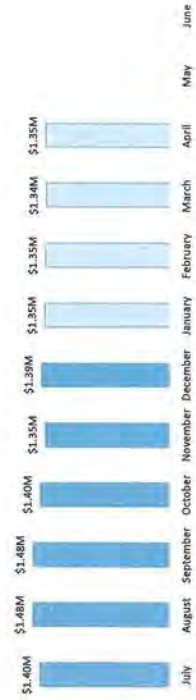
Number of Rent Debtors by Amount Owing



Accounts Payable & Other Current Liabilities



Rent Debtors > 90 Days Outstanding



Total Liabilities

Total Liabilities	\$7.58M
Equity	
Retained Surplus	\$89.52M
Asset Revaluation Surplus	\$114.92M
Total Equity	\$204.44M
Total Liabilities & Equity	\$212.02M

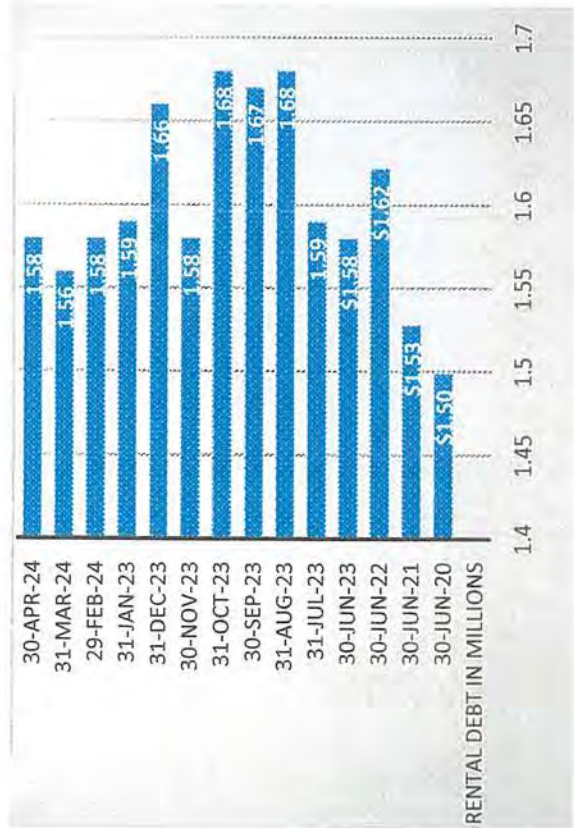
Whole Of Council

	April			Year to Date			Traffic Light	Full Year Budget	
	Actual	Budget	\$ Variance	% Variance	Actual	Budget			\$ Variance
Grants & Subsidies	\$ 79,571	\$ 511,100	\$ (431,529)	-84.43%	\$ 3,802,314	\$ 5,111,000	\$ (1,308,686)	-25.61%	🔴
Fees & Charges	\$ 1,000	\$ 77,295	\$ (76,295)	-98.71%	\$ 924,405	\$ 772,950	\$ 151,455	19.59%	🟡
Sales & Recoverable Works	\$ 546,699	\$ 621,131	\$ (74,432)	-11.98%	\$ 5,904,305	\$ 6,211,310	\$ (307,005)	-4.94%	🟢
Interest Revenue	\$ 35,293	\$ 26,667	\$ 8,626	32.35%	\$ 349,611	\$ 266,670	\$ 82,941	31.10%	🟡
Rent	\$ 166,728	\$ 96,566	\$ 70,162	72.66%	\$ 828,179	\$ 965,660	\$ (137,481)	-14.24%	🔴
Other Income	\$ 19,687	\$ 32,908	\$ (13,221)	-40.18%	\$ 220,041	\$ 329,080	\$ (109,039)	-33.13%	🔴
Total Income	\$ 848,978	\$ 1,365,667	\$ (516,689)	-37.83%	\$12,028,854	\$13,656,670	\$ (1,627,816)	-11.92%	
Employee Costs	\$ 431,383	\$ 651,873	\$ (220,490)	-33.82%	\$ 6,040,530	\$ 6,518,730	\$ (478,200)	-7.34%	🟢
Materials & Services	\$ 223,330	\$ 385,941	\$ (162,611)	-42.13%	\$ 4,442,061	\$ 3,859,410	\$ 582,651	15.10%	🔴
Depreciation	\$ 892,422	\$ 877,052	\$ 15,370	1.75%	\$ 8,757,732	\$ 8,770,520	\$ (12,788)	-0.15%	🟢
Finance Costs	\$ 639	\$ 7,520	\$ (6,881)	-91.51%	\$ 89,391	\$ 75,200	\$ 14,191	18.87%	🔴
Total Expenditure	\$ 1,547,774	\$ 1,922,386	\$ (374,612)	-19.49%	\$19,329,714	\$19,223,860	\$ 105,854	0.55%	
Net Surplus/(Deficit)	\$ (698,796)	\$ (556,719)	\$ (142,077)	25.52%	\$ (7,300,860)	\$ (5,567,190)	\$ (1,733,670)	31.14%	
									\$ 23,068,449
									\$ (6,680,462)

A

Rental Debt in Millions

30-Jun-20	\$	1.50
30-Jun-21	\$	1.53
30-Jun-22	\$	1.62
30-Jun-23	\$	1.58
31-Jul-23		1.59
31-Aug-23		1.68
30-Sep-23		1.67
31-Oct-23		1.68
30-Nov-23		1.58
31-Dec-23		1.66
31-Jan-23		1.59
29-Feb-24		1.58
31-Mar-24		1.56
30-Apr-24		1.58



Operating Statement: As at 30 April, Council has net operating deficit of \$7.30M, which is unfavourable to budget by \$ 1.73 M.

Whole Of Council

	Actual	Budget	Year to Date \$ Variance	% Variance	Traffic Light
Grants & Subsidies	\$ 3,802,314	\$ 5,111,000	\$ (1,308,686)	-25.61%	🔴
Fees & Charges	\$ 924,405	\$ 772,950	\$ 151,455	19.59%	🟡
Sales & Recoverable Works	\$ 5,904,305	\$ 6,211,310	\$ (307,005)	-4.94%	🟢
Interest Revenue	\$ 349,611	\$ 266,670	\$ 82,941	31.10%	🟡
Rent	\$ 828,179	\$ 965,660	\$ (137,481)	-14.24%	🔴
Other Income	\$ 220,041	\$ 329,080	\$ (109,039)	-33.13%	🔴
Total Income	\$ 12,028,855	\$ 13,656,670	\$ (1,627,815)	-11.92%	
Employee Costs	\$ 6,040,530	\$ 6,518,730	\$ (478,200)	-7.34%	🟢
Materials & Services	\$ 4,442,061	\$ 3,859,410	\$ 582,651	15.10%	🔴
Depreciation	\$ 8,757,732	\$ 8,770,520	\$ (12,788)	-0.15%	🟢
Finance Costs	\$ 89,391	\$ 75,200	\$ 14,191	18.87%	🔴
Total Expenditure	\$ 19,329,714	\$ 19,223,860	\$ 105,854	0.55%	
Net Surplus/(Deficit)	\$ (7,300,859)	\$ (5,567,190)	\$ (1,733,669)	31.14%	

Comments
<ul style="list-style-type: none"> •Timing issue for FAGS funding with \$1.81M variance from budget figures but offset by •SGFA paid in advance for the full year (\$345k extra to the end of April). •NIAA grants paid in advance for Radio station, sports and rec \$80K •Rapid LEO and Ration Shed arts and culture funding not Budgeted\$74K On track On track Higher interest revenue due to increase in interest rates.
<ul style="list-style-type: none"> •Timing issue with the full year rental offset already processed. Incentives income is \$87k less than budgeted and other income from the water charges for the Farm is zero for April against a budget of \$33k.
<ul style="list-style-type: none"> •Overspent on Economic and Community development is offset by underspent in Corporate services, Community Services, Housing and Operations Department. •On cost recoveries savings from WH & S/FBT/Training e.t.c of \$ 221K not budgeted •DATSIP CSP and Alcohol Management program underspent by \$100K •other underspent total \$140K : Radio station, ATSI Public Health, Cherbourg Processor, FY 2023-24 First start program & Housing
<ul style="list-style-type: none"> •Over spent on EDV, Operations and Housing Department (due to insurance paid in advance) is offset by underspent in corporate Services and community services. •Cherbourg Civic centre project (business case) re-classified as Operational expenditure : \$392K •Housing insurance paid in advance for the full year: \$77K •Q build housing R & M expenses overspent by \$82K On track Timing issue with the journal for the unwinding of the discount being processed for the whole year.

Capital Revenue : \$4.61M unfavourable to YTD Budget

Timing only difference relating to

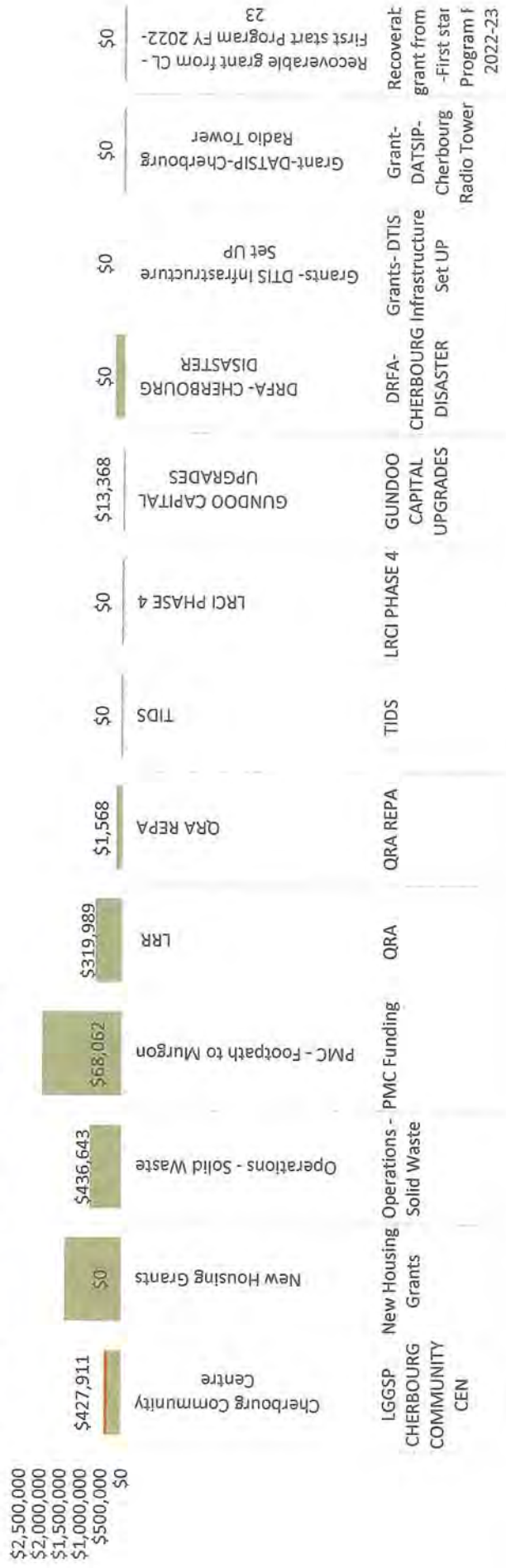
- (\$1.89M) of capital grants relating to Footpath
- (\$1.40M) of New Housing grants
- (0.39M) of QRA LRR grant
- (0.35M) of W4Q Building facilities upgrade , previously Solid Waste funding
- (0.24M) of capital grants relating to flood camera
- (\$0.16M) of QRA REPA

Row Labels	Sum of GL Bal Balance	Sum of GL Bal Mth Budget
LGSP CHERBOURG COMMUNITY CEN	427,911	356,590
Cherbourg Community Centre	427,911	356,590
New Housing Grants	0	1,401,990
New Housing Grants	0	1,401,990
Operations - Solid Waste	436,643	781,630
Operations - Solid Waste	436,643	781,630
PMC Funding	68,062	1,959,520
PMC - Footpath to Murgon	68,062	1,959,520
QRA	319,989	658,310
LRR	319,989	658,310
QRA REPA	1,568	166,290
QRA REPA	1,568	166,290
TIDS	0	55,830
TIDS	0	55,830
LRCI PHASE 4	0	52,360
LRCI PHASE 4	0	52,360
GUNDOO CAPITAL UPGRADES	13,368	31,790
GUNDOO CAPITAL UPGRADES	13,368	31,790
DRFA- CHERBOURG DISASTER	0	243,640
DRFA- CHERBOURG DISASTER	0	243,640
Grants- DTIS Infrastructure Set UP	0	10,670
Grants- DTIS Infrastructure Set UP	0	10,670
Grant-DATSIP-Cherbourg Radio Tower	0	75,750
Grant-DATSIP-Cherbourg Radio Tower	0	75,750
Recoverable grant from CL -First start Program FY 2022-23	0	79,680
Recoverable grant from CL -First start Program FY 2022-23	0	79,680
Grand Total	1,267,541	5,874,050

YTD Capital Income

Actual Variance
 \$1.27M (\$4.61M) ▼ (78.4%)

Capital Income - Actual vs Budget



Capital Works:

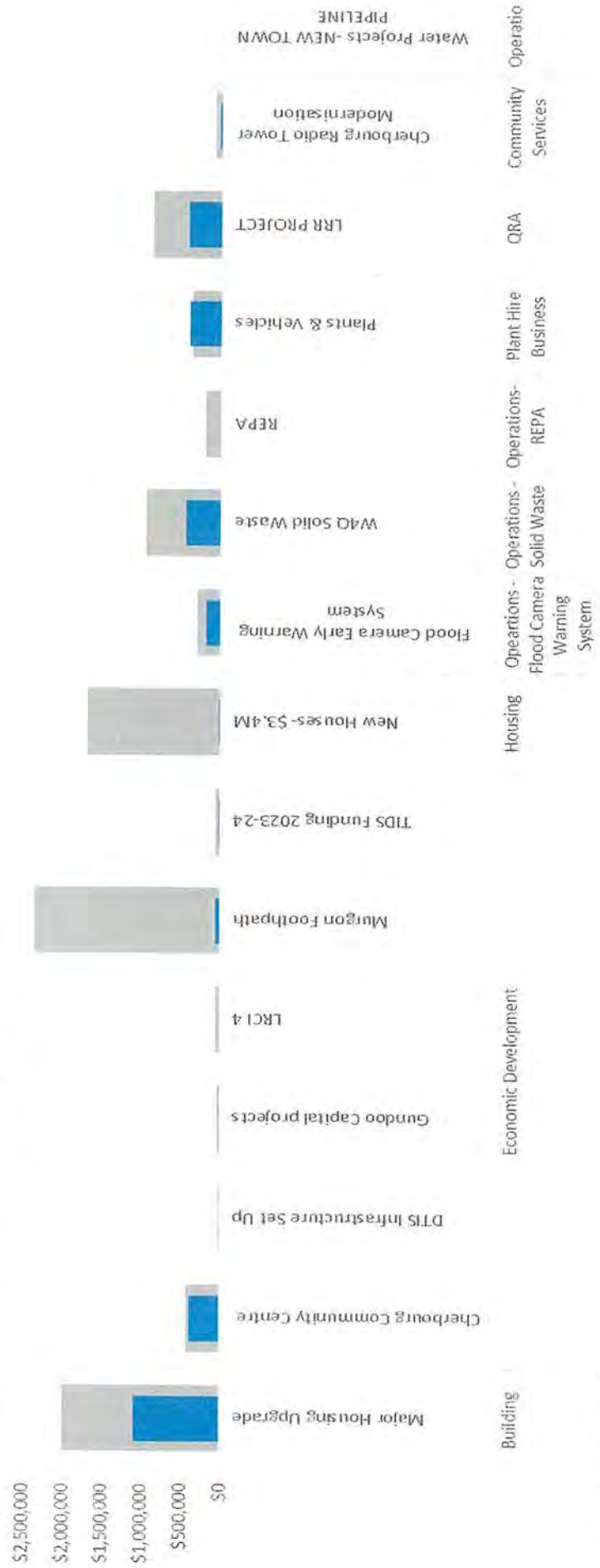
\$4.73M unfavourable to YTD Budget and a 2023/2024 FY budget of \$9.4M.

The unfavourable variance relates to:

- (\$1.89M) of capital grants relating to Footpath
- (\$1.37M) of New Housing grants
- (0.57M) of Housing Major Upgrade
- (0.34M) of W4Q Building Facilities upgrade , previously solid waste budget
- (0.30M) of QRA LRR Projects
- (0.16M) of QRA REPA Projects

Row Labels	Sum of YTD		Sum of Full Year Budget
	Actual	Budget	
Building			
Major Housing Upgrade	\$1,089,942	\$1,666,667	\$2,000,000
Economic Development			
Cherbourg Community Centre	\$1,089,942	\$1,666,667	\$2,000,000
DTIS Infrastructure Set Up	\$500,218	\$2,480,781	\$2,976,937
Gundoo Capital projects	\$392,082	\$360,347	\$432,417
LRCI 4	\$3,545	\$20,924	\$25,109
Murgon Footpath	\$13,440	\$31,793	\$38,152
TIDS Funding 2023-24	\$0	\$52,362	\$62,834
Housing			
New Houses- \$3.4M	\$68,427	\$1,959,520	\$2,351,425
Operations - Flood Camera Warning System			
Flood Camera Early Warning System	\$22,724	\$55,833	\$67,000
Operations - Solid Waste			
W4Q Solid Waste	\$24,249	\$1,401,989	\$1,682,387
Operations-REPA			
REPA	\$190,861	\$243,637	\$1,682,387
Plant Hire Business			
Plants & Vehicles	\$436,644	\$781,625	\$937,950
QRA			
LRR PROJECT	\$1,567	\$166,288	\$199,546
Community Services			
Cherbourg Radio Tower Modernization	\$399,895	\$298,218	\$357,861
Operations			
Water Projects -NEW TOWN PIPELINE	\$417,880	\$718,305	\$861,967
(blank)	\$417,880	\$718,305	\$861,967
(blank)	\$34,773	\$75,753	\$90,904
Grand Total	\$17,964	\$14,970	\$17,964
	\$17,964	\$14,970	\$17,964
	\$3,113,993	\$7,848,233	\$9,417,879

Capital Expenditure - Actual vs Budget



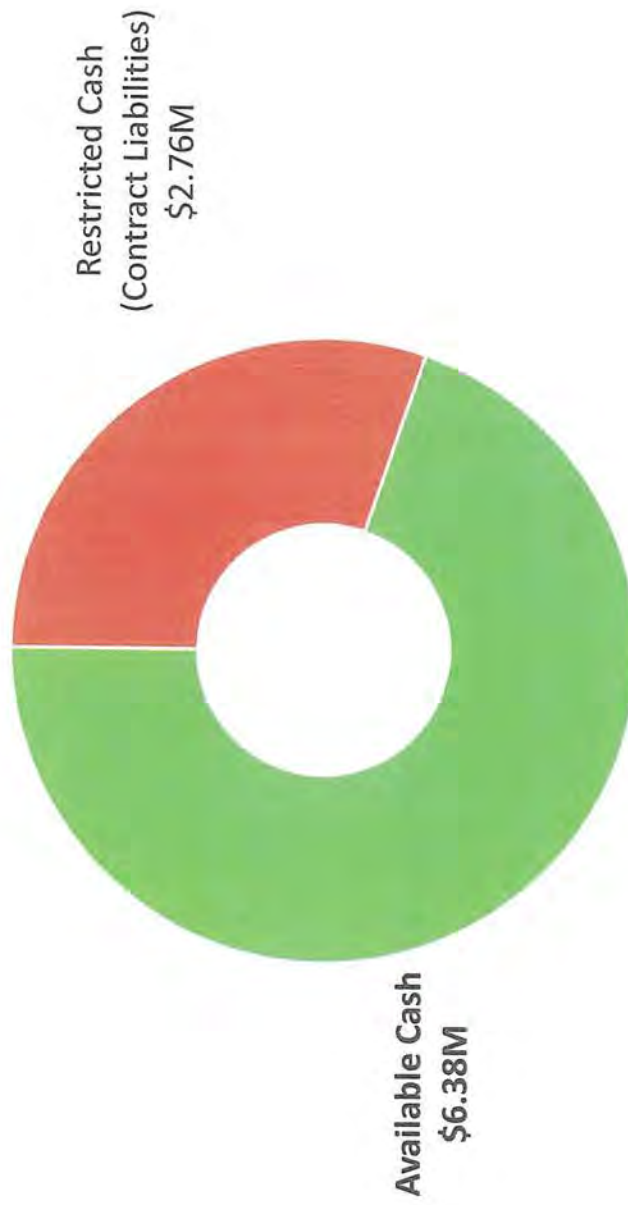
Department ▾ Project ▾

Cash and Investments:

Cash at bank as at 30 April is \$9.14 M with restricted cash component (contract liability) is \$2.76M. So, available cash balance after satisfying the performance obligations is \$6.38 M.

QTC Investment balance is \$8.39 M .Interest revenue for the March is \$35,293

Cash Balance



FY 2024-25 Budget Plan

Contents		Date
review of fees and charges schedule- CPI increase	Zala, Sam, Dol & Kayla	7th May to 10th May
Review of Commercial building rent	Zala, Sam, Dol & Kayla	7th May to 10th May
review of Fleet charges	Matt, Sebastian, Kayla , Zala & Dol	7th May to 10th May
review of on cost recovery wages & salaries	Zala, Sam & Dol	7th May to 10th May
review of procurement policy, debt policy & revenue Policy	Dol and consultant Tony	7th May to 10th May
workshop with senior managers about budget process and budget estimate	CEO and All senior managers	20-May
first draft of Operating and Capex budget	Dol	21 May to 31 May
Review of first Draft by elected official and recommendations . Workshop with Senior managers and elected official	Senior managers and Elected Official	5th June
rent increase , other possible increase in revenue sources , Salaries CPI increase e.tc.		
Second draft of budget - workshop with Senior managers and Elected official	Senior managers and Elected Official	19 th June
if no amendment finalise budget by 30 June - workshop with senior managers and elected official	Senior managers and Elected Official	21 June to 3rd July

5. Economic & Community Development

ECONOMIC & COMMUNITY DEVELOPMENT REPORT

May 2024

1. Executive Report

Sports Centre Retaining wall Replacement.



Executive Summary

Thank-you for your consideration at this difficult family time, we appreciate it. The financial year end is rapidly nearing, our budgets preparation has begun, and we are continuing to work hard on the various projects that need to be completed by EOFY.

Building Department

New Housing – 3.4M grant deed has arrived for sign off., further discussion needs to take place to reach agreement.

Preliminary earthworks commence on Tuesday 21st May. The concept plans have been reviewed by management; we recommend some alterations are made. The financial contract has been submitted by the Department of Housing Local Gov. Planning and Public Works. Final approvals are not granted from the Department yet.

The **Upgrade** program is progressing well, many projects have been completed and the final few scopes for this year's program are with Qbuild for approval, all approved projects will be completed, there will be an underspend on the program due to some scheduled works not being approved by Qbuild.

The **Responsive** program continues, we have been stretched for workers as there have been so many Council repair jobs to attend to due to the high amounts of vandalism.

Cherbourg Digital Call Centre

We have appointed 1 new staff member, they will commence this month, we are interviewing another 18 people from Community for service desk positions, the successful candidates will be inducted to a 8 to 10 week intensive training course at TAFE Qld. before they go on live calls. The business case for the new premises attached to the radio station is not finalised yet, coming soon.

Recycling – MRF + CRPs

Nanango lease is signed, we aim to open there on the 1st June. New van has arrived after a year, this will bring a significant efficiency gain to the operation.

We have written confirmation of the REFF grant 3.8M, and we are developing another project to lodge with DES for 1.8M.

AI project – presently working on a formal agreement, lots of further negotiation to bring this project into an operational position.

Cherbourg Farm

The farmers have been tasked with some fencing work; the new tractor has been delayed until next month.

General Project Information

1. Cultural Pathway – Construction is progressing, steel has arrived, bridge and handrail assembly has commenced. Project 30% complete, project completion date end July.
2. Feasibility study for service centre – 90% complete, project completion date late May 2024
3. New Community Centre business case complete – lobbying and advocacy in progress.

4. QRA projects – 70% complete.
5. Water lease project - lease has not been taken up by anyone yet.
6. Fire mitigation/tree lopping – project 100% complete.
7. Sports centre stabilisation part 1 – project 100% complete. Part 2 project scoped – delayed due to sourcing lifting equipment. 25% complete.
8. Derelict Shed Demolition – contractor appointed; project will complete by mid-June. 10%
9. Roof over water Treatment Filter Beds – contractor awarded, Design and Construct in progress (D&C) 20% complete.
10. Street Light Installation – poles are delivered. 60% complete.
11. Roof Repair on Council Building (Old Community Health Building) – quotes received, WHS compliance discussed, contract awarded, 20 % complete.
12. Town CCTV Maintenance – Contractor has come across some further issues – some cameras not enabled – a solution has been discussed – awaiting quote. Most cameras are working. 90% complete
13. Town Water intake Livestock separation – machinery ordered; Project will be done by our farm team – project will be complete by end May.
14. Road repair and carpark coating – project scoped, contractor awarded – design complete – 75% - project delay due to a shortage of concrete, will complete by the end of May.
15. Comms audit/upgrade – project scoped and discussed with contractor – will be delivered May/June.

Report by: Sean Nicholson

6. Operations Department

Operations Department Report

April 2024



By Matthew Bock, Operations Manager

9th May 2024

Matthewb@cherbourg.qld.gov.au

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Roads Parks and Gardens.....7

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Water, Sewerage.....9

Council Resolution needed10



Executive Summary

Operations department

- A water planning day was held with ARUP, SEQ water, Veolia and council to go over the issues around water and possible solutions and future partnership programs
- Matt and Jakeem attended their 2nd last water operator training block both will be qualified at the end of June
- Matt met with consultants from EVSE Australia to discuss electric vehicle charging station installations at the depot and council chambers waiting on quotes to come back
- The first vet program for 2024 was held with a good success rate of nearly 30 animals desexed
- The house at 12 Bell st that was vandalised has been demolished and the site made safe
- The Drain clearing crew has been working diligently and have nearly completed cleaning of all storm water drains (figure 1)



Figure 1 – Drain cleaning project

- Interviews were held for the Civil road and waste managers position a candidate was picked and will start next month
- One of the vehicles stolen last month has been written off and cant be repaired
- The fleet has purchased a replacement vehicle for the written off ute this vehicle will be used as a dedicated training vehicle and a booking and use policy is being developed
- More damage has been done to the river pump house they weren't able to break in but have damaged the outside

Feet Services

- 18 Jobs were completed for the month of April this included services and repair work
- 3 Vehicles and plant equipment received their annual scheduled services
- Replaced LHF window animal control ute
- Replace Dump Bobcat door glass and seal
- Replaced Brake pads, rotors and caliper on drain cleaning ute.
- RWC and registration for Sewer jetting trailer
- Repair Flood lights for call out truck for building dept.
- Replaced Fuel pump and Transmission clutch on building dept. ute
- Replaced vaporizer and coolant hoses on MRF forklift
- Delivery of new Van for Kingaroy Containers for Change
- Upkeep of mowers during heavy rain season

Environment and Waste

- Bowman Murray (AWO) and Elizabeth O'Chin (EHW) currently enrolled in CERT IV in Animal Regulation and Management
- BOIL WATER ALERT issued on 14th of November 2023 - Ongoing
- Fortnightly Catch up with DDPHU – Safe & Healthy Drinking Water Program
- Fortnightly Catch up with DDPHU – ATSI Public Health program (ATSIPHP)
- Visiting Vet – Desexing Program, 9th & 10th April 2024

Works, Roads, Parks and Gardens

- The parks and gardens crew are picking up rubbish and mowing where needed daily
- Cemetery burials and associated works

Water and Sewerage

- Only 2 open water incidents Cherbourg Aboriginal Shire Council.
- Weekly Checks on all wastewater pump station.
- Weekly jar testing (coagulant optimization) to cope with recent rain events.
- Daily flushing of all Community main water lines to ensure disinfection of town water distribution system and eliminate buildup of turbidity.
- All water operators have started color testing of the water as an additional daily requirement.

Environment and Waste

General Summary

- ⇒ Weekly management planning meetings – Operations, Workshop and Fleet Manager’ and AMW
- ⇒ Fortnightly Catch up with DDPHU – Safe & Healthy Drinking Water Program
- ⇒ Fortnightly Catch up with DDPHU – ATSI Public Health program (ATSIPHP)
- ⇒ Monthly Teams Engagement – ATSIPHP EHW & AMW Working Group

Training and Development

- EHW Attending NATSIEH Conference in Melbourne, May 13th – 16th 2024 (Website link: <https://natsieh.com.au/>).
- Bowman Murray (AWO) and Elizabeth O’Chin (EHW) currently enrolled in CERT IV in Animal Regulation and Management
 - 4th Block training, 24th – Fri 28th June 2024
- EHW Currently enrolled in a Women & Leadership, Impact Program - Ideal for Women outside formal leadership roles.
 - For more information on this program, Scan QR Code >>>



Animal Welfare

- Visiting Vet – Desexing Program, 9th & 10th April 2024, See *Figure 1 – CASC Desexing program April 2024*
 - All up there were 27 surgeries - 18 dog castrates, 6 dog speys, 2 cat castrates, 1 cat spey
 - 2 euthanasia (one surrender unsuited to rehoming and one suspect hemangiosarcoma dog)
 - 2 dogs homed via RSPCA
 - 20 Microchips implanted
 - 2 health referrals issued
- 59% of Dogs and 63% of cats in community are desexed (increased by 5% thanks to this visit!) AMRRIC's recommended desexing rates of 70-80%
- Dangerous dog register active – 2 Regulated dogs
- AMRRIC App –See *Figure 1 – AMRRIC App Data – April 2024*

AMRRIC App Data - April 2024									
	Dogs			Total Dogs	Cats			Total Cats	Total
	Female	Male	Unknown		Female	Male	Unknown		
Entire	44	102	8	154	10	8	-	18	172
Unknown	10	22	4	36	2	1	1	4	40
Desexed	142	131	-	273	20	18	-	38	311
Total by species	463				60				523

Figure 1 - AMRRIC App Data - April 2024

A

- AMW assisted with Animal Census in Woorabinda on 15th – 19th April 2024 – See *Figure 2 – Woorabinda Animal Census*



Figure 2 - Woorabinda Animal Census

Food Safety

- EHW working with DDPHU SEHO to ensure all Food Business’s licensing requirements are up to date
- Current No. of Food Business – 3, 2 – Fixed Business Licence Certificate Issued
 - Ny Ku Byun & Cherbourg Retail Store
 - Gundoo Early Learning Centre – Additional Information Required
- Food recall notices sent to food businesses – 5 Food recalls in April

Mosquito GAT Traps

- Mosquito Surveillance ongoing
- Mosquito Identification results received from DDPHU in April
 - No aedes aegypti (Dengue mosquito) was found
 - Testing and monitoring ongoing until Winter months
 - Community information and education to be provided via FB etc.
 - Advice from DDPHU to Council for removal of rain water tank at Main Council building has been approved

Waste & Recycling

- Recycling Program – *Figure 3 – CASC Recycling Program 2024*

CASC Recycling Program April 2024						
Collection No.	Date	Weight (kg)	Monthly Total (kg)	No. of Bins	Monthly Total (No. of bins)	Comments
		Daily total		Daily Total		
60	2-Apr-24	660	2340	51	230	207 Household collections, 230 collections in total, Monthly Averages: Bin No. 46 Collection weight: 468kg 3 residents recycled 5 times in April, 5 four times, 14 thrice, 28 twice and 74 only once 124 Residents recycled in the month of April, Businesses: Cherbourg Hospital, CSS, Gundoo Early Learning Centre, Ration Shed, Cherbourg Retail Store, Beemar Yuriba, ATM Church, CASC Depot, IKC & Community Services Depts. All Recycled at least once in April
61	9-Apr-24	440		46		
62	16-Apr-24	380		47		
63	23-Apr-24	540		46		
64	30-Apr-24	320		40		

Figure 2 - CASC Recycling Program April 2024

- Bin Sticker distribution still ongoing, Coex donated small recycling bags to distribute to community at a community EH Event
- **6 Bins distributed in April**, 4 Recycling and 2 General waste bins
 EHW Proposal - Residents to pay a small fee for bin replacements, details to be provided in May's monthly report
- 50 General and Recycling bins were delivered in April
- Education and community engagement is required for Waste and recycling

Water & Wastewater

- BOIL WATER ALERT issued on 14th of November 2023, still active March 2024 – Ongoing issues with WTP
- Daily Monitoring – ESO's, WSM, Trainees – *See Water & Sewerage Manager Sub-Report*
- Weekly & Monthly Water Sampling – EHW, see table below for sampling program details

<u>Sampling Program</u>	
<u>Weekly</u>	<u>Monthly</u>
Human Consumption - MWDRNK	Pesticides - KWP & KWHPDI
THM's - KEWTHM	Blue Green Algae - KPCB
Heterotrophic Colony Count - MWHCPC	Standard Water Analysis - SWAHN
	Heavy Metals - ANZMT

- Monthly records *Figure 4 - FY2023 Weekly/ Monthly Sampling Verification Results*

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FY2023 CASC Weekly/Monthly Water Sampling Verification Results												
Coliforms (mpn/100ml)								Total THMs				
Date	CHER 1	CHER 2	CHER 3	CHER 4	CHER T	CHER 5	Summary	Date	CHER 1	CHER 5	Summary	
02-Apr-24	0	1	0	1	0	0	PASS	02-Apr-24	290	270	FAIL	
08-Apr-24	0	0	0	0	0	0	PASS	08-Apr-24	110	380	1/2 PASS	
15-Apr-24	0	0	1	2	5	0	PASS	15-Apr-24	150	270	1/2 PASS	
22-Apr-24	0	0	0	3	NT	0	PASS	22-Apr-24	140	300	1/2 PASS	
29-Apr-24	3	0	0	4	0	0	PASS	29-Apr-24	120	320	1/2 PASS	
Total THMs (mg/L)												
Date	CHER 1	CHER 2	CHER 3	CHER 4	CHER T	CHER 5	Summary	Sample Points				
02-Apr-24	0	0	0	0	0	0	FAIL	CHER 1 STP (Wakka park) tap				
08-Apr-24	0	0	0	0	0	0	PASS	CHER 2 Depot tap				
15-Apr-24	0	0	0	0	0	0	PASS	CHER 3 Day care (rear) tap				
22-Apr-24	0	0	0	0	NT	0	FAIL	CHER 4 BB Lookout Res. tap				
29-Apr-24	0	0	0	0	0	0	PASS	CHER 5 WTP Reservoir 1 & 2 Blended Tap				
								CHER T After treatment yard tap				
								CWT Clear water tank in WTP yard				
Total Chlorine (mg/L)												
Date	CHER 1	CHER 2	CHER 3	CHER 4	CHER T	CHER 5	Summary	Monthly Tests				
02-Apr-24	0.31	0.41	0.61	0.32	1.16	1.2	PASS	BGA BlueGreenAlgae				
08-Apr-24	0.47	0.27	1.04	0.32	1.87	NT	PASS	HM HeavyMetals				
15-Apr-24	0.19	0.19	0.33	0.2	0.41	0.44	PASS	SWA Standard Water Analysis				
22-Apr-24	0.18	0.27	0.5	0.14	NT	0.52	PASS	Pesticides				
29-Apr-24	NT	0.17	0.61	0.3	0.57	0.54	PASS	Weekly Tests				
								THM's - Trihalomethanes				
								E. Coli - Escherichia coli				
								pH - Acidity				
Free Chlorine (mg/L)												
Date	CHER 1	CHER 2	CHER 3	CHER 4	CHER T	CHER 5	Summary	Legend/Key				
02-Apr-24	0.15	0.12	0.33	0.24	1.07	1.02	PASS	*NR - Results not yet received				
08-Apr-24	0.28	0.22	0.71	0.14	1.63	NT	PASS	*NT - Not tested				
15-Apr-24	0.07	0.11	0.12	0.12	0.3	0.2	PASS	*MD - Missing Data				
22-Apr-24	0.11	0.18	0.25	0.09	NT	0.27	PASS	Green text & B/Ground - Perfect				
29-Apr-24	0.17	0.12	0.25	0.11	0.35	0.31	PASS					
pH												
Date	CHER 1	CHER 2	CHER 3	CHER 4	CHER T	CHER 5	Summary					
02-Apr-24	7.23	7.47	7.63	7.17	7.6	7.39	PASS					
08-Apr-24	7.25	7.51	7.8	7.39	7.35	7.56	PASS					
15-Apr-24	7.26	7.5	7.58	7.24	7.43	7.41	PASS					
22-Apr-24	7.35	7.41	7.57	7.39	NT	7.48	PASS					
29-Apr-24	6.84	7.23	7.53	7.1	7.32	7.27	PASS					

Figure 4 - FY2023 Weekly/ Monthly Sampling Verification Results

Complaint/s, Concerns, Issues

- ANIMAL CONCERNS – DOGS & HORSES
 - 3 Carter St – Multiple complaints regarding menacing dogs causing fear, have rushed people on multiple occasions – Proposal to declare dogs as menacing - TBC
 - 28 Barber St – REGULATED DOGS – Enclosure requires additional work to ensure compliance
 - Community owned horse roaming the streets
- Boil Water Alert (14.11.2024) Ongoing – Low Chlorine
- Food Vendors are not compliant with Food safety laws – DDPHU Senior EHO, CASC EHW to commence education program in May 2024

Roads Parks and Gardens

Current Business

- The parks and gardens crew are picking up rubbish and mowing where needed daily
- Cemetery burials and associated works

Staffing and Training

NIL.

Workplace Health & Safety Incidents

Nil

Issues & Training Updates

Nil

Next Month's Business Plan

- Continuation of day-to-day duties including rubbish pick up and mowing etc.

By Matthew Bock (Operations Manager) for Lindsay Bligh

Fleet Services

Workshop

Current Business

- 18 Jobs were completed for the month of April this included services and repair work
- 3 Vehicles and plant equipment received their annual scheduled services
- Replaced LHF window animal control ute
- Replace Dump Bobcat door glass and seal
- Replaced Brake pads, rotors and caliper on drain cleaning ute.
- RWC and registration for Sewer jetting trailer
- Repair Flood lights for call out truck for building dept.
- Replaced Fuel pump and Transmission clutch on building dept. ute
- Replaced vaporizer and coolant hoses on MRF forklift
- Delivery of new Van for Kingaroy Containers for Change
- Upkeep of mowers during heavy rain season

Issues

Theft of Ops Ute from Depot roller doors driven through and smashed.

Damage Report

LHF passenger window smashed on animal control ute due to kids shooting stones at driving vehicles

Front door glass smashed on Dump Bobcat when Fire brigade attempting to move from mattress fire

Workplace Health & Safety Incidents

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Nil

Training Updates

Nil

Next Month's Business Plans

- Continuation of normal workshop work
- Tenders will be evaluated, and purchases made
- Delivery of Tractor and Post rammer for various projects

Other Information

By Sebastian Mearns

Water, Sewerage

Water & Wastewater

- Daily, Weekly, Monthly Water Sampling, including Raw Water.
 - (Daily) – Daily grab samples from different locations throughout community.
 - MWDRNK – (Weekly) – **Human Consumption.**
 - MWHCPC – (when requested) **Heterotrophic Colony Count.**
 - KEWTHM – (Weekly) - **THM's.**
 - KWP & KWHPDI (Monthly) – **Pesticides.**
 - KPCB – (Monthly) - **Blue Green Algae.**
 - SWAHN – (Monthly) – **Standard Water Analysis.**
- ANZMT – (Monthly) – **Heavy Metals.**
- Daily Checklists on Plant and Operations:
 - QR code Checklists WTP & WWTP Operations including Effluent Ponds & Pivot irrigator.
 - QR code Checklists on all Sewage Pump Station's (SPS).
 - Daily QR code checklists on WTP & WWTP i.e., Basic Housekeeping and ensuring grounds are clean and maintained.
- Roll out of new QR code scanning for Sewage Treatment plant, Water Treatment Plant and all Water and Sewage Pump Stations.
- Only 2 open water incidents Cherbourg Aboriginal Shire Council.
- Weekly Checks on all wastewater pump station.
- Weekly jar testing (coagulant optimization) to cope with recent rain events.
- Daily flushing of all Community main water lines to ensure disinfection of town water distribution system and eliminate buildup of turbidity.

- All water operators have started color testing of the water as an additional daily requirement.

Incidents

- Boil water alert in place for whole of Cherbourg community until further notice.

Staffing & Training

- Current Qualifications:
 - Certificate III in Water Industry Operations - 3 (2 Active in Water Operations)
 - Certificate IV Water Industry Operations – 1 (1 Active in Water Operations)
 - Ongoing Training and develop to ensure Operators are qualified and confident in operating WTP and WWTP

General

- All 7 Effluent ponds are in working condition with no blockages.
- All water and sewage staff are currently working new roster from 7am to 4:30pm include RDOs, public holidays and weekends.

Council Resolution needed

7. Community Services Department

COMMUNITY SERVICES DEPARTMENT MAY 24 REPORT



Edwina Stewart, Community Services Manager

7th May 2024

edwinas@cherbourg.qld.gov.au

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Executive Summary

IKC

- Significant increase in community numbers using the library this month
- Several surveys and workshops conducted

Sports Complex

- Complex closed for the month
- Employees working in other areas of Community Services
- Major works at the Sports Complex 80% complete

IYCC (Yag)

- Assisted with Community Services Workshops
- Mothers Day Flowers
- Sorry Business flowers and Anzac Wreaths
- Mowing and Cleaning Cherbourg residents yards
- Assisting CASC Housing Dept to remove furniture and rubbish from vacant houses and mowing vacant yards
- Creating/Making stock for the shop

Cherbourg Radio

- Radio Manager tendered his resignation
- Staff supporting and engaging stakeholders and service providers to get better information back to community
- Live streaming of community events such as the Disability Forum, Anzac Service and the Youth Pathway Expo

Winifred Fisher IKC Report

- Community members using computers for emails, checking Centrelink, online banking, job searching and afterschool computer gaming
- Designer Life
- Workshops with Julie Appo
- Who's Your Mob Workshop
- Under 8's Day

Cherbourg Sports Complex Report

By means of work for sports complex staff, at the moment we are working in other community service sectors and trying to get sports equipment to run afterschool programs at the community hall or football field.

Cherbourg Sports Complex Staff Work at the moment

Lavina – Working from the IKC building in mornings.

Kaysee – Cleaning the Community Service Office and Radio Station in the mornings.

Jeffrey - doing some work with Neil from YAG

Lavina, Erica, Kaysee, Jeffrey and Mark - Trying to run afterschool program from community hall. Having trouble with children sniffing there during our afterschool programs. We couldn't get into sports complex to get sports equipment for games.

As of 15th April 2024, we can now access building for sport equipment but can't do programs there until all works and fire inspection are done.

Where can we run programs from until we reopen the complex?

- *Basketball Courts* - *Skate Park* - *Football Field*
 - *Community Hall* - *IKC* - *YAG*
-

Sorry I don't have much to report on programs, activities or numbers that we usually run at the sports complex.

Our sports complex has been broken into and vandalised on numerous occasions since my last report.

With damage to the building because of break ins and fire, I requested for the complex to be closed to give contract and community workers time and space to fix and to secure complex to prevent further break ins and damage.

We are using the community service building next to Lena's as our office until we can go back to the complex. Because we can't use the sports complex until the fire brigade do a safety inspection on the building.

We couldn't use our sports equipment to run programs at the hall/footy field because they need cleaning.

During the last month we have been working in partnership with:

Uniting Care and CTC – Planning activities for Domestic Violence Month. Sports complex was running sporting events, however we had to cancel them this year because of closure to our building. We are doing arts and craft activities with children for march candle lighting and DV dinner for May.

CTC – ran some grannies programs of arts and craft from the sports complex 2 different weeks. Also went on a fishing day at the so children can get to know community elders.

Silver Lining, CRAAICHS and CTC – 9th April Chiggy Skateboard came to Cherbourg to do skateboard lessons with community children. Sports complex staff helped with supervision and activities at the community skatepark.

Community organisations have used the sports complex for meetings:

Cherbourg Hornets Rugby League – meeting with SBRL around football comp in the South Burnett.

Elvie Douglas – had booked the complex for her church service and activities for community 12th and 13th April 2024. But because the complex was closed, she didn't use the complex.

YAG – 11th April the YAG group wanted to hold their Youth Expo Day at the sports complex. They held at the community hall staff helped out where it was needed.

Maintenance

With the recent break in and fire at the sports complex a lot of work are being done to it.

Indoors

- Professional cleaners came to clean the main building because of safety issue of fire extinguishers and fire. The complex is now clean just waiting for inspection so we can partly run programs from the sports complex.
- The windows that children broke into through have now been boarded up. But need to be finished off.
Clock on machine needs to be replaced. Its damaged and doesn't work.
- Office and Kitchen doors need replacing with new locks.
- A laundry is being placed in one of the storerooms.
- Holes in the wall from latest break in needs to be filled/fixed.
- All fire extinguisher and medical kits need replacing.
- Work on kitchen needs to be finished.
- In the fire the 3 gym benches and mini gymnasium mats have been burnt and need replacing

Outdoors

- Retainer wall has been taken away and replaced with a small hill down to our fence.
This means that our water and sprinkler system had to be moved. Don't know where they are replacing it. There poor communication between sports complex coordinator and workers (organiser) on what's work is happening when and where.
Needs to be watered every day for a month.

Indigenous Youth Connection to Culture (IYCC)

Youth Advisory Group

April / May 2024

- Youth officers continuing community engagement with young people, community members and stakeholders.
- YAG members attended the Who's Your Mob workshop held at the IKC last week
- YAG member will be attending the First Nations Women in Leadership conference with Community Services Manager
- Design workshops with Julie and Maxine have come to an end. Female Youth worker is confident to teach if program continues within the YAG space.
- YAG assisted at the Disability Forum – helping with serving food etc
- YAG provided wreaths for ANZAC Day, first time creating wreaths
- YAG ladies have been busy preparing mother's day orders and gift boxes. They are also preparing orders for sorry business. The shop will be open on Saturday 11th for mother's day purchases. The ladies have also been invited to set up a stall this Saturday 11th at Graham House open day. The YAG shop has also been approached to create table decorations for the upcoming DV dinner.
- YAG mowing crew have been extremely busy. They have also been assisting CASC housing department with removal of furniture.

This ends my report for April / May

Wawida Collins

Community Services Officer / YAG Co-ordinator

Cherbourg Radio Report - to May 2024

STAFF & General UPDATE Employed staff: Arlene Langton (FT), Tara Priestly (PPT), Kimberly Barrett(PPT) and Michael Monk (FT)

After almost 13 years of being a part of Cherbourg UsMob Radio Michael Monk has resigned as Station Coordinator. Michael has given notice to the end of June. A succession planning and budget meeting has been planned. Michael has indicated he will be available to continue support of the station in a consulting role to allow for smooth transition to new arrangements.

Michael has also committed to being available to follow through with any projects currently in progress.

Brendon Smith – who has been selling and managing sponsorships for UsMob Cherbourg Radio for the last 14+ years is also indicated his intention to retire also.

Tara Priestly is being put forward to start a CERT III in broadcasting with CMTO – this will mean some block training sessions in Melbourne at some stage over the coming 12 month period.

Refurbishments at the radio and tech upgrades Invoices for transmitter site refurbishment have started arriving, dates for technicians and riggers to carry out work are yet to be confirmed (as at the time of this report)

Station projects and partnerships We are currently in the process of building a purpose built website for Cherbourg UsMob radio – The Creative Collective agency who built the CASC website have been contracted for the build, and Michael Monk is project managing.

This new website will be a conduit and storage place for podcasts, videos and recorded stories from community – as well as place to find information on events and activities in community.

General Operations and Community Contact:

We are still in conversation with Cherbourg Hornets board to arrange for sale of and raffling of UsMob radio merchandise to help raise funds and assist the team during this current football season.

As per usual, Cherbourg Radio has been very active in the community supporting and engaging with stakeholders, council, and service providers.

We recently managed a live broadcast and video streaming of ANZAC day and NDIS events in community.

New Sponsorships no new sponsors outside of regular Spots & Space bookings

Michael Monk Cherbourg Radio Station Coordinator and Manager