



City of
Ipswich

AGENDA

GOVERNANCE AND TRANSPARENCY COMMITTEE

Thursday, 1 February 2024

10 minutes after the conclusion of the Growth, Infrastructure and Waste Committee or such later time as determined by the preceding committee

Council Chambers, Level 8
1 Nicholas Street, Ipswich

MEMBERS OF THE GOVERNANCE AND TRANSPARENCY COMMITTEE

Councillor Jacob Madsen (**Chairperson**)

Deputy Mayor Russell Milligan (**Deputy Chairperson**)

Mayor Teresa Harding

Councillor Marnie Doyle

Councillor Kate Kunzelmann

GOVERNANCE AND TRANSPARENCY COMMITTEE AGENDA

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GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 1

1 FEBRUARY 2024

AGENDA

WELCOME TO COUNTRY OR ACKNOWLEDGEMENT OF COUNTRY

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

BUSINESS OUTSTANDING

CONFIRMATION OF MINUTES

1. **CONFIRMATION OF MINUTES OF THE GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2023(11) OF 28 NOVEMBER 2023**

RECOMMENDATION

That the Minutes of the Meeting held on 28 November 2023 be confirmed.

OFFICERS' REPORTS

2. ****ACQUISITION OF DRAINAGE EASEMENT FOR INFO4308 - 13 PARCELL STREET, BRASSALL**

This is a report concerning the acquisition of an easement for drainage purpose over Part of 13 Parcell Street, Brassall, more particularly described as part of Common Property of Brassall Grove Community Titles Scheme 19578. The drainage easement will facilitate stormwater drainage improvements through the 'Brassall Grove' unit complex.

RECOMMENDATION

- A. That pursuant to Section 6(1) of the *Acquisition of Land Act 1967*, Council as "*constructing authority*" proceed to acquire an easement over land at 13 Parcell Street, Brassall QLD 4305, more particularly described as part of Common Property of Brassall Grove Community Titles Scheme 19578 (Council file reference number 6047), for drainage purpose.
- B. That in the first instance, the method of acquiring the subject easement will be by agreement with the affected person/s in accordance with Division 3, *Acquisition of Land Act 1967*; however, where agreement cannot be reached, or operational

timeframes intervene, the method of acquiring the subject easement will be in accordance with Division 2, *Acquisition of Land Act 1967*.

- C. That Council be kept informed as to the progress and outcome of the acquisition.

3. ****PROPOSED ACQUISITION OF LAND FOR INF04243 - INTERSECTION UPGRADE AT RIPLEY ROAD AND REIF STREET, FLINDERS VIEW**

This is a report concerning the acquisition of two (2) parcels of land that adjoin the Ripley Road and Reif Street traffic intersection in Flinders View. The acquisition will facilitate the upgrade requirements to the intersection and accommodate Council infrastructure currently encroaching private property.

RECOMMENDATION

- A. That pursuant to Section 5(1)(b)(i) of the *Acquisition of Land Act 1967*, Council as “constructing authority” proceed to acquire land at 87 Reif Street, Flinders View more particularly described as part of Lot 4 on RP118775 (Council file reference 6050), for road purpose.
- B. That in the first instance, the method of acquiring part of Lot 4 on RP118775 will be by agreement with the registered owner(s) in accordance with Division 3, *Acquisition of Land Act 1967*; however, if agreement cannot be reached, or operational timeframes intervene, the method of acquiring part of Lot 4 on RP118775 will be in accordance with Division 2, *Acquisition of Land Act 1967*.
- C. That Council resolve to acquire part of land located at 274 Ripley Road, Flinders View, more particularly described as part of Lot 6 on RP118775 (Council file reference 6049), for road purpose.
- D. That the method of acquiring part of Lot 6 on RP118775 shall be as a purchase by agreement with the registered owner(s) pursuant to the *Property Law Act 1974*.

4. **DISPOSAL OF SEWERAGE EASEMENTS TO URBAN UTILITIES FOR RACEVIEW SEWER UPGRADE PROJECT**

This is a report concerning the disposal of two (2) easements for sewerage purpose to Urban Utilities to facilitate the installation of new underground sewer pipe from Raceview to Ripley, as part of their Raceview Sewer Upgrade project.

RECOMMENDATION

- A. That Council resolve pursuant to Section 236(2) of the *Local Government Regulation 2012* (the Regulation) that the exemption referred to in Section 236(1)(b)(i) of the Regulation applies for the disposal of interest in Part of Land at:

- (i) 26 Kordan Boulevard, Raceview, more particularly described as Lot 999 on SP241645; and
- (ii) 51-53 Swanbank Road, Flinders View, more particularly described as Lot 2 on RP203690,
("the Land"), by way of Easement agreements for sewerage purpose between Council and Urban Utilities.

- B. That pursuant to Section 257(1)(b) of the *Local Government Act 2009* Council resolve to delegate the power to the Chief Executive Officer to be authorised to negotiate and finalise the terms of the proposed Easements as detailed in Recommendation A, for sewerage purpose.

5. PROCUREMENT - SINGLE SOURCE PURCHASE OF ARTWORK FOR IPSWICH ART GALLERY

This is a report seeking a resolution by Council to purchase an artwork for the Ipswich Art Gallery valued at \$28,000.

A Council resolution that the exception under section 235(a) of the *Local Government Regulation 2012* applies to this purchase as there is only one supplier who is reasonably available to supply this artwork being the artist's own commercial art gallery, Neon Parc.

The proposed artwork is *Binary Star* by Australian artist Paul Knight.

RECOMMENDATION

- A. That pursuant to Section 235(a) of the *Local Government Regulation 2012* (Regulation), Council resolves that the exception applies as it is satisfied that there is only one supplier who is reasonably available for the provision of this artwork for the Ipswich Art Gallery.
- A. That Council approve the purchase of the artwork by Australian artist Paul Knight through his commercial art gallery, Neon Parc in accordance with the above exemption for a purchase price of \$28,000 (incl GST).

6. REVISED MEETING CONDUCT POLICY

This is a report concerning a revision of the Meeting Conduct Policy as a result of the Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023 of November 2023.

RECOMMENDATION

That the revised policy titled 'Meeting Conduct Policy' as detailed in Attachment 5, be adopted.

7. WORKING WITH CHILDREN POLICY

This is a report concerning the four (4) year review of the Working with Children Policy which must be undertaken to ensure that legislative amendments are adopted by Council.

RECOMMENDATION

That the revised Working with Children Policy as detailed in Attachment 3 be adopted.

8. QUARTERLY REPORT TO THE DEPARTMENT OF HOUSING, LOCAL GOVERNMENT, PLANNING AND PUBLIC WORKS

This is a report concerning a request from the former Director-General, Department of State Development, Infrastructure, Local Government and Planning for Council to provide a series of quarterly reports.

This report is for the October to December 2023 quarter and is reflective of the scope requested by the then Director-General in June 2022.

Following a Machinery of Government change the report will now be provided to the Director-General, Department of Housing, Local Government, Planning and Public Works.

RECOMMENDATION

That Council approve the draft letter to the Director-General, Department Housing, Local Government, Planning and Public Works containing the quarterly report for October to December 2023 as set out in Attachment 1.

9. **CONCESSION FOR GENERAL RATES - 2 JOFFRE STREET, BOOVAL QLD 4304

This is a report concerning a request for a concession for general rates from Ozcare for 2 Joffre Street, BOOVAL QLD 4304.

RECOMMENDATION

That having satisfied the criteria in s120 of the of the Local Government Regulation 2012, as well as the Rates Concession Policy, the property at 2 Joffre Street, BOOVAL QLD 4304, be granted a 100% concession on the differential general rate from the 24 October 2023, being the date of application.

10. MONTHLY FINANCIAL PERFORMANCE REPORT - DECEMBER 2023

This is a report concerning Council's financial performance for the period ending 31 December 2023, submitted in accordance with section 204 of the *Local Government Regulation 2012*.

RECOMMENDATION

That the report on Council's financial performance for the period ending 31 December 2023, submitted in accordance with section 204 of the *Local Government Regulation 2012*, be considered and noted by Council.

NOTICES OF MOTION

MATTERS ARISING

GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2023(11)

28 NOVEMBER 2023

MINUTES

COUNCILLORS' ATTENDANCE: Councillor Jacob Madsen (Chairperson); Deputy Mayor Russell Milligan (Deputy Chairperson), Mayor Teresa Harding, Councillors Marnie Doyle and Kate Kunzelmann

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Chief Executive Officer (Sonia Cooper), General Manager Corporate Services (Matt Smith), General Manager Asset and Infrastructure Services (Matt Anderson), General Manager Planning and Regulatory Services (Brett Davey), General Manager Community, Cultural and Economic Development (Ben Pole), General Manager Environment and Sustainability (Kaye Cavanagh), Chief Financial Officer (Jeffrey Keech), Acting Manager, Strategy and Performance (Haiden Taylor), Manager, Resource Recovery (David McAlister), Manager, People and Culture (Talia Love-Linay), People and Culture Senior Project Officer (Miranda Reis), Manager, Media, Communications and Engagement (Mark D Strong), Manager, Community Services Manager (Melissa Dower), Capital Program Delivery (Graeme Martin), Acting Procurement Manager (Ross Muller), Property Services Manager (Alicia Rieck), Senior Property Officer (Tenure) (Kerry Perrett), Chief of Staff, Office of the Mayor (Melissa Fitzgerald), Senior Communications and Policy Officer (Jodie Richter), Senior Media Officer (Darrell Giles), Senior Media Officer (Lucy Stone) and Theatre Technician (Harrison Cate)

ACKNOWLEDGEMENT OF COUNTRY

Councillor Jacob Madsen (Chairperson) delivered the Acknowledgement of Country

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

Nil

CONFIRMATION OF MINUTES

1. CONFIRMATION OF MINUTES OF THE GOVERNANCE AND TRANSPARENCY COMMITTEE NO. 2023(10) OF 9 NOVEMBER 2023

RECOMMENDATION

Moved by Deputy Mayor Russell Milligan:
Seconded by Mayor Teresa Harding:

That the Minutes of the Governance and Transparency Committee held on 9 November 2023 be confirmed.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

OFFICERS' REPORTS

2. REVISIONS TO THE PEOPLE AND CULTURE STRATEGY 2021-2026

This is a report concerning revisions to the People and Culture Strategy 2021-2026. Key reasons for a review of the Strategy include, the new Psychosocial Hazards Code of Practice coming into effect in April 2023, and Council's Diversity and Inclusion Strategy 2018 – 2022 requiring a review. The review of the People and Culture Strategy 2021-2026 has included a greater focus on psychological safety, and Diversity, Equity and Inclusion, which replaces the need to have two separate guiding documents for the People and Culture Branch.

RECOMMENDATION

Moved by Councillor Marnie Doyle:
Seconded by Deputy Mayor Russell Milligan:

- A. That Council note that the Chief Executive Officer has approved the update to the People and Culture Strategy 2021-2026 on 22 October 2023.**

B. That Council endorse the revised People and Culture Strategy 2021 – 2026 as outlined in Attachment 1.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

Note: Item 3 was separated into 2 parts being Queens Park Tennis Facility and Rosewood Showgrounds (The Green Shed).

*****3. LEASE FOR RENEWAL OVER TRUST LAND - QUEENS PARK TENNIS FACILITY - 76 CHERMSIDE ROAD, IPSWICH**

This is a report concerning a proposed lease over land that Council holds as Trustee.

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

- A. That pursuant to section 236(2) of the *Local Government Regulation 2012* (Regulation), Council as Trustee for the State of Queensland resolve that the exception at section 236(1)(b)(ii) of the Regulation applies to the disposal of leasehold interest in land at 76 Chermside Road Ipswich, more particularly described part of Lot 1 on Survey Plan 154140, because Ipswich District Junior Tennis Association Inc. is a community organisation.
- B. That Council enter into a trustee lease (reference 5966) with Ipswich District Junior Tennis Association Inc.:
- (i) at a commencing annual rent of \$2,900 excluding GST, payable to Council, and
 - (ii) for an initial term of 10 years with no options for extension.
- C. That pursuant to section 64(1) and 64(2) of the *Land Act 1994*, Ministerial approval has been dispensed with (as per Attachment 1 of this report) for the trustee lease over part of 76 Chermside Road Ipswich to Ipswich District Junior

Tennis Association Inc., and the purpose of the trustee lease is consistent with the purpose of the trust land.

- D. That pursuant to Section 257(1)(b) of the Local Government Act 2009, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision regarding the trustee lease to Ipswich District Junior Tennis Association Inc.

RECOMMENDATION

Moved by Councillor Jacob Madsen:

That the Queens Park Tennis Facility lease matter be referred to the Council Ordinary Meeting scheduled for 7 December 2023.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

*****3. LEASE FOR RENEWAL OVER TRUST LAND - ROSEWOOD SHOWGROUNDS (THE "GREEN SHED") - 1 RAILWAY STREET ROSEWOOD**

This is a report concerning a proposed lease over land that Council holds as Trustee.

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Deputy Mayor Russell Milligan:

Seconded by Councillor Marnie Doyle:

- E. That pursuant to section 236(2) of the *Local Government Regulation 2012* (Regulation), Council as Trustee for the State of Queensland resolve that the exception at section 236(1)(b)(ii) of the Regulation applies to the disposal of leasehold interest in land at 1 Railway Street Rosewood, more particularly described part of Lot 2 on Registered Plan 35616, because Lions Club of Rosewood Inc. is a community organisation.

- F. That subject to Ministerial approval pursuant to section 52(3), (4) and (5) of the *Land Act 1994*, Council enter into a trustee lease (reference 6048) with Lions Club of Rosewood Inc.:
- (i) at an annual rent of \$1 excluding GST, payable to Council if demanded, and
 - (ii) for a term to expire on 28 November 2027, with no options for extension.
- G. That pursuant to Section 257(1)(b) of the Local Government Act 2009, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision regarding the trustee lease to Lions Club of Rosewood Inc.

RECOMMENDATION

Moved by Mayor Teresa Harding:

That the Rosewood Showgrounds (The Green Shed) lease matter be referred to the Council Ordinary meeting scheduled for 25 January 2024 and that the report be updated to include consultation with all relevant user groups of the Rosewood Showground as well as the Mayor and divisional councillors.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

4. **LEASES FOR RENEWAL OVER FREEHOLD LAND FOR THE ROSEWOOD COMMUNITY CENTRE - 19 SCHOOL STREET ROSEWOOD AND COMMUNITY PARK MARBURG (THE "RED SHED") - 108 QUEEN STREET MARBURG**

This is a report concerning two proposed leases over land that Council hold in freehold.

RECOMMENDATION

Moved by Councillor Kate Kunzelmann:

Seconded by Deputy Mayor Russell Milligan:

- A. That pursuant to section 236(2) of the *Local Government Regulation 2012* (Regulation), Council resolve that the exception at section 236(1)(b)(ii) of the

Regulation applies to the disposal of the following leasehold interest in land, because the proposed Lessees are community organisations:

	Location		Lot	Plan	Lessee
1.	19 School Street	Rosewood	705	CC2732	Rosewood and District Support Centre Incorporated
2.	108 Queen Street	Marburg	2	SP292756	Marburg and District Residents' Association Inc

- B. That Council enter into leases with the Lessees:
- (i) at a commencing annual rent excluding GST, payable to Council as outlined below; and
 - (ii) for an initial term with no options for extension, as outlined below:

File Reference	Lessee	Rent	Term
6048	Rosewood and District Support Centre Incorporated	\$1.00 if demanded	5 Years
5859	Marburg and District Residents' Association Inc	\$1.00 if demanded	5 Years

- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take "contractual action" pursuant to section 238 of the Regulation, in order to implement Council's decision.

RECOMMENDATION

Moved by Deputy Mayor Russell Milligan:

That Item 4 titled 'Leases for renewal over freehold land for the Rosewood Community Centre - 19 School Street Rosewood and Community Park Marburg (the "Red Shed") - 108 Queen Street, Marburg' matter be separated by individual matter and referred to the Council Ordinary meeting scheduled for 25 January 2024 and that the report be updated to include consultation with all relevant user groups as well as the Mayor and divisional councillors.

AFFIRMATIVE
Councillors:
Madsen
Milligan
Harding
Doyle
Kunzelmann

NEGATIVE
Councillors:
Nil

The motion was put and carried.

5. RENEWAL OF EXPENDITURE LEASE OVER 62 BRISBANE TERRACE, GOODNA FOR GOODNA OFF-LEASH DOG PARK

This is a report concerning the renewal of an expenditure lease over part of 62 Brisbane Terrace, Goodna, between Kirkpatrick Enterprises Pty Ltd as Trustee under instrument 722783020 and Ipswich City Council (Council) for the Goodna Off-Leash Dog Park (**the Dog Park**).

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Councillor Kate Kunzelmann:

Seconded by Deputy Mayor Russell Milligan:

- A. That Council resolve to take an interest in land at 62 Brisbane Terrace, Goodna, more particularly described as Lease BA in Lot 1 on SP189553 on SP307620, for recreation purposes.**
- B. That Council enter into a lease (Council file reference number 6075) with Kirkpatrick Enterprises Pty Ltd as Trustee under Instrument 722783020 (Lessor):**
- (i) at a commencing annual rent of \$2,364.95 excluding GST payable by Council; and**
 - (ii) for an initial term of five (5) years with a five (5) year option for extension.**
- C. That Council resolve to authorise the Chief Executive Officer to take the necessary action in order to implement Council’s decision, including but not limited to making, amending and discharging the contractual arrangement/s.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

6. FEES AND CHARGES - EARLY APPROVAL OF PUBLIC HEALTH, FOOD BUSINESS AND ROAD REGULATION ANNUAL RENEWAL FEES FOR 2024-2025

This is a report concerning the fees for selected public health, food business and road regulation licences and associated services for the 2024-2025 financial year. It is proposed to adopt a selection of fees and charges for the forthcoming financial year to permit renewal processes owing to the coming Local Government Elections. There is a need to issue renewals with 60 days notice which will not be possible with the compressed period between the Local Government Elections and the likely adoption of the 2024-2025 budget and fees and charges.

RECOMMENDATION

Moved by Councillor Marnie Doyle:
Seconded by Deputy Mayor Russell Milligan:

That the proposed fees and charges for public health, food business and road regulation licences and associated services, as detailed in Attachment 1, be adopted with an effective date of 1 July 2024.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

7. FEES AND CHARGES - INCLUSION OF ANNUAL ON-DEMAND KERBSIDE COLLECTION SERVICES INTO REGISTER OF FEES AND CHARGES

This is a report concerning a proposed amendment to Councils Register of Fees and Charges to include the on-demand kerbside waste collection services to be commenced in 2023-2024.

RECOMMENDATION

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That the proposed Fees and Charges as detailed in Table 1, associated with on-demand kerbside collection services be adopted and take effect from January 2024.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Madsen	Nil
Milligan	
Harding	
Doyle	
Kunzelmann	

The motion was put and carried.

8. PROCUREMENT: SUPPLY AND DELIVERY OF MOBILE GARBAGE BINS

This is a report concerning Supply and Delivery of Food Organics Garden Organics (FOGO) Mobile Garbage Bins (MGBs). This supports the city-wide introduction of the delivery of a FOGO service: a shift to a three-bin core kerbside collection service in accordance with Ipswich City Council's Resource Recovery Strategy.

"The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*."

RECOMMENDATION

Moved by Mayor Teresa Harding:
Seconded by Deputy Mayor Russell Milligan:

- A. That pursuant to Section 234 of the *Local Government Regulation 2012* (Regulation), Council utilise LGA Arrangement NPN1.11-4 MGBs, Industrial Containers and Bins by LGAQ LTD, for the Supply and Delivery of Food Organics Garden Organics Mobile Garbage Bins (Council file reference number 22619), with SULO MGB AUSTRALIA PTY LTD [ABN: 27 002 605 192] (Supplier) who is a party to the LGA Arrangement.**
- B. That under the LGA Arrangement with the Supplier, the approximate purchase price is \$3,300,000.00 excluding GST over the entire term, the end date of the initial term being until such time as all Food Organics Garden Organics Mobile Garbage Bins have been supplied and delivered, with no current options for extension.**
- C. That Council may enter into ancillary contractual arrangements with the Supplier, as allowed for by the LGA Arrangement.**

- D. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

9. PROCUREMENT: 21608 - CONSTRUCTION OF HARDSTAND AT RIVERVIEW REFUSE AND RECYCLE CENTRE

This is a report concerning the recommendation to award Tender 21608 Construction of Hardstand at Riverview Refuse and Recycle Centre and to seek Council’s approval to enter into a contract with the nominated supplier as per confidential Attachment 1 to undertake the construction of the hardstand at Riverview Refuse and Recycle Centre.

After an open market request for tender process, an evaluation panel has recommended one supplier for the construction of the hardstand works as set out in Recommendation B below. The recommendation provides Council with a local Ipswich company. The recommendation has been determined by the evaluation panel to offer Council best value for money.

If Council is satisfied with the nominated supplier, the name of the supplier will be included in the Councils resolution at Recommendation B.

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Mayor Teresa Harding:

Seconded by Councillor Marnie Doyle:

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award Tender No. 21608 Construction of Hardstand at Riverview.**

- B. That Council enters into a contractual arrangement with the Supplier identified in confidential Attachment 1 for the lump sum amount of three million eight hundred and two thousand six hundred and eighty-three dollars and seventy-eight cents (\$3,802,683.78) excluding GST.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.**
- D. That owing to the confidential nature of the recommendations, that once adopted by Council, the recommendations be made public.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

10. PROCUREMENT: DISPOSAL OF VALUABLE NON-CURRENT ASSET LEASES - 7 BRUCE LANE, CAMIRA - 389 LOGAN ROAD, SPRINGFIELD AND 235 SMITHS ROAD, REDBANK

This is a report concerning the procurement and recommendation of proposed new leases of the following facilities between Ipswich City Council (Council) and the below listed organisations.

22247	Langley Park Hall	Camira Friends & Neighbours Club Inc
22248	Camira Springfield Community Centre	Westside Community Care (Qld) Limited
22250	Redbank Collingwood Park Sports Complex	Australian Crawl (Goodna) Pty Ltd t/a Just Sports n Fitness

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

- A. That pursuant to Section 228 of the *Local Government Regulation 2012* (Regulation), Council award the below Tenders for the disposal of an interest in land to the recommended organisations (Lessee), for the management and operation of the respective facilities.

Tender	Location	Lot / Plan	Lessee
22247	Langley Park Hall, 7 Bruce Lane, Camira	Lease A on SP243521, Lot 272 on RP111740	Camira Friends & Neighbours Club Inc
22248	Camira Springfield Community Centre 389 Logan Road, Springfield	Lot 2 on RP857484	Westside Community Care (Qld) Limited
22250	Redbank Collingwood Park Sports Complex 235 Smiths Road, Redbank	Lot 1 on SP221978 & Lot 4 on SP148559	Australian Crawl (Goodna) Pty Ltd t/a Just Sports n Fitness

- B. That Council enter into a lease with the Lessee:
- (i) at an annual rent excluding GST, payable to Council; and
 - (ii) for a term, as outlined below;

Tender	Lessee	Rent	Term
22247	Camira Friends & Neighbours Club Inc	\$1.00 if demanded	5 years
22248	Westside Community Care (Qld) Limited	\$1.00 if demanded	5 years
22250	Australian Crawl (Goodna) Pty Ltd t/a Just Sports n Fitness	\$24,000.00 or 10% turnover, whichever is greater	10 years plus 1 x 5 year option

- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the Regulation, in order to implement Council’s decision.

RECOMMENDATION

Moved by Councillor Jacob Madsen:

That Item 10 titled ‘Procurement: Disposal of Valuable Non-current Asset Leases - 7 Bruce Lane, Camira - 389 Logan Road, Springfield and 235 Smiths Road, Redbank’ be referred to the Council Ordinary Meeting scheduled for 25 January 2024.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

11. PROCUREMENT: EXTENSION AND INCREASED EXPENDITURE ON 12190 ROAD RESURFACING AND MAINTENANCE - PREFERRED SUPPLIER ARRANGEMENT

This is a report concerning the recommendation to approve the next one (1) year extension option and increased expenditure under contract 12190 Road Resurfacing and Maintenance – Preferred Supplier Arrangement that was \$40,000,000.00 ex GST inclusive of all extensions.

This report seeks approval to increase the estimated contract spend by \$10,000,000.00 to \$50,000,000.00.

RECOMMENDATION

Moved by Mayor Teresa Harding:

Seconded by Deputy Mayor Russell Milligan:

- A. That Council approve the next one (1) year extension option and increased contract spend for contract 12190 Road Resurfacing and Maintenance – Preferred Supplier Arrangement for the supplier listed below:**
- **RPQ Asphalt Pty Ltd (ABN 70 088 212 757)**
- B. That the total estimated contract value for this arrangement be increased from \$40,000,000.00 to a total cost of \$50,000,000.00 ex GST including the final two (2), one (1) year extension periods for the contract.**
- C. That pursuant to Section 257(1)(b) of the *Local Government Act 2009*, Council resolve to delegate to the Chief Executive Officer the power to take “contractual action” pursuant to section 238 of the *Local Government Regulation 2012*, in order to implement Council’s decision.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

12. PROCUREMENT: EOI - RIPLEY ROAD AND FISCHER ROAD, RIPLEY - ROAD UPGRADE

This is a report concerning the upgrade of Ripley Road to a four-lane median divided urban arterial road standard and Fischer Road to a two-lane urban sub-arterial road standard.

Council is seeking to invite Expressions of Interest to identify a construction partner who can demonstrate their capacity and capability to undertake both the detailed design and construction of the upgrade works.

“The attachment/s to this report are confidential in accordance with section 254J(3)(g) of the *Local Government Regulation 2012*.”

RECOMMENDATION

Moved by Mayor Teresa Harding:

Seconded by Deputy Mayor Russell Milligan:

- A. That pursuant to Section 228(3)(a) of the *Local Government Regulation 2012* (Regulation), Council resolve that it would be in the public interest to invite expressions of interest before inviting written tenders for the provision of design and construct services.**
- B. That pursuant to Section 228(3)(b) of the Regulation, Council’s reasons for making such resolution are that:**
- (i) it will allow Council to canvas the market for experienced contractors who have the capacity and capability to complete the detailed design and construction of the Ripley Rd and Fischer Rd, Ripley – Road Upgrade;**
 - (ii) to undertake a multi-stage process to select the best potential contractor.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

13. PROCUREMENT: EOI - GREEN ENERGY PARTNER FOR GREEN ENERGY PRECINCT

This is a report concerning the intent of Council wishing to engage an energy partner to provide a concept design and feasibility analysis for the development of a Green Energy Precinct within the Nicholas Street Precinct. A Green Energy Precinct would include but not be limited to; renewable energy generation and battery storage technology as well as other innovative opportunities identified through this process.

Council is seeking a high-level feasibility analysis of Council's assets and data relating to energy consumption combined with potential delivery options that would lead to both positive environmental and financial outcomes for Council and the community. Delivery options could include (but not limited to):

- Council-owned and operated.
- Partner delivery and ownership over the asset(s) in a leased arrangement.

Council is seeking to invite Expressions of Interest (EOI) to identify partners who can demonstrate their capability to undertake a contract of this nature and further invite those partners to participate in a tendering process, leading to the formation and award of a design and construction contract should Council wish to pursue the Green Precinct concept further.

RECOMMENDATION

Moved by Mayor Teresa Harding:

Seconded by Councillor Marnie Doyle:

- A. That pursuant to Section 228(3)(a) of the *Local Government Regulation 2012 (Regulation)*, Council resolves that it would be in the public interest to invite expressions of interest before inviting written tenders for a Green Energy Partner for the provision of a Green Energy Precinct.**
- B. That pursuant to Section 228(3)(b) of the Regulation, Council's reasons for making such resolution are that:**

- (i) **it will allow Council to canvas the market for information to guide the project;**
- (ii) **it will allow Council to identify parties with serious interest and ability, without subjecting all parties to the expense of submitting full tender responses at this early stage of the project;**
- (iii) **it will save Council the expense of running a request for tender and evaluating it at this early stage of the project.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

14. PROCUREMENT: ORACLE FUSION MANAGED SERVICES

This is a report seeking a resolution by Council to enter into a contract with Mastek Systems Pty Ltd for the provision of a Managed Service to support the Oracle Fusion Enterprise Resource Planning System post go live in December 2023.

This matter is required as officers seek Council resolution that the exception under section 230 of the *Local Government Regulation 2012* allows a local government to enter into medium and large contractual arrangements through the preparation and adoption of a Tender Consideration Plan.

A Tender Consideration Plan has been prepared, setting out the background to this matter, the options considered, market and supplier capability analysis, risk analysis and the preferred option recommended to the Council.

This report recommends that Council resolve to adopt the Tender Consideration Plan for the Oracle Fusion Managed Services and enter into a contract with Mastek Systems Pty Ltd for an initial term of one (1) year and two (2) further one (1) year extension options (1+1+1) for the estimated value of \$500,000.00 excluding GST if all extension options of the proposed contractual arrangement are exercised.

RECOMMENDATION

Moved by Mayor Teresa Harding:

Seconded by Councillor Marnie Doyle:

- A. That pursuant to Section 230(1)(a) of the *Local Government Regulation 2012 (Regulation)*, Council resolve to prepare Tender Consideration Plan number 21687 for the provision of Oracle Fusion Managed Services.**
- B. That pursuant to Section 230(1)(b) of the *Local Government Regulation 2012 (Regulation)*, Council resolve to adopt Tender Consideration Plan number 21687 that was prepared for the provision of Oracle Fusion Managed Services as detailed in the report by the ICT Category Specialist dated 1 November 2023.**
- C. That in accordance with the Tender Consideration Plan, Council enter into a contractual arrangement with Mastek Systems Pty Ltd at an approximate purchase price of \$500,000 excluding GST over the entire term of one (1) year, with options for extension at the discretion of Council (as purchaser) of two (2) additional one (1) year terms.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

15. PROCUREMENT: SMARTYGRANTS RENEWAL

This is a report seeking a resolution by Council to continue contractual arrangement 16322 with Our Community Pty Ltd (Our Community) for access to SmartyGrants application that is utilised for Council's funding and support program.

This matter is required as officers seek Council resolution that the exception under section 235(b) of the Local Government Regulation 2012 applies to the specialised services provided by these operationally necessary products. The proprietary nature of the incumbent supplier's products means that there is only one supplier who is reasonably available to provide the required subscription to this product that is utilised by multiple Australian government agencies to manage grant funding, thereby rendering it more costly and disadvantageous to Council to tender for other software products.

A resolution of Council is sought to approve the continuation of the annual subscription for the system with Our Community for a term of up to three (3) years. This is an estimated total cost of approximately seventy-five thousand dollars (\$75,000) excluding GST if all three (3) additional years are subscribed.

RECOMMENDATION

Moved by Mayor Teresa Harding:
Seconded by Deputy Mayor Russell Milligan:

- A. That pursuant to Section 235(b) of the *Local Government Regulation 2012 (Regulation)*, Council resolve that the exception applies because of the specialised AND/OR confidential nature of the services that are sought and it would be impractical and disadvantageous to invite quotes OR tenders for the provision of the SmartyGrants grants administration system.**
- B. That the contractual arrangement 16322 with Our Community Pty Ltd for the annual subscription to the SmartyGrants application be continued as required for up to three (3) years at an approximate purchase price of \$75,000 excluding GST.**

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

Kunzelmann

NEGATIVE

Councillors:

Nil

The motion was put and carried.

16. INVOLVE PROGRAM REPORT - NOVEMBER 2023

This is a report concerning the status of the iVolve Program and the Oracle Fusion project (the first project of the broader iVolve Program in the delivery phase).

RECOMMENDATION

Moved by Mayor Teresa Harding:
Seconded by Councillor Marnie Doyle:

That the status report on the iVolve Program and the Oracle Fusion project be received and the contents noted.

AFFIRMATIVE

Councillors:

Madsen

Milligan

Harding

Doyle

NEGATIVE

Councillors:

Nil

Kunzelmann

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 10.31 am.

The meeting closed at 11.02 am.

*** Refer Council Ordinary Meeting of 7 December 2023 for amendment

Doc ID No: A9085732

ITEM: 2

SUBJECT: ACQUISITION OF DRAINAGE EASEMENT FOR INF04308 - 13 PARCELL STREET,
BRASSALL

AUTHOR: SENIOR PROPERTY OFFICER (ACQUISITIONS AND DISPOSALS)

DATE: 3 JANUARY 2024

EXECUTIVE SUMMARY

This is a report concerning the acquisition of an easement for drainage purpose over Part of 13 Parcell Street, Brassall, more particularly described as part of Common Property of Brassall Grove Community Titles Scheme 19578. The drainage easement will facilitate stormwater drainage improvements through the 'Brassall Grove' unit complex.

RECOMMENDATION

- A. That pursuant to Section 6(1) of the *Acquisition of Land Act 1967*, Council as "*constructing authority*" proceed to acquire an easement over land at 13 Parcell Street, Brassall QLD 4305, more particularly described as part of Common Property of Brassall Grove Community Titles Scheme 19578 (Council file reference number 6047), for drainage purpose.
- B. That in the first instance, the method of acquiring the subject easement will be by agreement with the affected person/s in accordance with Division 3, *Acquisition of Land Act 1967*; however, where agreement cannot be reached, or operational timeframes intervene, the method of acquiring the subject easement will be in accordance with Division 2, *Acquisition of Land Act 1967*.
- C. That Council be kept informed as to the progress and outcome of the acquisition.

RELATED PARTIES

Body Corporate for Brassall Grove Community Titles Scheme 19578

There were no declarations of conflicts of interest.

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

A recent flood study at the Brassall Grove unit complex in Brassall has identified the need for an additional drainage Easement within the common property. There are currently four (4) existing drainage Easements within the complex that service the underground drainage

infrastructure, however, an additional Easement is now required to facilitate an overland flow path.

The new drainage Easement will cover approximately 330m² of Common Property and will require the reshaping of the land as well as reprofiling the adjoining driveways and road to accommodate the desired flow path. Works will also include the installation of 'Warning' signage within the complex to notify residents of potential hazards associated with the overland flow path as surface flows will still be conveyed through the property during large storm events.

To facilitate the works and protect the long-term requirements of the overland flow path, it is Council's intention to formalise an Easement over the area. The Easement will be subject to a land valuation for compensation and will take into consideration the existing encumbrances on the title.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

Acquisition of Land Act 1967 (Qld)

Property Law Act 1974

Land Title Act 1994

Body Corporate and Community Management Act 1997

POLICY IMPLICATIONS

The matter of the report is consistent with Council's approved *Property Acquisition and Disposal Policy*.

RISK MANAGEMENT IMPLICATIONS

The risk of not resolving to acquire the new Easement will result in Council not meeting requirements to mitigate the ongoing risk of flooding to units located within the Brassall Grove complex.

FINANCIAL/RESOURCE IMPLICATIONS

Funding is currently available in the 2023-2024 FY budget for expenses relating to the acquisition of the Easement under the INF04308 project. Acquisition related expenses include payment of compensation to the Body Corporate, stamp duty and registration of a new survey plan and Easement documents with Titles Queensland.

Council will seek to acquire the new Easement by agreement with the Body Corporate, however, if an agreement cannot be reached and the Easements are resumed by compulsory acquisition, expenses relating to Land Court proceedings will also form part of the project budget.

COMMUNITY AND OTHER CONSULTATION

In May 2021, Council’s Planning Officer consulted with Body Corporate representatives from Brassall Grove, regarding potential flood mitigation solutions for the unit complex. Discussion centred around the options considered and the feasibility of their implementation. Due to a number of constraints, namely cost and extent of works required, it was agreed by both parties that the Overland Flow Path option was the most suitable mitigation strategy.

Following the meeting, the Body Corporate Committee representatives confirmed (via email) acceptance to proceed with agreed mitigation strategy, with the understanding that the works would need to be secured within a formalised Easement.

Council officers met with representatives of the Body Corporate Committee in January 2024 to discuss the progress of the project.

CONCLUSION

It is recommended that Council proceed with the compulsory acquisition of the Easement over part of land located at 13 Parcell Street, Brassall QLD 4305, as a “Constructing Authority” under the *Acquisition of Land Act 1967 (Qld)*.

In the first instance, Council will make all reasonable attempts to negotiate by agreement with the property owners, however if this is unsuccessful, Council will exercise its power under the *Acquisition of Land Act 1967* and make application to the relevant Minister for the Easement to be taken.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
	https://objprd.council.ipswich.qld.gov.au/id:A9093905/document/versions/latest
(a) What is the Act/Decision being made?	Acquisition of drainage easement over private property either by way of negotiated purchase or compulsory acquisition under the <i>Acquisition of Land Act 1967</i> .
(b) What human rights are affected?	No. The Body Corporate is not an individual and only individuals have human rights. End of assessment.
(c) How are the human rights limited?	N/A
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	N/A
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

	CONFIDENTIAL
1.	Title Search - Common Property of Brassall Grove Community Titles Scheme 19578
2.	Plan of Group Titles Scheme
3.	Proposed Acquisition Easement Plan

Bianca Gaudry

SENIOR PROPERTY OFFICER (ACQUISITIONS AND DISPOSALS)

I concur with the recommendations contained in this report.

Alicia Rieck

PROPERTY SERVICES MANAGER

I concur with the recommendations contained in this report.

Shasha Ingbritsen

ACTING MANAGER LEGAL AND GOVERNANCE

I concur with the recommendations contained in this report.

Talia Love-Linay

ACTING GENERAL MANAGER (CORPORATE SERVICES)

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Doc ID No: A9107157

ITEM: 3

SUBJECT: PROPOSED ACQUISITION OF LAND FOR INF04243 - INTERSECTION UPGRADE AT RIPLEY ROAD AND REIF STREET, FLINDERS VIEW

AUTHOR: SENIOR PROPERTY OFFICER (ACQUISITIONS AND DISPOSALS)

DATE: 2 JANUARY 2024

EXECUTIVE SUMMARY

This is a report concerning the acquisition of two (2) parcels of land that adjoin the Ripley Road and Reif Street traffic intersection in Flinders View. The acquisition will facilitate the upgrade requirements to the intersection and accommodate Council infrastructure currently encroaching private property.

RECOMMENDATION

- A. That pursuant to Section 5(1)(b)(i) of the *Acquisition of Land Act 1967*, Council as “constructing authority” proceed to acquire land at 87 Reif Street, Flinders View more particularly described as part of Lot 4 on RP118775 (Council file reference 6050), for road purpose.
- B. That in the first instance, the method of acquiring part of Lot 4 on RP118775 will be by agreement with the registered owner(s) in accordance with Division 3, *Acquisition of Land Act 1967*; however, if agreement cannot be reached, or operational timeframes intervene, the method of acquiring part of Lot 4 on RP118775 will be in accordance with Division 2, *Acquisition of Land Act 1967*.
- C. That Council resolve to acquire part of land located at 274 Ripley Road, Flinders View, more particularly described as part of Lot 6 on RP118775 (Council file reference 6049), for road purpose.
- D. That the method of acquiring part of Lot 6 on RP118775 shall be as a purchase by agreement with the registered owner(s) pursuant to the *Property Law Act 1974*.

RELATED PARTIES

- The registered Landowner(s) of 274 Ripley Road, Flinders View
- The registered Landowner(s) of 87 Reif Street, Flinders View
- Department of Transport and Main Roads

There were no declarations of conflicts of interest.

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

The *City of Ipswich Transport Plan (iGO)* identifies the need to upgrade the intersection of Ripley Road and Reif Street, Flinders View. The intersection forms part of a strategic link between the Ipswich CBD, the Cunningham Highway and Ipswich's southern suburbs.

At present, the intersection is experiencing capacity and operation issues due to the increase in traffic with the growth of southern suburbs. The works will include the creation of a dedicated slip land to the Cunningham Highway, easing the continuous flow of traffic and improving the safety of motorists and other road users. The acquisition requirement has been designed to minimise the impact on private property and public utility assets.

The project at this location will:

- Extend the departure lane on Ripley Road south to create a continuous left turn lane at the Ripley Road / Cunningham Highway northern roundabout.
- Widen the Ripley Road southern approach to provide a left turn lane to Reif Street.
- Reconfigure Reif Street western approach to one right turn lane and one combined through-left-right.

It has been identified that Council infrastructure (footpath and traffic signal controller), that forms part of the intersection, has been installed within the boundary of private property. The encroachment has been included in the area of acquisition for 87 Reif Street to address this issue and provide Council a legal right over the infrastructure.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

Acquisition of Land Act 1967 (Qld)

Property Law Act 1974

Land Title Act 1994

POLICY IMPLICATIONS

The matter of the report is consistent with Council's approved *Property Acquisition and Disposal Policy*.

RISK MANAGEMENT IMPLICATIONS

The following key risks may apply to Council if these acquisitions are not completed:

1. Project Restrictions – Council do not currently have the area of land required to make the necessary upgrades to the intersection.

2. Reputational – Delays to the upgrade could pose a reputational risk to Council.
3. Council infrastructure is currently encroaching on private property which carries legal ownership and liability concerns.

FINANCIAL/RESOURCE IMPLICATIONS

Funding for INF04243 is available in the 2023-2024 financial year. Acquisition related expenses will include independent valuation of land, surveying, payment of compensation (where applicable) to the Landowners, stamp duty and registration of new survey plans with Titles Queensland.

In relation to the acquisition of part of 87 Reif Street, Flinders View, Council will seek to acquire the land by agreement, however, if agreement cannot be reached and the land is resumed by compulsory acquisition, expenses relating to Land Court proceedings will also form part of the project budget.

In relation to the acquisition of part of 274 Ripley Road, Flinders View, it is Council's best practice to not compulsorily acquire land owned by the State of Queensland particularly given that Council's compulsory acquisition powers are granted to Council by the State.

COMMUNITY AND OTHER CONSULTATION

The proposed design has been reviewed and agreed to at the 80% milestone stage by representatives of Council's Hydraulics, Transport and Traffic, City Maintenance, Construction and Stakeholder Engagement, as well as representatives from the Department of Transport and Main Roads.

In May 2023 a "What's Being Planned?" brochure was issued to residents of the Ripley Road and Reif Street local area to inform them of the project, the initial design stage, and a resource to locate further information and project updates.

Following on from the issuing of the brochure, Council officers have met with another adjoining landowner not impacted by a potential acquisition but to discuss their concerns raised with regard to the use of the adjoining State land.

In September 2023, Council officers met with the owner of 87 Reif Street to discuss the issue of the encroachments and the intersection upgrade project. The owner has expressed their concerns around liability relating to the infrastructure installed on their land and is eager for the acquisition process to commence.

CONCLUSION

It is recommended that Council proceed with the acquisition of part of land located at 87 Reif Street, Flinders View, as a "Constructing Authority" under the *Acquisition of Land Act 1967 (ALA)*.

In the first instance, Council will seek to acquire by way of a negotiated agreement with the Landowner(s), however, if this is unsuccessful, Council will exercise its power as a

constructing authority under the ALA and make an application to the relevant Minister for the land to be taken.

If is further recommended that Council proceed with the purchase of part of 274 Ripley Road, Flinders View by agreement with the registered owner(s) pursuant to the *Property Law Act 1974*.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS – 87 Reif Street, FLINDERS VIEW	
OTHER DECISION	
(a) What is the Act/Decision being made?	Acquisition of land either by way of negotiated purchase or compulsory acquisition under the <i>Acquisition of Land Act 1967</i> .
(b) What human rights are affected?	Section 24 - Property Rights
(c) How are the human rights limited?	Acquiring land from a landowner can interfere with the registered owner's right to property.
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Council intends to take part of the current lot. It is considered that taking part of the land has less impact on the registered owner compared to the benefit to the community from the project for the larger community and key road infrastructure.
(e) Conclusion	The decision is consistent with human rights.

HUMAN RIGHTS IMPACTS – 274 Ripley Road, FLINDERS VIEW	
OTHER DECISION	
(a) What is the Act/Decision being made?	Acquisition of land by way of negotiated purchase pursuant to the <i>Property Law Act 1974</i> .
(b) What human rights are affected?	The decision to acquire land will not affect human rights as the owner of the land is a government agency. End of assessment.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

	CONFIDENTIAL
1.	Title Search - 87 Reif Street, Flinders View
2.	Title Search - 274 Ripley Road, Flinders View
3.	Survey Plan RP118775
4.	Property Acquisition Plan
5.	Stakeholder Engagement - What's Being Planned

Bianca Gaudry

SENIOR PROPERTY OFFICER (ACQUISITIONS AND DISPOSALS)

I concur with the recommendations contained in this report.

Alicia Rieck

PROPERTY SERVICES MANAGER

I concur with the recommendations contained in this report.

Shasha Ingbritsen

ACTING MANAGER LEGAL AND GOVERNANCE

I concur with the recommendations contained in this report.

Talia Love-Linay

ACTING GENERAL MANAGER (CORPORATE SERVICES)

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Doc ID No: A9630467

ITEM: 4

SUBJECT: DISPOSAL OF SEWERAGE EASEMENTS TO URBAN UTILITIES FOR RACEVIEW
SEWER UPGRADE PROJECT

AUTHOR: PROPERTY OFFICER

DATE: 3 JANUARY 2024

EXECUTIVE SUMMARY

This is a report concerning the disposal of two (2) easements for sewerage purpose to Urban Utilities to facilitate the installation of new underground sewer pipe from Raceview to Ripley, as part of their Raceview Sewer Upgrade project.

RECOMMENDATION/S

- A. That Council resolve pursuant to Section 236(2) of the *Local Government Regulation 2012* (the Regulation) that the exemption referred to in Section 236(1)(b)(i) of the Regulation applies for the disposal of interest in Part of Land at:**
- (i) 26 Kordan Boulevard, Raceview, more particularly described as Lot 999 on SP241645; and**
 - (ii) 51-53 Swanbank Road, Flinders View, more particularly described as Lot 2 on RP203690,**
- ("the Land"), by way of Easement agreements for sewerage purpose between Council and Urban Utilities.**
- B. That pursuant to Section 257(1)(b) of the *Local Government Act 2009* Council resolve to delegate the power to the Chief Executive Officer to be authorised to negotiate and finalise the terms of the proposed Easements as detailed in Recommendation A, for sewerage purpose.**

RELATED PARTIES

Central SEQ Distributor-Retailer Authority trading as Urban Utilities (UU)

There is no declaration of conflicts of interest.

IFUTURE THEME

Vibrant and Growing

PURPOSE OF REPORT/BACKGROUND

To facilitate the rapid development in the Ripley Valley Township and Ripley Valley development areas, Urban Utilities (UU) have constructed a 2km gravity sewer pipeline from Ripley to Raceview.

The existing gravity sewer servicing the catchment and extending downstream through Raceview to the Bundamba Creek had inadequate capacity to cater for future development. The project involved trenching works within Ipswich City Council's (Council) Bremervale Park in Raceview and Council freehold land located at 51-53 Swanbank Road, Flinders View.

The new gravity sewer also traverses Council's Rourkes Park in Flinders View, however as this is a State-owned Reserve, the Easement was granted to UU by the Department of Resources, with 'in-principle' approval from Council, as Trustee of the Reserve.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

Local Government Regulation 2012

Land Title Act 1994

POLICY IMPLICATIONS

This report and the recommendations contained within are consistent with the *Property Acquisition and Disposal Policy*.

RISK MANAGEMENT IMPLICATIONS

The sewerage easements will ensure the proper disposal of wastewater.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the establishment of the new easement will be at the expense of Urban Utilities, including the registration of documents with Titles Queensland.

COMMUNITY AND OTHER CONSULTATION

Internal consultation has occurred between the Open Space, Facilities, Road Corridor Management and Property Services Teams. Liaison between Council officers and UU contractors occurred to discuss the location and requirements of both sewerage Easements.

The proposed Easement are supported by stakeholders involved in the project, both internally and externally, and 'in-principle' approval has been provided to UU for their area and location – endorsed by Council's then (2020) General Manager of Infrastructure and Environment Department.













CONCLUSION

It is recommended that Council support the disposal of the proposed Easement for sewerage purpose to UU, located on part of land at 26 Kordan Boulevard, Raceview, and on part of land at 51-53 Swanbank Road, Flinders View. It is further recommended that there be NIL consideration for compensation to Council for these interests.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Disposal of interest in parts of land for two (2) sewerage Easements.
(b) What human rights are affected?	Central SEQ Distributor-Retailer Authority (trading as Urban Utilities) is a business and does not have human rights. End of assessment
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not Applicable
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Title Search - Lot 999 on SP241645 - 26 Kordan Blvd, Raceview  
2.	Title Search - Lot 2 on RP203690 - 51-53 Swanbank Road, Flinders View  
3.	Survey Plan - Easement J - 26 Kordan Blvd, Raceview  
4.	Survey Plan - Easement E - 51-53 Swanbank Road, Flinders View  
5.	DRAFT Easement Document - Easement J - 26 Kordan Blvd, Raceview  
6.	DRAFT Easement Document - Easement E - 51-53 Swanbank Road, Flinders View  

Judi Howard
PROPERTY OFFICER

I concur with the recommendations contained in this report.

Alicia Rieck
PROPERTY SERVICES MANAGER

I concur with the recommendations contained in this report.

Shasha Ingbritsen

ACTING MANAGER LEGAL AND GOVERNANCE

I concur with the recommendations contained in this report.

Talia Love-Linay

ACTING GENERAL MANAGER (CORPORATE SERVICES)

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INTERNAL CURRENT TITLE SEARCH
QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 20/11/2023 14:29

Title Reference: 50867366

Date Created: 12/12/2011

Previous Title: 50809479

REGISTERED OWNER

Dealing No: 715352791 08/10/2013

IPSWICH CITY COUNCIL TRUSTEE
UNDER INSTRUMENT 715352791

ESTATE AND LAND

Estate in Fee Simple

LOT 999 SURVEY PLAN 241645
Local Government: IPSWICH

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 19507032 (POR 223)
Deed of Grant No. 19507033 (POR 224)
2. EASEMENT IN GROSS No 602495109 (J83729) 11/03/1987
BURDENING THE LAND
TO COUNCIL OF THE CITY OF IPSWICH
OVER EASEMENT A ON RP182253
Lodged at 00:00 on 11/03/1987 Recorded at 00:00 on 29/04/1987

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

1/5/24, 12:01 PM

about:blank

INTERNAL CURRENT TITLE SEARCH
QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 05/01/2024 12:01

Title Reference: 16973152

Date Created: 26/11/1986

Previous Title: 15448124

REGISTERED OWNER

Dealing No: 704124672 22/06/2000

IPSWICH CITY COUNCIL

ESTATE AND LAND

Estate in Fee Simple

LOT 2 REGISTERED PLAN 203690
Local Government: IPSWICH

For depth restrictions refer to Plan RP 203690

EASEMENTS, ENCUMBRANCES AND INTERESTS

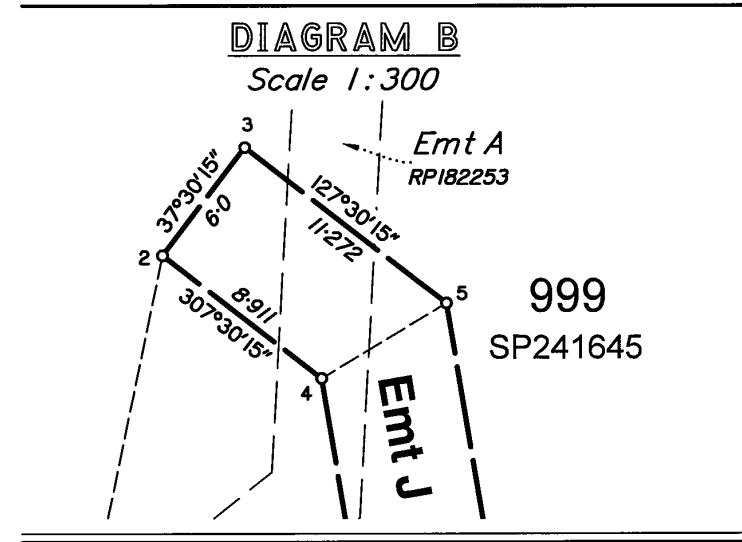
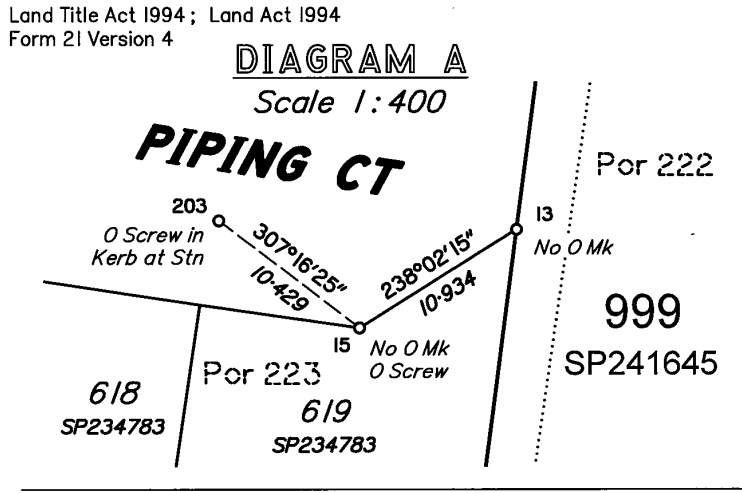
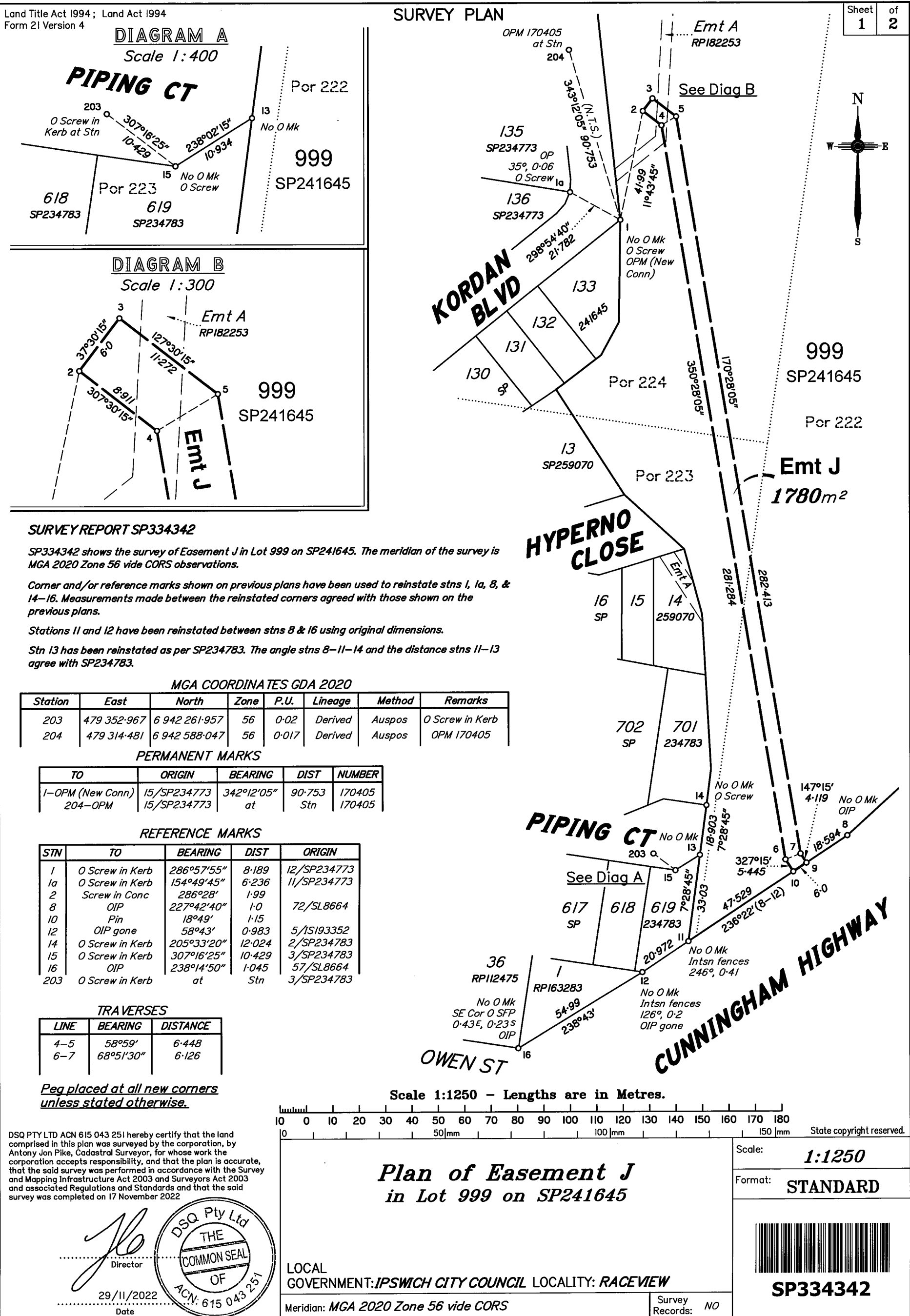
1. Rights and interests reserved to the Crown by
Deed of Grant No. 19507051 (POR 215)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

Corrections have occurred - Refer to Historical Search

** End of Current Title Search **



SURVEY REPORT SP334342

SP334342 shows the survey of Easement J in Lot 999 on SP241645. The meridian of the survey is MGA 2020 Zone 56 vide CORS observations.

Corner and/or reference marks shown on previous plans have been used to reinstate stns 1, 1a, 8, & 14-16. Measurements made between the reinstated corners agreed with those shown on the previous plans.

Stations 11 and 12 have been reinstated between stns 8 & 16 using original dimensions.

Stn 13 has been reinstated as per SP234783. The angle stns 8-11-14 and the distance stns 11-13 agree with SP234783.

MGA COORDINATES GDA 2020

Station	East	North	Zone	P.U.	Lineage	Method	Remarks
203	479 352-967	6 942 261-957	56	0-02	Derived	Auspos	O Screw in Kerb
204	479 314-481	6 942 588-047	56	0-017	Derived	Auspos	OPM 170405

PERMANENT MARKS

TO	ORIGIN	BEARING	DIST	NUMBER
1-OPM (New Conn)	15/SP234773	342°12'05"	90-753	170405
204-OPM	15/SP234773	at	Stn	170405

REFERENCE MARKS

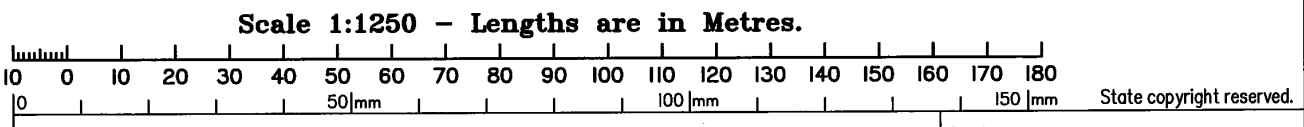
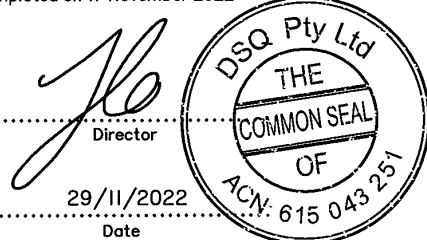
STN	TO	BEARING	DIST	ORIGIN
1	O Screw in Kerb	286°57'55"	8-189	12/SP234773
1a	O Screw in Kerb	154°49'45"	6-236	11/SP234773
2	Screw in Conc	286°28'	1-99	
8	OIP	227°42'40"	1-0	72/SL8664
10	Pin	18°49'	1-15	
12	OIP gone	58°43'	0-983	5/1S193352
14	O Screw in Kerb	205°33'20"	12-024	2/SP234783
15	O Screw in Kerb	307°16'25"	10-429	3/SP234783
16	OIP	238°14'50"	1-045	57/SL8664
203	O Screw in Kerb	at	Stn	3/SP234783

TRAVERSES

LINE	BEARING	DISTANCE
4-5	58°59'	6-448
6-7	68°51'30"	6-126

Peg placed at all new corners unless stated otherwise.

DSQ PTY LTD ACN 615 043 251 hereby certify that the land comprised in this plan was surveyed by the corporation, by Antony Jon Pike, Cadastral Surveyor, for whose work the corporation accepts responsibility, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 17 November 2022.



Plan of Easement J
in Lot 999 on SP241645

Scale: **1:1250**

Format: **STANDARD**

SP334342

LOCAL GOVERNMENT: **IPSWICH CITY COUNCIL** LOCALITY: **RACEVIEW**

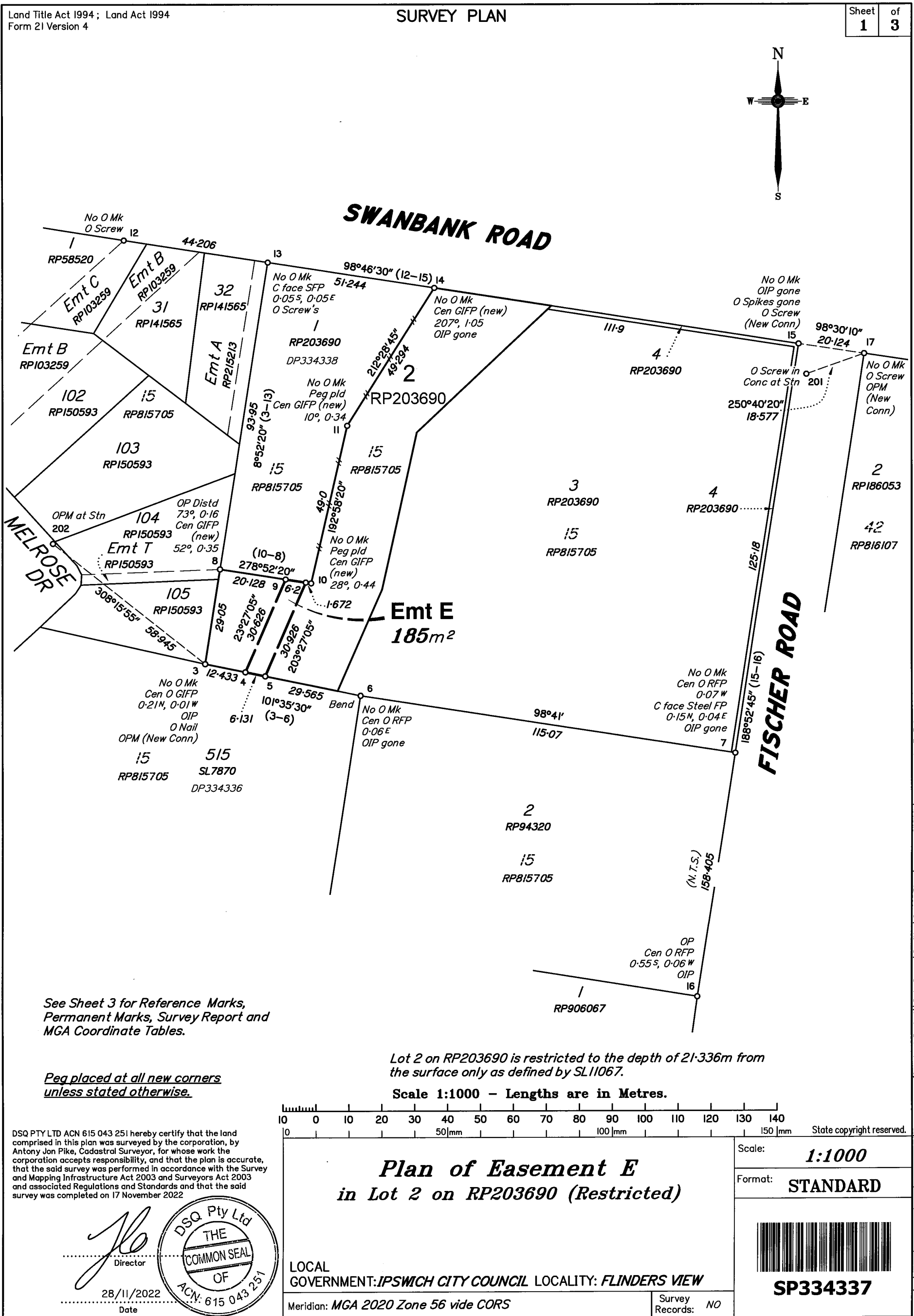
Meridian: **MGA 2020 Zone 56 vide CORS**

Survey Records: **NO**

2022/12/06 W: DSQ_Data Labs Vobs Current \4639 Downer (Swanbank Project)\Data Survey\Drafting\Survey Plans\SP334342 Emt J\4639 SP334342-L.dwg

Land Title Act 1994; Land Act 1994 Form 21B Version 2 (Dealing No.)		WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.			Sheet 2	of 2
4. Lodged by (Include address, phone number, email, reference, and Lodger Code)						
I. Existing		Created				
Title Reference	Description	New Lots	Road	Secondary Interests		
50867366	Lot 999 on SP241645	-	-	Emt J		
Lots	Orig					
2. Orig Grant Allocation :		5. Passed & Endorsed : By: DSQ PTY LTD ACN 615 043 251 Date: 6/12/2022 Signed: <i>JP</i> Designation: Liaison Officer				
3. References : Dept File : Local Govt : Surveyor : 14639 Emt J		6. Building Format Plans only. I certify that : * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road; * Part of the building shown on this plan encroaches onto adjoining lots and road Cadastral Surveyor/Director* Date * delete words not required				
7. Lodgement Fees : Survey Deposit \$ Lodgement \$ — New Titles \$ Photocopy \$ Postage \$ TOTAL \$		8. Insert Plan Number SP334342				

2022/12/06 W:\DSQ_Data\Jobs\Jobs Current\14639 Downer (Swanbank Project)\Drafting\Survey Plans\SP334342 Emt J\14639 SP334342-V.dwg



Land Title Act 1994; Land Act 1994 Form 21B Version 2 (Dealing No.)		WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.		
		Sheet 2 of 3		
		4. Lodged by		
		(Include address, phone number, email, reference, and Lodger Code)		
I. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
16973152	Lot 2 on RP203690	-	-	Emt E
		6. Building Format Plans only. I certify that : * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road; * Part of the building shown on this plan encroaches onto adjoining lots and road Cadastral Surveyor/Director* Date * delete words not required		
		7. Lodgement Fees : Survey Deposit \$ Lodgement \$ — New Titles \$ Photocopy \$ Postage \$ TOTAL \$		
		8. Insert Plan Number SP334337		
2. Orig Grant Allocation :		5. Passed & Endorsed :		
		By: DSQ PTY LTD ACN 615 043 251 Date: 6/12/2022 Signed: <i>JP</i> Designation: Liaison Officer		
3. References :				
Dept File : Local Govt : Surveyor: I4639 Emt E				
Lots	Orig			

2022/12/06 W:\DSQ_Data\Jobs\Jobs Current\14639 Downer (Swanbank Project)\Data Survey (Drafting)\Survey Plans\SP334337 Emt E\14639 SP334337-E.dwg

Land Title Act 1994; Land Act 1994
Form 21A Version 1

ADDITIONAL SHEET

Sheet **3** of **3**

SURVEY REPORT SP334337

SP334337 shows the survey of Easement E in Lot 2 on RP203690.

The meridian of the survey is MGA 2020 Zone 56 vide CORS observations.

Corner and/or Reference marks shown on previous plans have been used to reinstate stns 3, 12, 13, 16 & 17. Measurements made between the reinstated corners more or less agreed with those shown on the previous plans.

Stn 15 has been reinstated from stn 17 using the connection across the road shown on previous surveys. The bearing of this line was obtained from the connection between the screw referenced from stn 17 and that to OPM 133104 as shown on IS278181.

Stn 7 has been reinstated on the line stns 15-16 at the distance shown on RP203690. The distance stns 7-16 measured 86mm in excess of that shown on RP94320 and 25mm in excess of that shown on RP203690. This reinstatement agreed with the occupation referenced on RP203690.

Stn 6 has been reinstated as per RP203690 and the line stns 3-6 measured as per RP203690. The angle stns 7-6-3 agreed with RP203690.

Stn 14 has been reinstated on the line stns 13-15 at the distance shown on RP203690. The distance stns 14-15 measured as per RP203690.

Stn 8 has been reinstated on the line stns 3-13 at the distance shown on RP203690. The distance stn 8-13 measures as per RP203690.

Stn 10 was reinstated as per RP203690. A small (25") difference was noted in the angle stns 15-14-11.

MGA COORDINATES GDA 2020

Station	East	North	Zone	P.U.	Lineage	Method	Remarks
201	479 728.09	6 941 849.5	56	0-017	Derived	Auspos	O Screw in Conc
202	479 499.325	6 941 798.517	56	0-018	Derived	Auspos	OPSM 54326

PERMANENT MARKS

TO	ORIGIN	BEARING	DIST	NUMBER
3-OPM (New Conn)	4/IS236330	308°15'55"	58.945	54326
17-OPM (New Conn)	5/IS278181	98°18'25"	145.917	133104
202-OPM	4/IS236330	at	Stn	54326

REFERENCE MARKS

STN	TO	BEARING	DIST	ORIGIN
3	OIP	30°11'20"	1.196	11/RP203690
3	O Nail in Conc MH	104°23'	8.824	2/IS236330
6	OIP gone	10°47'20"	1.124	9/RP203690
7	OIP gone	80°11'20"	1.0	7/RP203690
7	Pin	162°40'	1.49	
10	Pin	124°42'	1.56	
12	O Screw in Kerb	349°48'45"	4.481	2/RP203690
13	O Screw in Kerb	8°01'45"	4.217	3/RP203690
13	O Screw in Conc	307°25'45"	8.676	3/RP203690
14	OIP gone	333°44'45"	2.523	4/RP203690
15	OIP gone	98°52'45"	0.604	1/RP94320
15	O Spike in Bit gone	63°56'45"	6.648	6/RP203690
15	O Screw in Conc (New Conn)	166°22'50"	7.84	1/SP249647
15	O Spike in Bit gone	98°46'30"	10.058	6/RP203690
16	OIP	98°51'25"	0.604	3/RP94320
17	O Screw in Conc Tel Pit	250°40'20"	18.577	2/IS278181
201	O Screw in Conc Tel Pit	at	Stn	2/IS278181

State copyright reserved.

Insert Plan Number **SP334337**

0 50mm 100mm 150mm

QUEENSLAND LAND REGISTRY
Land Title Act 1994 and Land Act 1994

EASEMENT

Duty Imprint

FORM 9 Version 4
Page 1 of 9

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of this information is authorised by the Land Title Act 1994 and the Land Act 1994 and is used to maintain the publicly searchable registers in the land registry. For more information about privacy in DERM see the department's website.

<p>1. Grantor</p> <p>IPSWICH CITY COUNCIL TRUSTEE UNDER INSTRUMENT 715352791</p>	<p>Lodger (Name, address, E-mail & phone number)</p> <p>Central SEQ Distributor-Retailer Authority T/A Queensland Urban Utilities GPO Box 2765 Brisbane 4001 Mail to: property@urbanutilities.com.au Ph: (07) 3855 6408</p>	<p>Lodger Code</p> <p>102A</p>
<p>2. Description of Easement/Lot on Plan</p> <p>Servient Tenement (burdened land)</p> <p>EASEMENT J IN LOT 999 ON SP241645 ON SP334342</p> <p>#Dominant Tenement (benefited land)</p> <p>NOT APPLICABLE</p>	<p>Title Reference</p> <p>50867366</p>	
<p>3. Interest being burdened</p> <p>FEE SIMPLE</p>	<p>#4. Interest being benefited</p> <p>NOT APPLICABLE</p>	
<p>5. Grantee Given names</p>	<p>Surname/Company name and number</p> <p>CENTRAL SEQ DISTRIBUTOR-RETAILER AUTHORITY ABN 86 673 835 011</p>	<p>(include tenancy if more than one)</p>
<p>6. Consideration</p> <p>[\$ TBC]</p>	<p>7. Purpose of easement</p> <p>SEWERAGE</p>	

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of the attached schedule.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

signature	/ /	
full name		
qualification		
Witnessing Officer	Execution Date	Grantor's Signature
<small>(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)</small>		
signature		
full name		
qualification		
Witnessing Officer	Execution Date	Grantee's Signature
<small>(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)</small>		
<small>Executed by CENTRAL SEQ DISTRIBUTOR-RETAILER AUTHORITY by its delegate under section 53 of the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</small>		

#610646v1<LEGAL> - UU Sewerage Easement Terms and Conditions - ICC Freehold Lot999 on SP241645

QUEENSLAND LAND REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

SCHEDULE

FORM 20 Version 2
Page 2 of 9

Title Reference: [50867366]

This is the schedule referred to in the Form 9 Easement dated _____, 2024.

1. Definitions and interpretation

1.1 Definitions

In this easement:

Authorised Persons means tenants, employees, agents, contractors, licensees and invitees of and other persons claiming (or authorised) by, through or under, either the Grantee or the Grantor (as the case may require).

Easement Area means the land described as the burdened land in Item 2 of the Form 9.

Easement Purpose means the purpose stated in Item 7 of the Form 9.

Grantee means the person shown as "Grantee" in Item 5 of the Form 9 and that person's assignees and successors.

Grantee's Rights means the rights granted under clause 3.

Grantor means the person shown as "Grantor" in Item 1 of the Form 9 and each assignee or successor of that person in respect of the Easement Area.

Grantor's Land means the parcel or parcels of the Grantor's land that includes the Easement Area.

Improvements means everything, including vegetation, on the Easement Area.

Sewerage Works means all pipes for carrying, treating or disposing of sewage and other wastewater, all ancillary plant, equipment, fittings and attachments (including pumps and pump stations) and works of any nature to protect or support any of them and to run and pass any electric current electric transmissions, electronic signals, electronic transmissions and other substances through the Easement Area to support the Easement Purpose.

Structure means all structures including any buildings and other infrastructure erected on the Grantor's Land.

1.2 Interpretation

In this grant of easement:

(a) headings are for convenience only and do not affect interpretation;

and unless the context indicates a contrary intention:

(b) an obligation or a liability assumed by, or a right conferred on, 2 or more persons binds or benefits them jointly and severally;

(c) "person" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;

(d) a reference to a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation, and, in the case of a trustee, includes a substituted or an additional trustee;

(e) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;

Lot 13 on RP145534 | 5/01/2024

#610646v1<LEGAL> - UU Sewerage Easement Terms and Conditions - ICC Freehold Lot999 on SP241645

Title Reference: [50867366]

- (f) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
- (g) if the Easement Area is defined using a horizontal plane and references to marks on the surface of land:
 - (i) a reference to a thing on, or the doing of any thing on or in respect of, land in the Easement Area includes a reference to a thing, or the doing of the thing, through, over, across or under the land;
 - (ii) a reference to land in the Easement Area includes the land's surface, sub-surface and strata above the surface;
- (h) if the Easement Area is defined using 3 dimensionally located points to identify the position, shape and dimensions of each bounding surface:
 - (i) a reference to a thing on, or the doing of any thing on or in respect of, land in the Easement Area includes a reference to a thing, or the doing of the thing, in or through the land;
 - (ii) if the Easement Area includes a surface of land, a reference to land in the Easement Area includes that surface, and any sub-surface of, and strata above that, land (in the Easement Area);
- (i) "includes" in any form is not a word of limitation.

2. Public utility easement

- (a) This easement is a public utility easement for:
 - (i) the Easement Purpose;
 - (ii) undertaking or engaging in any service, facility or activity that directly or indirectly refers to or is related to the Easement Purpose and which the Grantee has authority to undertake or engage in under a law; and
 - (iii) the exercise by the Grantee of the other rights given to the Grantee by this easement.
- (b) Despite any other provision of these easement terms (subject only to clause 2(c)), the Grantee's rights and powers under these easement terms in relation to the Grantor's Land other than the Easement Area are not exclusive to the Grantee and the Grantee must not object to the Grantor granting easements to third parties.
- (c) The Grantee may only object to the granting of rights over the Easement Area to a third party if the granting of those other rights could (in the Grantee's reasonable opinion) materially impede the operation, maintenance or use of the Easement Area for the purposes of these easement terms.
- (d) Unless specified as otherwise in these easement terms, where written consent is required by the Grantor or the Grantee under these easement terms, the party granting its consent may provide it, refuse to provide it, or agree to provide it on stated conditions. In each case these matters are at the absolute discretion of the party giving consent acting reasonably and having regard for the purpose and intent of the easement and the rights and obligations of the Grantor and the Grantee.

3. Grantee's Rights

- (a) The Grantee and all persons employed, engaged or authorised in writing by the Grantee may from time to time and at all times by day or by night enter, go, pass and repass on foot or with motor cars

Title Reference: [50867366]

or other vehicles of any description, laden or unladen, with or without any plant, equipment, machinery or other thing, over, along and upon the Easement Area or any part of the Easement Area, including for the following purposes:

- (i) to construct, maintain, repair, renew, replace and/or operate Sewerage Works, to construct, place, lay, deepen, widen, inspect, clean, maintain, change, add to, remove, repair, replace, relay, renew, use and manage the Sewerage Works on, in or through the Easement Area;
 - (ii) to inspect or survey the Easement Area, or any Sewerage Works on, in or through the Easement Area or proposed for the Easement Area;
 - (iii) to break open the soil of the Easement Area (both on the surface and subsurface) and to sink shafts in, and erect scaffolding on and open and break up the Easement Area;
 - (iv) to undertake mowing, slashing and vegetation (including timber, trees and crops) control or removal;
 - (v) construct and maintain on the Easement Area those access, tracks, gates and ancillary works that the Grantee reasonably considers necessary;
 - (vi) to pull down, remove or break open any fencing, gates or Structure on, in or through the Easement Area;
 - (vii) to take anything on to or away from the Easement Area as is deemed necessary or desirable by the Grantee to exercise its rights under these easement terms; and
 - (viii) to do on the Easement Area anything which the Grantee considers necessary or desirable for, or incidental to, exercising the Grantee's rights under these easement terms, including, but with limitation:
 - A. stockpiling Sewerage Works or items required by the Grantee;
 - B. stockpiling soil dug up on or under the Easement Area; and
 - C. temporarily restricting access to the Easement Area or parts of it, by whatever means the Grantee thinks fit including fencing off the Easement Area or parts of it, and doing other things to provide for the security of Sewerage Works and the proper exercise of the Grantee's rights.
- (b) Despite the rights granted under clause 3(viii), the Grantee may not stockpile soil or any other items that are not required to be used for the Easement Purpose and in any case nothing may be stockpiled for a period longer than six (6) months without the written permission of the Grantor.
- (c) For clauses 3 (a)(v) – (viii), except in the case of an emergency, the Grantee must obtain the written consent of the Grantor (acting reasonably) which may be subject to the Grantor's reasonable conditions.
- (d) The Grantee must not wilfully damage or destroy any property to any extent greater than is reasonably necessary in order to exercise the Grantee's rights under these easement terms.

4. Grantor's obligations

- (a) The Grantor must
 - (i) not interfere with or obstruct the Grantee in the exercise or enjoyment of its rights and powers under this easement.

Title Reference: [50867366]

- (b) The Grantor has an obligation to manage fire risk on its property which includes controlled burning of the Grantor's land. The Grantor will not light or permit the lighting of fires on the Grantor's Land except where such action is necessary in the Grantor's opinion for the protection of life and property. The Grantor will inform the Grantee of a controlled burn if in the Grantor's opinion it may affect the Grantee's Sewerage Works. The Grantee must follow the reasonable directions of the Grantor where possible for the purposes of controlling or preventing wildfires on the Easement Area

5. Property in and expenses of Sewerage Works

- (a) The Sewerage Works are the Grantee's property and do not become the Grantor's property.
- (b) The Grantee is responsible for and must pay all costs and expenses in connection with the Sewerage Works.

6. Exercise of Grantee's Rights

- (a) In exercising the Grantee's rights, the Grantee must, at its own cost:
- (i) ensure all work is done in a proper and workmanlike manner;
 - (ii) comply with all relevant laws;
 - (iii) cause as little inconvenience or obstruction as practicable to the Grantor and any occupier of the Grantor's Land;
 - (iv) cause as little damage as practicable to the Grantor's Land, including the Easement Area, and any Improvements;
 - (v) if damaged by the Grantee, restore the Grantor's Land as nearly as practicable to its former condition;
 - (vi) keep the Easement Area suitable for exercising the Grantee's rights; and
 - (vii) make good any collateral damage.
- (b) Without limiting clause 6(a), the Grantee must:
- (i) reinstate all fences and gates damaged by it in the exercise of any of the Grantee's Rights; or
 - (ii) in lieu of reinstating any such fence, install a gate the quality of materials and workmanship of which, except with the Grantor's consent, must be not less than the quality and materials of workmanship of the existing fence.
- (c) Section 85B(2) of the Land Title Act 1994 and section 366(2) of the Land Act 1994 are excluded from this easement.
- (d) This easement does not affect any rights or powers the Grantee may have under a statute, including the Water Supply (Safety and Reliability) Act 2008 and the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009. The Grantee may exercise its rights and powers under a statute in respect of the Easement Area and its Sewerage Works in lieu of, or without regard to, its rights and powers under this easement.

7. Waiver

- (a) Failure to exercise or enforce, or a delay in exercising or enforcing, or the partial exercise or enforcement of, a right, power or remedy provided by law or under this easement by a party does not preclude, or operate as a waiver of, the exercise or enforcement, or further exercise or enforcement, of that or any other right, power or remedy provided by law or under this easement.

Title Reference: [50867366]

- (b) A waiver or consent given by a party under this easement is only effective and binding on that party if it is given or confirmed in writing by that party.
- (c) No waiver of a breach of a term of this easement operates as a waiver of another breach of that term or of a breach of any other term of this easement.

(see clause 12)

8. Governing law

The laws of Queensland govern this easement.

9. Goods and Services Tax

- (a) For the purpose of this clause unless the context otherwise requires:
 - (i) **GST Legislation** means A New Tax System (Goods and Services Tax) Act 1999 (Cth) and any related tax imposition Act (whether imposing tax as a duty of customs excise or otherwise) and includes any legislation which is enacted to validate recapture or recoup the tax imposed by any of such Acts;
 - (ii) **Applicable GST** has the meaning ascribed to it in clause 9(b);
 - (iii) **GST** means any tax imposed by or through the GST Legislation on a supply (without regard to any input tax credit);
 - (iv) **Recipient** means the party treated by the GST Legislation as the recipient of a supply from the Supplier;
 - (v) **Representative** means a representative member of a GST group to which the relevant Supplier belongs;
 - (vi) **Supply** means any supply (within the meaning which it bears in the GST Legislation) by the Supplier under this easement;
 - (vii) **Supplier** means any party to this easement treated by the GST Legislation as making a taxable supply under or in connection with this easement;
 - (viii) where any other term is used in this clause which is defined in the GST legislation it will have the meaning which it bears in the GST Legislation.
- (b) In the case of a Supply which is a taxable supply:
 - (i) the consideration payable or otherwise provided (apart from under this clause) to the Supplier (under the other provisions of this easement) will be increased by an amount equal to the Applicable GST;
 - (ii) the Applicable GST will be the GST payable on the Supply;
 - (iii) the Applicable GST will be added to the consideration payable or otherwise provided (apart from under this clause) for the Supply under the other provisions of this easement so as to form an additional part of the consideration for the Supply.
- (c) The Recipient will pay on demand to the Supplier an amount equal to any increment in consideration which is payable under this clause in respect of any Supply, and such amount will be a debt due and owing by the Recipient to the Supplier which is recoverable without setting off any refund or counter claim.
- (d) The Supplier will provide the Recipient with tax invoices and/or adjustment notes in relation to the Supply (but will not be obliged or requested to create such invoices for amounts in excess of amounts received from the Recipient) and do all things reasonably necessary to assist the

Title Reference: [50867366]

Recipient to enable it to claim and obtain any input tax credit available to the Recipient in respect of the Supply.

- (e) Where the consideration for a Supply consists (in whole or in part) of the recovery by the Supplier of all or a proportion of the Supplier's costs, the amount recoverable will be reduced by the amount (or the corresponding proportion) of the input tax credits available to the Supplier in respect of such costs and then increased by any Applicable GST under clause 9(b).
- (f) In the event that liability for payment of GST in respect of a Supply under this easement is imposed upon a Representative of a Supplier this clause will nonetheless apply and the Adjustments will be calculated in all respects as if the Supplier was liable for the GST imposed on such Supply and entitled to input tax credits properly allocated to the making of that Supply.

10. Where the Easement Area is trust land under the Land Act 1994

Where the Easement Area is included in trust land under the Land Act 1994 this clause 10 will also apply:

- (a) If the trust land is a reserve, in clause 1.1 the definition of "Grantor" is replaced by the following:
Grantor means the person shown as "Grantor" in Item 1 of the Form 9 and, where the context permits, any trustee of the Easement Area.
- (b) In this clause 10:
Minister means the Minister administering the Land Act 1994;
- (c) Despite anything else, the Grantee may not cut or remove any timber or trees from the Easement Area without first giving reasonable notice to the Grantor and obtaining all necessary approvals at law. Such notice will not be required under this clause if there is an actual or potential danger to persons or property or if there is any interference or jeopardy to the supply of the Sewerage Works.
- (d) Release and Indemnity
 - (i) The Grantee indemnifies and agrees to keep indemnified the Minister, the State of Queensland and the Grantor (the **Indemnified Parties**) against all actions, suits, proceedings, claims, demands, costs, losses, damages and expenses (**Claim**) arising out of or in any way connected to or resulting from the granting of this easement to the Grantee or which is connected to or resulting from the Grantee's use and occupation of the Easement Area (all of which are referred to as "the indemnified acts or omissions") save to the extent that the Claim arises as a result of any negligent act or omission of the Indemnified Parties, however, any negligent act or omission of one of the Indemnified Parties does not negate the indemnity to any of the other Indemnified Parties.
 - (ii) The Grantee hereby releases and discharges the Indemnified Parties from any Claim relating to the indemnified acts or omissions which may be made against the Indemnified Parties, save to the extent that the Claim arises as a result of any negligent act or omission of the Indemnified Parties, however, any negligent act or omission of one of the Indemnified Parties does not negate the release and discharge in favour of any of the other Indemnified Parties.
 - (iii) To remove doubt, the Grantee specifically agrees that the indemnity provided by the Grantee in this clause 10(d) extends to any Claim (as defined by this clause 14) arising from the use of any other area of the trust land by the Grantee.
- (e) Public Liability Insurance
 - (i) The Grantee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, in any other case, to the satisfaction of the Minister, naming the Grantee as the insured covering legal liability for any loss of or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the Easement Area and against all claims, demands,

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proceedings, costs, charges and expenses whatsoever in respect thereof subject to the terms and conditions of the insurance policy.

Such policy must:

- A. be for an amount of not less than twenty million dollars (\$20,000,000.00) in respect of all claims arising out of a single event or such higher amounts as the Minister may reasonably require; and
 - B. be effected on a "claims occurring" basis so that any claim made by the Grantee under the policy after the expiration of the period of policy cover but relating to an event occurring during the currency of the policy will be covered by the policy subject to the claim meeting the policy's other terms and conditions; and
 - C. be maintained at all times during the currency of this easement, and upon receipt of any Notice of Cancellation, the Grantee must immediately effect another public liability insurance policy in accordance with the terms and conditions of this easement.
- (ii) The Grantee must forward a certificate of currency to the Grantor within 10 business days of the commencement of each respective renewal period.
 - (iii) The Grantee must, as soon as practicable, inform the Minister and the Grantor, in writing, of the occurrence of any event that the Grantee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister and the Grantor are kept fully informed of subsequent actions and developments concerning the claim.

11. Power of Attorney

Whilst the Easement Area remains registered in the name of the Grantor, the Grantee irrevocably appoints the Grantor the true and lawful attorney of the Grantee enabling the attorney to do all such things as the attorney may consider necessary or desirable to effect a surrender of this Easement upon the default by the Grantee of any condition, covenant or clause of this Easement provided however that the Grantor may only exercise its rights to surrender the Easement under this clause if:

- (a) The Grantee has breached a condition, covenant or clause of this Easement; and
- (b) The Grantor has given written notice of the breach to the Grantee; and
- (c) The Grantor has allowed the Grantee ninety (90) days from the date of receipt of the notice to remedy the breach; and
- (d) The Grantee has not remedied the breach by the expiration of these ninety (90) days.

12. Grantee to Pay Costs

In addition to the consideration payable under this Easement, the Grantee will pay:

- (a) the costs of the preparation, execution and registration on the relevant property title of this Easement;
- (b) the costs and expenses of and incidental to preparing any survey required to register it; and
- (c) the stamp duty and registration fees payable with respect to this Easement.

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13. Condition of Land on Termination

Upon termination of this Easement, any above ground infrastructure and improvements must be removed by the Grantee for safety reasons, above ground infrastructure and improvements include to at least a depth of 60 cm below the surface of the ground. The Grantee must at its cost and to the satisfaction and requirements of the Grantor take reasonable steps to rehabilitate the Easement Area so as to leave the Easement Area in a clean and tidy condition.

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EASEMENT

Duty Imprint

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Privacy Statement
Collection of this information is authorised by the Land Title Act 1994 and the Land Act 1994 and is used to maintain the publicly searchable registers in the land registry. For more information about privacy in DERM see the department's website.

1. Grantor IPSWICH CITY COUNCIL	Lodger (Name, address, E-mail & phone number) Central SEQ Distributor-Retailer Authority T/A Queensland Urban Utilities GPO Box 2765 Brisbane 4001 Mail to: property@urbanutilities.com.au Ph: (07) 3855 6408	Lodger Code 102A
2. Description of Easement/Lot on Plan Servient Tenement (burdened land) EASEMENT E (RESTRICTED) IN LOT 2 ON RP203690 ON SP334337 #Dominant Tenement (benefited land) NOT APPLICABLE	Title Reference 16973152	
3. Interest being burdened FEE SIMPLE	#4. Interest being benefited NOT APPLICABLE	
5. Grantee Given names Surname/Company name and number CENTRAL SEQ DISTRIBUTOR-RETAILER AUTHORITY ABN 86 673 835 011	(include tenancy if more than one)	
6. Consideration [\$ TBC]	7. Purpose of easement SEWERAGE	

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of the attached schedule.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

signature	/ /	
full name		
qualification		
Witnessing Officer	Execution Date	Grantor's Signature
(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)		
signature	/ /	
full name		
qualification		
Witnessing Officer	Execution Date	Grantee's Signature
(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)		Executed by CENTRAL SEQ DISTRIBUTOR-RETAILER AUTHORITY by its delegate under section 53 of the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i>

#610648v1<LEGAL> - UU Sewerage Easement Terms and Conditions - ICC Freehold Lot2 RP203690

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This is the schedule referred to in the Form 9 Easement dated _____, 2024.

1. Definitions and interpretation

1.1 Definitions

In this easement:

Authorised Persons means tenants, employees, agents, contractors, licensees and invitees of and other persons claiming (or authorised) by, through or under, either the Grantee or the Grantor (as the case may require).

Easement Area means the land described as the burdened land in Item 2 of the Form 9.

Easement Purpose means the purpose stated in Item 7 of the Form 9.

Grantee means the person shown as "Grantee" in Item 5 of the Form 9 and that person's assignees and successors.

Grantee's Rights means the rights granted under clause 3.

Grantor means the person shown as "Grantor" in Item 1 of the Form 9 and each assignee or successor of that person in respect of the Easement Area.

Grantor's Land means the parcel or parcels of the Grantor's land that includes the Easement Area.

Improvements means everything, including vegetation, on the Easement Area.

Sewerage Works means all pipes for carrying, treating or disposing of sewage and other wastewater, all ancillary plant, equipment, fittings and attachments (including pumps and pump stations) and works of any nature to protect or support any of them and to run and pass any electric current electric transmissions, electronic signals, electronic transmissions and other substances through the Easement Area to support the Easement Purpose.

Structure means all structures including any buildings and other infrastructure erected on the Grantor's Land.

1.2 Interpretation

In this grant of easement:

(a) headings are for convenience only and do not affect interpretation;

and unless the context indicates a contrary intention:

(b) an obligation or a liability assumed by, or a right conferred on, 2 or more persons binds or benefits them jointly and severally;

(c) "person" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;

(d) a reference to a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation, and, in the case of a trustee, includes a substituted or an additional trustee;

(e) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;

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#610648v1<LEGAL> - UU Sewerage Easement Terms and Conditions - ICC Freehold Lot2 RP203690

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- (f) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
- (g) if the Easement Area is defined using a horizontal plane and references to marks on the surface of land:
 - (i) a reference to a thing on, or the doing of any thing on or in respect of, land in the Easement Area includes a reference to a thing, or the doing of the thing, through, over, across or under the land;
 - (ii) a reference to land in the Easement Area includes the land's surface, sub-surface and strata above the surface;
- (h) if the Easement Area is defined using 3 dimensionally located points to identify the position, shape and dimensions of each bounding surface:
 - (i) a reference to a thing on, or the doing of any thing on or in respect of, land in the Easement Area includes a reference to a thing, or the doing of the thing, in or through the land;
 - (ii) if the Easement Area includes a surface of land, a reference to land in the Easement Area includes that surface, and any sub-surface of, and strata above that, land (in the Easement Area);
- (i) "includes" in any form is not a word of limitation.

2. Public utility easement

- (a) This easement is a public utility easement for:
 - (i) the Easement Purpose;
 - (ii) undertaking or engaging in any service, facility or activity that directly or indirectly refers to or is related to the Easement Purpose and which the Grantee has authority to undertake or engage in under a law; and
 - (iii) the exercise by the Grantee of the other rights given to the Grantee by this easement.
- (b) Despite any other provision of these easement terms (subject only to clause 2(c)), the Grantee's rights and powers under these easement terms in relation to the Grantor's Land other than the Easement Area are not exclusive to the Grantee and the Grantee must not object to the Grantor granting easements to third parties.
- (c) The Grantee may only object to the granting of rights over the Easement Area to a third party if the granting of those other rights could (in the Grantee's reasonable opinion) materially impede the operation, maintenance or use of the Easement Area for the purposes of these easement terms.
- (d) Unless specified as otherwise in these easement terms, where written consent is required by the Grantor or the Grantee under these easement terms, the party granting its consent may provide it, refuse to provide it, or agree to provide it on stated conditions. In each case these matters are at the absolute discretion of the party giving consent acting reasonably and having regard for the purpose and intent of the easement and the rights and obligations of the Grantor and the Grantee.

3. Grantee's Rights

- (a) The Grantee and all persons employed, engaged or authorised in writing by the Grantee may from time to time and at all times by day or by night enter, go, pass and repass on foot or with motor cars

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or other vehicles of any description, laden or unladen, with or without any plant, equipment, machinery or other thing, over, along and upon the Easement Area or any part of the Easement Area, including for the following purposes:

- (i) to construct, maintain, repair, renew, replace and/or operate Sewerage Works, to construct, place, lay, deepen, widen, inspect, clean, maintain, change, add to, remove, repair, replace, relay, renew, use and manage the Sewerage Works on, in or through the Easement Area;
 - (ii) to inspect or survey the Easement Area, or any Sewerage Works on, in or through the Easement Area or proposed for the Easement Area;
 - (iii) to break open the soil of the Easement Area (both on the surface and subsurface) and to sink shafts in, and erect scaffolding on and open and break up the Easement Area;
 - (iv) to undertake mowing, slashing and vegetation (including timber, trees and crops) control or removal;
 - (v) construct and maintain on the Easement Area those access, tracks, gates and ancillary works that the Grantee reasonably considers necessary;
 - (vi) to pull down, remove or break open any fencing, gates or Structure on, in or through the Easement Area;
 - (vii) to take anything on to or away from the Easement Area as is deemed necessary or desirable by the Grantee to exercise its rights under these easement terms; and
 - (viii) to do on the Easement Area anything which the Grantee considers necessary or desirable for, or incidental to, exercising the Grantee's rights under these easement terms, including, but with limitation:
 - A. stockpiling Sewerage Works or items required by the Grantee;
 - B. stockpiling soil dug up on or under the Easement Area; and
 - C. temporarily restricting access to the Easement Area or parts of it, by whatever means the Grantee thinks fit including fencing off the Easement Area or parts of it, and doing other things to provide for the security of Sewerage Works and the proper exercise of the Grantee's rights.
- (b) Despite the rights granted under clause 3(viii), the Grantee may not stockpile soil or any other items that are not required to be used for the Easement Purpose and in any case nothing may be stockpiled for a period longer than six (6) months without the written permission of the Grantor.
- (c) For clauses 3 (a)(v) – (viii), except in the case of an emergency, the Grantee must obtain the written consent of the Grantor (acting reasonably) which may be subject to the Grantor's reasonable conditions.
- (d) The Grantee must not wilfully damage or destroy any property to any extent greater than is reasonably necessary in order to exercise the Grantee's rights under these easement terms.

4. Grantor's obligations

- (a) The Grantor must
 - (i) not interfere with or obstruct the Grantee in the exercise or enjoyment of its rights and powers under this easement.

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Land Title Act 1994, Land Act 1994 and Water Act 2000

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- (b) The Grantor has an obligation to manage fire risk on its property which includes controlled burning of the Grantor's land. The Grantor will not light or permit the lighting of fires on the Grantor's Land except where such action is necessary in the Grantor's opinion for the protection of life and property. The Grantor will inform the Grantee of a controlled burn if in the Grantor's opinion it may affect the Grantee's Sewerage Works. The Grantee must follow the reasonable directions of the Grantor where possible for the purposes of controlling or preventing wildfires on the Easement Area

5. Property in and expenses of Sewerage Works

- (a) The Sewerage Works are the Grantee's property and do not become the Grantor's property.
- (b) The Grantee is responsible for and must pay all costs and expenses in connection with the Sewerage Works.

6. Exercise of Grantee's Rights

- (a) In exercising the Grantee's rights, the Grantee must, at its own cost:
 - (i) ensure all work is done in a proper and workmanlike manner;
 - (ii) comply with all relevant laws;
 - (iii) cause as little inconvenience or obstruction as practicable to the Grantor and any occupier of the Grantor's Land;
 - (iv) cause as little damage as practicable to the Grantor's Land, including the Easement Area, and any Improvements;
 - (v) if damaged by the Grantee, restore the Grantor's Land as nearly as practicable to its former condition;
 - (vi) keep the Easement Area suitable for exercising the Grantee's rights; and
 - (vii) make good any collateral damage.
- (b) Without limiting clause 6(a), the Grantee must:
 - (i) reinstate all fences and gates damaged by it in the exercise of any of the Grantee's Rights; or
 - (ii) in lieu of reinstating any such fence, install a gate the quality of materials and workmanship of which, except with the Grantor's consent, must be not less than the quality and materials of workmanship of the existing fence.
- (c) Section 85B(2) of the Land Title Act 1994 and section 366(2) of the Land Act 1994 are excluded from this easement.
- (d) This easement does not affect any rights or powers the Grantee may have under a statute, including the Water Supply (Safety and Reliability) Act 2008 and the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009. The Grantee may exercise its rights and powers under a statute in respect of the Easement Area and its Sewerage Works in lieu of, or without regard to, its rights and powers under this easement.

7. Waiver

- (a) Failure to exercise or enforce, or a delay in exercising or enforcing, or the partial exercise or enforcement of, a right, power or remedy provided by law or under this easement by a party does not preclude, or operate as a waiver of, the exercise or enforcement, or further exercise or enforcement, of that or any other right, power or remedy provided by law or under this easement.

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- (b) A waiver or consent given by a party under this easement is only effective and binding on that party if it is given or confirmed in writing by that party.
- (c) No waiver of a breach of a term of this easement operates as a waiver of another breach of that term or of a breach of any other term of this easement.

(see clause 12)

8. Governing law

The laws of Queensland govern this easement.

9. Goods and Services Tax

- (a) For the purpose of this clause unless the context otherwise requires:
 - (i) **GST Legislation** means A New Tax System (Goods and Services Tax) Act 1999 (Cth) and any related tax imposition Act (whether imposing tax as a duty of customs excise or otherwise) and includes any legislation which is enacted to validate recapture or recoup the tax imposed by any of such Acts;
 - (ii) **Applicable GST** has the meaning ascribed to it in clause 9(b);
 - (iii) **GST** means any tax imposed by or through the GST Legislation on a supply (without regard to any input tax credit);
 - (iv) **Recipient** means the party treated by the GST Legislation as the recipient of a supply from the Supplier;
 - (v) **Representative** means a representative member of a GST group to which the relevant Supplier belongs;
 - (vi) **Supply** means any supply (within the meaning which it bears in the GST Legislation) by the Supplier under this easement;
 - (vii) **Supplier** means any party to this easement treated by the GST Legislation as making a taxable supply under or in connection with this easement;
 - (viii) where any other term is used in this clause which is defined in the GST legislation it will have the meaning which it bears in the GST Legislation.
- (b) In the case of a Supply which is a taxable supply:
 - (i) the consideration payable or otherwise provided (apart from under this clause) to the Supplier (under the other provisions of this easement) will be increased by an amount equal to the Applicable GST;
 - (ii) the Applicable GST will be the GST payable on the Supply;
 - (iii) the Applicable GST will be added to the consideration payable or otherwise provided (apart from under this clause) for the Supply under the other provisions of this easement so as to form an additional part of the consideration for the Supply.
- (c) The Recipient will pay on demand to the Supplier an amount equal to any increment in consideration which is payable under this clause in respect of any Supply, and such amount will be a debt due and owing by the Recipient to the Supplier which is recoverable without setting off any refund or counter claim.
- (d) The Supplier will provide the Recipient with tax invoices and/or adjustment notes in relation to the Supply (but will not be obliged or requested to create such invoices for amounts in excess of amounts received from the Recipient) and do all things reasonably necessary to assist the

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Recipient to enable it to claim and obtain any input tax credit available to the Recipient in respect of the Supply.

- (e) Where the consideration for a Supply consists (in whole or in part) of the recovery by the Supplier of all or a proportion of the Supplier's costs, the amount recoverable will be reduced by the amount (or the corresponding proportion) of the input tax credits available to the Supplier in respect of such costs and then increased by any Applicable GST under clause 9(b).
- (f) In the event that liability for payment of GST in respect of a Supply under this easement is imposed upon a Representative of a Supplier this clause will nonetheless apply and the Adjustments will be calculated in all respects as if the Supplier was liable for the GST imposed on such Supply and entitled to input tax credits properly allocated to the making of that Supply.

10. Where the Easement Area is trust land under the Land Act 1994

Where the Easement Area is included in trust land under the Land Act 1994 this clause 10 will also apply:

- (a) If the trust land is a reserve, in clause 1.1 the definition of "Grantor" is replaced by the following:
Grantor means the person shown as "Grantor" in Item 1 of the Form 9 and, where the context permits, any trustee of the Easement Area.
- (b) In this clause 10:
Minister means the Minister administering the Land Act 1994;
- (c) Despite anything else, the Grantee may not cut or remove any timber or trees from the Easement Area without first giving reasonable notice to the Grantor and obtaining all necessary approvals at law. Such notice will not be required under this clause if there is an actual or potential danger to persons or property or if there is any interference or jeopardy to the supply of the Sewerage Works.
- (d) Release and Indemnity
 - (i) The Grantee indemnifies and agrees to keep indemnified the Minister, the State of Queensland and the Grantor (the **Indemnified Parties**) against all actions, suits, proceedings, claims, demands, costs, losses, damages and expenses (**Claim**) arising out of or in any way connected to or resulting from the granting of this easement to the Grantee or which is connected to or resulting from the Grantee's use and occupation of the Easement Area (all of which are referred to as "the indemnified acts or omissions") save to the extent that the Claim arises as a result of any negligent act or omission of the Indemnified Parties, however, any negligent act or omission of one of the Indemnified Parties does not negate the indemnity to any of the other Indemnified Parties.
 - (ii) The Grantee hereby releases and discharges the Indemnified Parties from any Claim relating to the indemnified acts or omissions which may be made against the Indemnified Parties, save to the extent that the Claim arises as a result of any negligent act or omission of the Indemnified Parties, however, any negligent act or omission of one of the Indemnified Parties does not negate the release and discharge in favour of any of the other Indemnified Parties.
 - (iii) To remove doubt, the Grantee specifically agrees that the indemnity provided by the Grantee in this clause 10(d) extends to any Claim (as defined by this clause 14) arising from the use of any other area of the trust land by the Grantee.
- (e) Public Liability Insurance
 - (i) The Grantee must effect a public liability insurance policy with an insurer authorised under the Insurance Act 1973 (Commonwealth) or, in any other case, to the satisfaction of the Minister, naming the Grantee as the insured covering legal liability for any loss of or damage to any property and for the injury (including death) to any person arising out of anything done or omitted on or about the Easement Area and against all claims, demands,

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proceedings, costs, charges and expenses whatsoever in respect thereof subject to the terms and conditions of the insurance policy.

Such policy must:

- A. be for an amount of not less than twenty million dollars (\$20,000,000.00) in respect of all claims arising out of a single event or such higher amounts as the Minister may reasonably require; and
 - B. be effected on a "claims occurring" basis so that any claim made by the Grantee under the policy after the expiration of the period of policy cover but relating to an event occurring during the currency of the policy will be covered by the policy subject to the claim meeting the policy's other terms and conditions; and
 - C. be maintained at all times during the currency of this easement, and upon receipt of any Notice of Cancellation, the Grantee must immediately effect another public liability insurance policy in accordance with the terms and conditions of this easement.
- (ii) The Grantee must forward a certificate of currency to the Grantor within 10 business days of the commencement of each respective renewal period.
 - (iii) The Grantee must, as soon as practicable, inform the Minister and the Grantor, in writing, of the occurrence of any event that the Grantee considers is likely to give rise to a claim under the policy of insurance effected and must ensure that the Minister and the Grantor are kept fully informed of subsequent actions and developments concerning the claim.

11. Power of Attorney

Whilst the Easement Area remains registered in the name of the Grantor, the Grantee irrevocably appoints the Grantor the true and lawful attorney of the Grantee enabling the attorney to do all such things as the attorney may consider necessary or desirable to effect a surrender of this Easement upon the default by the Grantee of any condition, covenant or clause of this Easement provided however that the Grantor may only exercise its rights to surrender the Easement under this clause if:

- (a) The Grantee has breached a condition, covenant or clause of this Easement; and
- (b) The Grantor has given written notice of the breach to the Grantee; and
- (c) The Grantor has allowed the Grantee ninety (90) days from the date of receipt of the notice to remedy the breach; and
- (d) The Grantee has not remedied the breach by the expiration of these ninety (90) days.

12. Grantee to Pay Costs

In addition to the consideration payable under this Easement, the Grantee will pay:

- (a) the costs of the preparation, execution and registration on the relevant property title of this Easement;
- (b) the costs and expenses of and incidental to preparing any survey required to register it; and
- (c) the stamp duty and registration fees payable with respect to this Easement.

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13. Condition of Land on Termination

Upon termination of this Easement, any above ground infrastructure and improvements must be removed by the Grantee for safety reasons, above ground infrastructure and improvements include to at least a depth of 60 cm below the surface of the ground. The Grantee must at its cost and to the satisfaction and requirements of the Grantor take reasonable steps to rehabilitate the Easement Area so as to leave the Easement Area in a clean and tidy condition.

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#610648v1<LEGAL> - UU Sewerage Easement Terms and Conditions - ICC Freehold Lot2 RP203690

Doc ID No: A9767441

ITEM: 5

SUBJECT: PROCUREMENT - SINGLE SOURCE PURCHASE OF ARTWORK FOR IPSWICH ART GALLERY

AUTHOR: DIRECTOR, IPSWICH ART GALLERY

DATE: 15 JANUARY 2024

EXECUTIVE SUMMARY

This is a report seeking a resolution by Council to purchase an artwork for the Ipswich Art Gallery valued at \$28,000.

A Council resolution that the exception under section 235(a) of the *Local Government Regulation 2012* applies to this purchase as there is only one supplier who is reasonably available to supply this artwork being the artist's own commercial art gallery, Neon Parc.

The proposed artwork is *Binary Star* by Australian artist Paul Knight.

RECOMMENDATION

- A. That pursuant to Section 235(a) of the *Local Government Regulation 2012* (Regulation), Council resolves that the exception applies as it is satisfied that there is only one supplier who is reasonably available for the provision of this artwork for the Ipswich Art Gallery.
- A. That Council approve the purchase of the artwork by Australian artist Paul Knight through his commercial art gallery, Neon Parc in accordance with the above exemption for a purchase price of \$28,000 (incl GST)

RELATED PARTIES

There are no discernible related party conflicts of interest associated with the report or its recommendation.

IFUTURE THEME

Safe, Inclusive and Creative

PURPOSE OF REPORT/BACKGROUND

The proposed artwork is being offered through the artist's commercial art gallery, Neon Parc, with a sale price of \$28,000 (incl GST). This exceeds the procurement threshold of \$15,000 which requires three quotes or a Council resolution seeking exemption from this

process. As three quotes for a unique artwork cannot be obtained, a resolution under the exception is sought.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Regulation 2012

Local Government Act 2009

POLICY IMPLICATIONS

RISK MANAGEMENT IMPLICATIONS

There are no immediate risk management implications for the acquisition of this artwork.

FINANCIAL/RESOURCE IMPLICATIONS

The acquisition of the artwork falls within Ipswich Art Gallery's 2023-2024 budget allocation for Artwork Acquisition.

COMMUNITY AND OTHER CONSULTATION

There were no immediate community consultation requirements for the proposed procurement of this artwork.

CONCLUSION



Ipswich Art Gallery has proposed to purchase the artwork *Binary Star* by Australian artist Paul Knight through his commercial art gallery, Neon Parc, with a sale price of \$28,000 (incl GST). This exceeds the procurement threshold of \$15,000 which requires three quotes or a Council resolution that the exception under section 235(a) of the *Local Government Regulation 2012* applies.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	That Council approves the purchase artwork acquisition of Binary Star by artist Paul Knight, with a value of \$28,000.
(b) What human rights are affected?	No human rights are affected by this decision because the acquisition of the proposed artwork in the Collection will not impact on the human rights of any third parties.
(c) How are the human rights limited?	Not applicable
(d) Is there a good reason for limiting	Not applicable

the relevant rights? Is the limitation fair and reasonable?	
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Acquisition checklist - Paul Knight Binary Star  
----	---

Claire Sourgnes
DIRECTOR, IPSWICH ART GALLERY

I concur with the recommendations contained in this report.

Don Stewart
MANAGER, COMMUNITY AND CULTURAL SERVICES

I concur with the recommendations contained in this report.

Ben Pole
GENERAL MANAGER, COMMUNITY, CULTURAL AND ECONOMIC DEVELOPMENT

I concur with the recommendations contained in this report.

Matt Smith
GENERAL MANAGER, CORPORATE SERVICES

“Together, we proudly enhance the quality of life for our community”



**Ipswich Art Gallery Collection
ACQUISITION CHECKLIST**

The artwork/ object listed below is submitted for Acquisition into the Ipswich Art Gallery Collection:

1. ACQUISITION METHOD (please tick ✓ all relevant areas):

<input type="checkbox"/> Donation	Ipswich Arts Foundation Trust		
		Not requiring tax deductibility	
<input type="checkbox"/> Bequest		Requiring tax deductibility through the Cultural Gifts Program	
<input type="checkbox"/> Donation	Ipswich Art Gallery		
<input checked="" type="checkbox"/> Purchase	With funds provided by:		
		The Ipswich Arts Foundation Trust	
	✓	Ipswich Art Gallery	

2. VENDOR/DONOR DETAILS

Vendor or Donor details:						
Name:	Geoff Newton					
Business name:	Neon Parc					
Address:	15 Tinning Street Brunswick VIC			Postcode:	3056	
Telephone:	Home:		Work:		Mobile:	+61 401 024 329
	Fax:		Email:	info@neonparc.com.au		
Reason for Acquisition:						
Binary Star (2023) by Berlin-based Australian artist Paul Knight will enhance the gallery's holding of contemporary Australian artists and fibre-based works. The Art Gallery has a significant heritage quilt collection and a growing contemporary quilt/fibre collection which this work will enhance.						
Knight's career has spanned over twenty years. His works are held in the collections of major institutions in Australia and abroad. He has an extensive national and international exhibition history.						
How does it comply with the City of Ipswich Collection Policy:						
The item is acquired under the <i>Australian Art</i> section of the Ipswich Art Gallery Collection Policy.						

3. PROVENANCE DETAILS

Date of purchase/donation: January 2024
--

<p>Provenance details:</p> <p>Purchased directly from commercial gallery representing artist.</p>

4. ARTIST/MAKER DETAILS:

Date & Place of Birth/Death:	Sydney, 1976
Dates & Place of Production:	Berlin, Germany
<p>Bio Summary:</p> <p>Paul Knight is an Australian artist primarily working with photography and weaving. Paul Knight is interested in how intimacy is constructed and communicated through the photographic image. With remarkable candour, he documents private moments that are at once banal and emotionally charged. Knight is also concerned with the material limits (or potentials) of the medium – it’s inherent flatness, framing and surface qualities. These considerations have translated across to his textile practice in which he explores form and volume. The artist hand-weaves cloth in a labour-intensive process, producing works that borrow from the everyday. They recall household fabrics intended for daily use, such as bedding, tablecloths and towels, and are often simply presented: hung from a hook or draped across the floor.</p> <p>Knight’s hand-loomed bedsheets weave other stories into their fabric. Pursuing research into various measures of time, both scientific and narrative, Knight is fascinated by the hypothesis concerning the gravitational influence of a binary star system that triggered periodic meteor impacts on Earth and caused the extinction of the dinosaurs and rise of mammals. Geologically this event is recorded in the Cretaceous-Tertiary boundary as taking place sixty-five million years ago and Knight takes comfort in humanity being simply another subsequent organisation of matter occupying only a slim chapter of this deep geological time. His textile works reference, through their combination of minimal colour and abstract compositions, the atmosphere of a binary star system and the conceptually and physically intimate measure between two bodies.</p>	

5. VALUATION DETAILS:

<p>Are additional valuations required? <i>Please tick ✓</i></p>	<input checked="" type="checkbox"/>	No
	<input type="checkbox"/>	Invoice received
	<input type="checkbox"/>	Yes
<p>Reason for valuation:</p>	<input type="checkbox"/>	To establish reasonable market price on donation
	<input type="checkbox"/>	value pending CGP valuations
<p>Valuer name:</p>		

--	--

6. COPYRIGHT DETAILS:

Copyright Owner:	The artist – Paul Knight
Copyright Status:	

7. ACQUISITION FORM COMPLETED BY:

Name: Claire Sourgnes	Date: 2 January 2024
Position: Director Ipswich Art Gallery	

ACQUISITION/DONATION: SCHEDULE OF WORKS

Work 1.

ID Number:	
Creator:	Paul Knight
Title:	Binary Star
Date created:	2023
Medium:	Handwoven cotton bedsheets, wood, stainless steel
Dimensions:	2 parts, each 260 x 230 cm (260 x 470cm overall)
AU\$:	\$28,000 (incl GST)
Credit Line:	Ipswich Art Gallery Collection...
	
image	
verso	detail

Doc ID No: A9800180

ITEM: 6
SUBJECT: REVISED MEETING CONDUCT POLICY
AUTHOR: MANAGER, EXECUTIVE SERVICES
DATE: 22 JANUARY 2024

EXECUTIVE SUMMARY

This is a report concerning a revision of the Meeting Conduct Policy as a result of the Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023 of November 2023.

RECOMMENDATION

That the revised policy titled 'Meeting Conduct Policy' as detailed in Attachment 5, be adopted.

RELATED PARTIES

Councillors

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

The Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023 came into effect in November 2023. As a result, the Department of Housing, Local Government, Planning and Public Works (Department) has advised of updated model meeting procedures which guide Council's best practice.

The Model Meeting Procedures override any previous policy in place and therefore it is prudent that Council update its policies as soon as possible.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:

Local Government Act 2009

Local Government Regulation 2012

POLICY IMPLICATIONS

Ipswich City Council Meeting Conduct Policy
Ipswich City Council Meeting Procedures Policy
Ipswich City Council Investigations Policy

RISK MANAGEMENT IMPLICATIONS

With the introduction of the revised *Local Government Act 2009* and the related model meeting procedures, this change is required to ensure Council continues to operate in a compliant way.

A local government must either adopt the model meeting procedures or adopt its own procedures for the conduct of its meetings, standing and advisory committee meetings. Where a council has chosen to adopt their own procedures, they must be consistent with the model meeting procedures and where there is any inconsistency, then the local government is taken to have adopted the model meeting procedures to the extent of the inconsistency.

As a result of this, it was deemed prudent to provide a consolidated view of the revised Council policy as soon as practical.

As Ipswich City Council will be in caretaker period when this matter is considered, the changes are limited to those directly related to the amended model meeting procedures. It is not recommended to consider or make any additional changes, particularly if significant, at this time.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications associated with this report.

COMMUNITY AND OTHER CONSULTATION

The Mayor, Deputy Mayor and Councillors have been advised of the amendments to the Model Meeting Procedures through previous correspondence.






CONCLUSION

The Local Government (Councillor Conduct) and Other Legislation Amendment Bill 2023 came into effect in November 2023 and the Model Meeting Procedures supplied by the Department were updated to reflect the changes. As a result, Council has updated its Meeting Conduct Policy to reflect these changes.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	Proposed adoption of revised policy.
(b) What human rights are affected?	N/A
(c) How are the human rights limited?	N/A
(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	N/A
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Letter from Department of Housing, Local Government, Planning and Public Works ↓ 
2.	Model Meeting Procedures revised November 2023 ↓ 
3.	Meeting Conduct Policy - current ↓ 
4.	Meeting Conduct Policy - track changes ↓ 
5.	Meeting Conduct Policy - clean ↓ 

Wade Wilson
MANAGER, EXECUTIVE SERVICES

I concur with the recommendations contained in this report.

Sonia Cooper
CHIEF EXECUTIVE OFFICER

“Together, we proudly enhance the quality of life for our community”

Our reference: DGBN23/508

12 January 2024

Ms Sonia Cooper
Chief Executive Officer
Ipswich City Council
sonia.cooper@ipswich.qld.gov.au



Office of the
Director-General

Department of
Housing, Local Government,
Planning and Public Works

Dear Ms Cooper

As you are aware, the *Local Government Act 2009* (LGA) prescribes that all councils must adopt the model meeting procedures (MMP) or incorporate them into the existing standing orders for meeting procedures. The MMP document is now being published on the Department of State Housing, Local Government, Planning and Public Work's (the department) website. In addition, the department has a best practice example - Standing Orders document published on the website that demonstrates how the MMP can be incorporated into existing standing orders.

I am writing to advise that the *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023* passed through parliament on Wednesday 16 November 2023, introducing new amendments relating to the model meeting procedures in relation to council investigations and other matters.

Key amendments made to the model meeting procedures are identified below, and a marked-up version of the MMP identifying new provisions highlighted in yellow has been attached to this letter, however we encourage all councils to review the legislation in its entirety:

- The councillor conduct complaints system has been significantly realigned to introduce new provisions in relation to local government investigations into conduct breach matters referred to local governments by the Office of the Independent Assessor (IOA). These changes require the MMP to reflect new procedures for deciding the outcome of the investigation matters in a council meeting.
- A provision has been included in the legislation to allow a council meeting to be closed to the public during a debate about an investigation report in relation to a conduct breach matter.
- When a decision is made about a conduct breach matter at a local government meeting that is inconsistent with the recommendations provided in the investigation report, a statement of reasons for the inconsistency must be included in the minutes, and a copy of the investigation report must be made publicly available within 10 business days of the decision. (Redactions of complainants and witnesses' details must be made before publication unless they are councillors)
- A notice must be provided to the OIA, the councillor and the complainant, by the local government when a decision is made about a conduct breach matter providing the details of the decision. The notice must have the reasons for the decision and any orders that were made.
- Procedures in relation to loss of quorum as a result of the number of councillors with a conflict of interest has been amended to include that a council may decide by resolution, not to decide the matter and take no further action in relation to the matter, unless the Local Government Act or another Act provides that the local government must decide the matter. Conduct matters must be decided either when a quorum is available or by ministerial approval for conflicted councillors to vote on the matter.

1 William Street
Brisbane Queensland 4000
GPO Box 806 Brisbane
Queensland 4001 Australia

- Unsuitable meeting conduct by a chairperson at a council meeting has been introduced to the legislation. If a councillor reasonably believes that the chairperson has engaged in unsuitable meeting conduct during a meeting, the councillors present at the meeting, other than the chairperson, must decide by resolution if that is the case and if so, can make an order reprimanding the chairperson.
- If the conduct of a councillor, including a chairperson, at the meeting becomes conduct breach as a result of three instances of unsuitable conduct in one year, the local government is not required to notify the assessor about the conduct, and it may be dealt with at the next council meeting.

If you require any further information, please contact Ms Louisa Lynch, Director, Governance and Capability in the department, by telephone on 0499 833 689 or by email at Louisa.Lynch@dasilgp.qld.gov.au, who will be pleased to assist.

Yours sincerely



Matthew Nye
Acting Director-General

Encl.

Model Meeting Procedures

Conduct of local government meetings and its committee meeting

Revised **November** 2023

Last updated:

Date	Version Number	Name	Approved
20 June 2023	004	P Cameron	
28 November 2023	005	P Cameron	



Queensland
Government

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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

Copies of this publication are available on our website at www.statedevelopment.qld.gov.au and further copies are available upon request.

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✉ PO Box 15009, City East, Queensland 4002

🏠 1 William Street, Brisbane 4000

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Purpose of the Model Meeting Procedures

The purpose of the model meeting procedures is to set out certain procedures to ensure all the local government principles are reflected in the conduct of local government meetings, standing and advisory committee meetings as defined in the *Local Government Act 2009* (LGA), *Local Government Regulation 2012* (LGR), the *City of Brisbane Act 2010* (COBA) and the *City of Brisbane Regulation 2012* (COBR). However, model meeting procedures do not apply to meetings of the local government's audit committee.

It is not intended that the model meeting procedures would deal with all aspects of meeting conduct but only those required to strengthen public confidence in local government to deal with the conduct of councillors, conflict of interest of councillors, loss of quorum and closed meetings.

Meeting Principles

Local government meetings must adhere to the following principles:

- Transparent and effective processes and decision making in the public interest
- Sustainable development management and delivery of effective services
- Democratic representation, social inclusion, and community engagement
- Good governance of, and by the local government
- Ethical and legal behaviour of councillors, local government employees and councillor advisors.

Background

Under section 150F of the LGA, the chief executive of the department of local government must make model procedures for local government and committee meetings. These procedures must be adopted and if the local government adopts other procedures, they must not be inconsistent with the model procedures. If there is any inconsistency, the local government is taken to have adopted the model procedures to the extent of the inconsistency.

The model meeting procedures include the following:

- the process for how the chairperson of a local government meeting may deal with unsuitable meeting conduct by a councillor
- the process for how the councillors at a local government meeting may deal with the unsuitable meeting conduct by the chairperson
- the process for how a suspected conduct breach by a councillor, that is referred to the local government by the Independent Assessor (IA), must be dealt with at a local government meeting
- the processes for dealing with a conflict of interest (COI) arising during a local government meeting and recording the COI in the minutes of the meeting
- the process for dealing with a loss of quorum due to the number of councillors with a COI
- procedures for closing local government meetings to the public.



Application

A local government must either adopt the model meeting procedures or prepare and adopt other procedures for the conduct of its local government meetings, standing and advisory committee meetings.

A local government's meeting procedures and standing orders must be consistent with the model meeting procedures. If there is any inconsistency with the documents, then the local government is taken to have adopted the model meeting procedures to the extent of the inconsistency.

To assist local governments the Department has published best practice example **standing orders** that local governments can choose to adopt. These are published on the departmental website.

A local government must conduct its meetings in a manner that is consistent with either the model meeting procedures, or its own standing orders provided they are consistent with sections 1-8 below of these model meeting procedures.

Processes

1. Process for Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

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, the following procedures must be followed:

- 1.1. The chairperson must reasonably believe that the conduct of a councillor during a meeting is unsuitable meeting conduct.
- 1.2. If the chairperson decides the unsuitable meeting conduct has occurred, the chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. 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 1.7 below.
- 1.3. If the chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the chairperson may request the councillor take remedial action such as:
 - 1.3.1. Ceasing and refraining from exhibiting unsuitable meeting conduct
 - 1.3.2. Apologising for their conduct
 - 1.3.3. Withdrawing their comments.
- 1.4. If the councillor complies with the chairperson's request for remedial action, no further action is required.



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- 1.5. 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 being issued.
- 1.6. If the councillor complies with the chairperson's warning and request for remedial action, no further action is required
- 1.7. If the councillor continues to fail to comply with the chairperson's request for remedial action or the chairperson decided a warning was not appropriate under 1.5, the chairperson may make one or more of the orders below:
 - 1.7.1. An order reprimanding the councillor for the conduct
 - 1.7.2. 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.
- 1.8. 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.
- 1.9. Any councillor aggrieved with an order issued by the chairperson can move a motion of dissent for parts 1.1, 1.7 and 1.8 above.
- 1.10. Following the completion of the meeting, the chairperson must ensure the minutes record the information about unsuitable meeting conduct (see note):

Note: Details of any order issued is 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 dealt with at the next local government meeting as a suspected conduct breach. The local governments chief executive officer (CEO) is advised to ensure details of any order made is updated in the local government's councillor conduct register.

2. Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting

- 2.1. If a councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the councillor will raise the matter in the meeting by point of order.
- 2.2. 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 councillor has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

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- 2.3. The chairperson has a declarable conflict of interest in the matter and must 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 in *part 5* below.
- 2.4. For the debate and vote on the motion, a councillor other than the councillor that moved the motion, is to act as the chairperson.
- 2.5. 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.
- 2.6. 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).
- 2.7. If it is decided that the chairperson has engaged in unsuitable meeting conduct the councillors can make an order reprimanding the chairperson for the conduct.
- 2.8. 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.
- 2.9. The chairperson then resumes the role of chairperson, and the meeting continues.

Note: Details of any reprimand order is recorded in the minutes of the meeting. The local governments chief executive officer (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 a reprimand order for unsuitable meeting conduct being made against the chairperson, on three occasions within a period of 12 months, 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(2)(b) and (3) of the LGA, the local government is not required to notify the assessor about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. It may be dealt with at the next local government meeting.

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

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Under chapter 5A, part 3, division 3A of the LGA, the IA must make a preliminary assessment and consider dismissing a complaint, notice or information before taking other action if satisfied that particular circumstances apply. If the IA assesses 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: 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 under paragraph 1.9.2 of this document.

3.1. In relation to matters referred by the IA to the local government, the local government may decide not to start or discontinue an investigation if the complainant withdraws the complaint, or consents to the investigation not starting or discontinuing, or the complainant does not provide extra information when requested, or there is insufficient information to investigate the complaint, or 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 City of Brisbane Act 2010 (COBA).

3.2. The local government must decide in a local government meeting, whether the councillor has engaged in a conduct breach. Unless in accordance with section 150AG of the LGA, it has delegated responsibility for this decision to the mayor under section 257(2)(a), or to a standing committee section 257(2)(b) of the LGA or section 238(2)(a), (b) or (c) of the COBA.

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

3.3.1. The local government must be 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 the City of Brisbane Regulation (CBR) section 242J, or the Local Government Regulation (LGR) section 254J.

3.3.2. No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.

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- 3.3.3. 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 CBR section 242H and the LGR section 254H.
- 3.3.4. The subject councillor has a declarable conflict of interest in the matter but may remain in the closed meeting (unless the local government decides otherwise), during the debate about the investigation report and answer questions put to the subject councillor through the chairperson in relation to the evidence or written submission provided by the councillor to the local government.
- 3.3.5. 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.
- 3.3.6. 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 in section 4. 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 other eligible councillors (do not have a COI in the matter) must decide how to deal with the conflict of interest under section 4. The complainant councillor can be ordered 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.
- 3.3.7. 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 complainants, or any councillor who declared a COI in the matter.
- 3.4. 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:
- 3.4.1. 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

Queensland Government

Coordination Committee, or a standing committee, whichever is the most appropriate in the circumstances or

3.4.2. Decide, by resolution, to defer the matter to a later meeting or

3.4.3. Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless this Act or another Act provides that the local government must decide the matter.

Note: 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 deferred to a later meeting when a quorum can be maintained, or the conflicted councillors may apply to the Minister for permission to participate in the decision.

3.5. 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 2.6, 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.

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

3.6.1. An order that the councillor make a public apology, in the way decided by the local government,

3.6.2. An order reprimanding the councillor for the conduct breach

3.6.3. An order that the councillor attend training or counselling to address the councillor's conduct, including at the councillor's expense

3.6.4. An order that the councillor be excluded from a stated local government meeting

3.6.5. An order that the councillor is removed, or must resign, from a position representing the local government, other than the office of councillor, (for example that the councillor is ordered to resign from an appointment representing the local government on a state board or committee)

3.6.6. An order that if the councillor engages in the same type of conduct again, it will be treated as misconduct



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3.6.7. An order that the councillor reimburse the local government for all or some of the costs arising from the councillor's conduct breach.

3.6.8. A local government may not make an order in relation to a person who has vacated their office as a councillor.

3.7. 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.

3.8. The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the IA 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.

4. 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 meeting, standing or advisory committee meeting (other than ordinary business matters prescribed in section 150EF of the LGA or section 177C of the COBA). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures,

4.1. A councillor who has notified the chief executive officer in writing 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 discussed.

4.2. 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.

4.3. When notifying the meeting of a prescribed conflict of interest, the following particulars must, at a minimum, be provided:

4.3.1. If it arises because of a gift, loan or contract, the value of the gift, loan or contract

4.3.2. If it arises because of an application for which a submission has been made, the matters the subject of the application and submission

4.3.3. The name of any entity, other than the councillor, that has an interest in the matter

4.3.4. The nature of the councillor's relationship with the entity mentioned in 3.3.3 that has an interest in a matter

4.3.5. Details of the councillor's and any other entity's interest in the matter.

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4.4. 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 to participate in the matter.

4.5. Once the councillor has left the area where the meeting is being conducted, the **local government** can continue discussing and deciding on the matter at hand.

5. Declarable Conflict of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at **local government** meetings and standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than the interests prescribed under section 150EO of the LGA and section 177L of the COB, and ordinary business matters prescribed in section 150EF of the LGA and section 177C of the COBA).

5.1. 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 other councillors may disclose their suspicion and the processes under section 150EW of the LGA or section 177T of COBA applies.

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

5.2.1. A councillor who has notified the chief executive officer in writing 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 discussed.

5.2.2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a **local government** meeting must inform the meeting of the conflict of interest.

5.3. When notifying the meeting of a declarable conflict of interest, a councillor 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 minimum details must be provided:

5.3.1. The nature of the declarable conflict of interest

5.3.2. If it arises because of the councillor's relationship with a related party

- the name of the related party 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.

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- 5.3.3. 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.
- 5.4. After a councillor has declared a conflict of interest, the councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 5.4.1. 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.
- 5.4.2. The other eligible councillors 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 the councillor 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 under a decision to either participate or leave the meeting e.g., may stay for the debate but must leave for the vote.
- 5.4.3. The councillor must comply with any decision or 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 of the LGA.**
- 5.4.4. In deciding on whether a councillor may participate in a decision about a matter in which the councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or do not form a quorum for the meeting consistent with section 150ET of the LGA and section 177Q of COBA.
- 5.5. The councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the eligible councillors in making their decision. The subject councillor must not vote 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



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and participate in deciding the matter in which the councillor has a declarable conflict of interest.

5.6. When deciding whether a councillor may participate in the decision making on a matter in which the councillor has a declarable conflict of interest, the eligible councillors should consider the circumstances of the matter including, but not limited to:

5.6.1. How does the inclusion of the councillor in the deliberation affect the public trust

5.6.2. How close or remote is the councillor's relationship to the related party

5.6.3. If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received

5.6.4. Will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them

5.6.5. How does the benefit or detriment the subject councillor stands to receive compare to others in the community

5.6.6. How does this compare with similar matters that **the local government** has decided and have other councillors with the same or similar interests decided to leave the meeting

5.6.7. Whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest?

5.7. If the eligible councillors cannot decide whether the subject councillor has a declarable conflict of interest, then 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.

5.8. A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the councillor for participating in the decision, 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 that 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.

5.9. In making the decision about the councillor's conflict of interest in a matter, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).

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5.10.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.

6. Reporting a Suspected Conflict of Interest

6.1. 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 declarable conflict of interest, and that councillor is participating in a decision on that matter, the councillor who believes or suspects this, 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.

6.2. The chairperson should ask the relevant 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 procedures above.

6.3. 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.

6.4. The eligible councillors must then decide whether the councillor has a prescribed conflict of interest, a declarable conflict of interest or that the councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the councillor has a conflict of interest, the councillor must follow the relevant 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.

6.5. If the councillors cannot reach a decision about the conflict of interest, or the subject councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the councillor must leave and stay away from the place where the meeting is being held while the eligible councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.

6.6. If the belief or suspicion of a COI relates to more than one councillor. The parts 5.1 to 5.5 of these procedures must be complied with in relation to each councillor separately.

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7. Loss of Quorum

7.1. 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, all the councillors including the conflicted councillors must resolve to:

7.1.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated

7.1.2. Defer the matter to a later meeting

7.1.3. 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.

7.2. 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.

7.3. The local government must not delegate a power that an Act says must be decided by resolution of the local government under section 257(3) of the LGA or section 238(3) of the COBA.

7.4. The local government may by resolution delegate a power under section 257 of the LGA or section 238 of the COBA to:

7.4.1. The mayor or chief executive officer, or

7.4.2. A standing committee, or joint committee of the local government, or

7.4.3. The chairperson of a standing committee or joint standing committee of the local government – does not apply to Brisbane City Council, or

7.4.4. Another local government for a joint government activity.

7.4.5. The Establishment and Coordination Committee – only applies to Brisbane City Council

7.5. The local government may only delegate a power to make a decision about a councillors conduct under section 150AE or 150AG of the LGA pursuant to section 257(2) of the LGA, to:

7.5.1. The mayor or

7.5.2. A standing committee.

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7.6. 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:

7.6.1. The mayor, or

7.6.2. The Establishment and Coordination Committee, or

7.6.3. A standing committee of the **local government**.

7.7. 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.

8. Recording Prescribed and Declarable Conflicts of Interest

8.1. 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 of how the conflict of interest was dealt with, being (see section 150FA of the LGA or section 177X of the COBA):

8.1.1. The name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest

8.1.2. The particulars of the prescribed or declarable conflict of interest provided by the councillor

8.1.3. 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

8.1.4. Any decision then made by the eligible councillors

8.1.5. Whether the councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval

8.1.6. The **local government's** decision on what actions the councillor with a declarable conflict of interest must take and the reasons for the decision

8.1.7. The name of each eligible councillor who voted on the matter and how each voted.

8.2. 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:

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8.2.1. The name of each councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each of the councillors voted.

8.3. Where a decision has been made under section 4 above – the minutes must include:

8.3.1. The decision and reasons for the decision, and

8.3.2. The name of each eligible councillor who voted, and how each eligible councillor voted.

9. Closed Meetings

9.1. 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:

9.1.1. Appointment, dismissal, or discipline of the CEO or, in the case of Brisbane City Council only, also for senior executive employees

9.1.2. Industrial matters affecting employees

9.1.3. The local government's budget, which does not include the monthly financial statements

9.1.4. Rating concessions

9.1.5. 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

9.1.6. Matters that may directly affect the health and safety of an individual or a group of individuals

9.1.7. 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

9.1.8. Negotiations relating to the taking of land by the **local government** under the *Acquisition of Land Act 1967*

9.1.9. A matter that the local government is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State

9.1.10. A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under the LGA chapter 5A, part 3, division 5.

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- 9.2. A local government meeting, standing and advisory committee meetings 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 by resolution whether the councillor has a prescribed or declarable conflict of interest in the matter.
- 9.3. Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the local government meeting, and the local government must resolve to:
- 9.3.1. Delegate the consideration and decision on the matter, pursuant to section 257 of the LGA or section 238 of the COBA unless the matter cannot be delegated:
 - 9.3.2. Defer the matter to a later meeting when a quorum may be available
 - 9.3.3. 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.
- 9.4. None of the above will be considered, discussed, voted on or made during a closed session.
- 9.5. 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).
- 9.6. To take a matter into a closed session the local government must abide by the following:
- 9.6.1. Pass a resolution to close all or part of the meeting
 - 9.6.2. 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 (see section 8.1)
 - 9.6.3. 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.
 - 9.6.4. Not make a resolution while in a closed meeting (other than a procedural resolution).

City of Ipswich Meeting Conduct Policy

Collaboration Communication Integrity Efficiency Leadership

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IPSWICH CITY COUNCIL | Meeting Conduct Policy

1. Statement

Section 150G of the *Local Government Act 2009* requires that a local government must make procedures for the conduct of meetings of a local government and its committees outlining how the chairperson of a local government meeting may deal with a Councillor's unsuitable meeting conduct and how the suspected inappropriate conduct of a Councillor, referred to the local government by the assessor, must be dealt with at a local government meeting as well as the processes for dealing with and recording conflicts of interest.

2. Purpose and Principles

This procedure outlines the processes that must be followed for instances of unsuitable meeting conduct and suspected inappropriate conduct by Councillors of Ipswich City Council in a local government meeting including committee meetings. It also ensures that if a Councillor has a conflict of interest in a matter, the local government deals with and records the matter in an accountable and transparent way that meets community expectations.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

4. Regulatory Authority

Local Government Act 2009

Local Government Regulation 2012

Ipswich City Council Meeting Procedures Policy

Ipswich City Council Investigations Policy

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

This policy applies to all Councillors including the Mayor of Ipswich City Council as well as the Chief Executive Officer.

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7. Roles and Responsibilities

Councillors are required to participate in meetings in accordance with this Policy and adhere to the processes outlined in this Policy.

The Chief Executive Officer is responsible for maintaining the Councillor Conduct Register

The Meetings Coordination Team are responsible for recording proceedings at Council Meetings.

8. Key Stakeholders

This policy applies to all Councillors, the Chief Executive Officer and the Meetings Coordination Team.

9. Processes for meeting conduct

9.1 Conduct during meetings

9.1.1 Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

9.1.2 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.

9.1.3 Unless exempted by the Chairperson, members shall address the Chairperson while:

- (a) moving any motion or amendment;
- (b) seconding any motion or amendment;
- (c) taking part in any discussion;
- (d) replying to any question; or
- (e) addressing the local government for any other purpose.

9.1.4 Councillors must remain seated and silent while a vote is being taken except when calling for a division.

9.1.5 Councillors will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the meeting.

9.1.6 Councillors will, during a meeting, address:

- (a) other Councillors by their respective titles, "Mayor", "Councillor" or "Chairperson" and
- (b) Employees by designating them with their respective official or departmental title or full name (e.g. Mr Smith).

9.1.7 Councillors will confine their remarks to the matter then under consideration.

9.1.8 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.

9.1.9 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

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- 9.2 [Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting](#)
- The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a council meeting and contravenes a behavioural standard of the Code of Conduct for Councillors. When dealing with an instance of unsuitable conduct by a councillor in a meeting, the following procedures must be followed:
- 9.2.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 9.2.2 If the Chairperson decides that unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 9.2.5.
- 9.2.3 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:
- (a) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (b) Apologising for their conduct;
 - (c) Withdrawing their comments.
- 9.2.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 9.2.5 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 may result in an order being issued.
- 9.2.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 9.2.7 If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under 9.2.3, the Chairperson may make one or more of the orders below:
- (a) an order reprimanding the Councillor for the conduct
 - (b) 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.
- 9.2.8 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.
- 9.2.9 Following the completion of the meeting, the Chairperson must ensure:
- (a) details of any order issued is recorded in the minutes of the meeting
 - (b) if it is the third (3rd) or more order within a 12-month period made against a Councillor, or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as inappropriate conduct.
 - (c) the Local Government's Chief Executive Officer is advised to ensure details of any order made is updated in the Local Government's Councillor Conduct Register pursuant to the LGA.

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- 9.3 Dealing with suspected Inappropriate Conduct which has been referred to a Local Government by the Independent Assessor
- 9.3.1 Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government), a referral from the Independent Assessor of inappropriate conduct, or an instance of suspected inappropriate conduct may arise from circumstances under 9.2.9(b) of this Policy.
- 9.3.2 In either case, the council must complete an investigation into the alleged conduct:
- (a) consistent with any recommendations from the IA; and
 - (b) consistent with the council's investigation policy; or
 - (c) in another way decided by resolution of the council.
- 9.3.3 After the completion of the investigation, the council must decide in a Council meeting whether or not the Councillor has engaged in inappropriate conduct, unless it has delegated responsibility for this decision under section 257 of the LGA.
- 9.3.4 When dealing with an instance of suspected inappropriate conduct which has been referred by the Independent Assessor, the council must:
- (a) Be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J(3)(f) of the Local Government Regulation 2012 (the LGR) to discuss the allegation.
 - (b) The subject Councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject Councillor through the Chairperson to assist the other Councillors in making a decision. The permission to remain in the meeting for the debate is on the condition 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 engaged in inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.
 - (c) Should the complainant be a Councillor, that Councillor has a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in section 10.2 of this policy. 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 other Councillors must decide how to deal with the conflict of interest under section 10.2 of this policy. The complainant Councillor can be ordered 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.

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- (d) The council must debate the issue and decide whether the subject Councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted Councillors, or another reason, the matter must be delegated consisted with section 257 of the LGA (Delegation of local government powers).
 - (e) If a decision is reached that the subject councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties, if any, to impose on the councillor. In deciding what penalty to impose the council 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 council is reasonably satisfied is true.
 - (f) The council may order that no action be taken against the Councillor; or make one or more of the following:
 - I. an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct;
 - II. an order reprimanding the Councillor for the conduct;
 - III. an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
 - IV. an order that the Councillor be excluded from a stated Local Government meeting;
 - V. an order that the Councillor is removed, or must resign, from a position representing the Local Government, other than the office of Councillor, (for example, the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee);
 - VI. an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;
 - VII. an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
- 9.3.5 A Local Government may not make an order under section 9.3.4f (iii, iv, v or vi) above in relation to a person who is no longer a Councillor
- 9.3.6 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 details of the decision.
- 9.3.7 The chairperson must ensure the meeting minutes reflect the resolution made.

10. Processes for Conflicts of Interest

10.1 Prescribed conflict of interest

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, Councillors must abide by the following procedures:

- 10.1.1 A Councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.

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- 10.1.2 A Councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.
- 10.1.3 When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
- (a) if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
 - (b) if it arises because of an application for which a submission has been made, the matters the subject of the application and submission;
 - (c) the name of any entity, other than the Councillor, that has an interest in the matter;
 - (d) the nature of the Councillor's relationship with the entity mentioned in (c) above;
 - (e) details of the Councillor's and any other entity's interest in the matter.
- 10.1.4 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 from the Minister to participate in the matter.
- 10.1.5 Once the Councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

10.2 Declarable Conflicts of Interest

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council meetings, standing or advisory committee meetings, that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

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 other Councillor may disclose their suspicion and the processes under section 150EW of the LGA applies.

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

- 10.2.1 A Councillor who has notified the chief executive officer in writing of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
- 10.2.2 A Councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
- 10.2.3 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 minimum details must be provided:
- (a) the nature of the declarable conflict of interest;
 - (b) if it arises because of the Councillor's relationship with a related party:
 - i. the name of the related party to the Councillor;

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- ii. the nature of the relationship of the related party to the Councillor;
 - iii. the nature of the related party's interest in the matter;
 - (c) if it arises because of a gift or loan from another person to the Councillor or a related party:
 - i. the name of the other person;
 - ii. the nature of the relationship of the other person to the Councillor or related party;
 - iii. the nature of the other person's interest in the matter;
 - iv. the value of the gift or loan and the date the gift or loan was made.
- 10.2.4 After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 10.2.5 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.
- 10.2.6 The other eligible Councillors 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 the Councillor 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 under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the eligible Councillors.
- 10.2.7 In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.
- 10.2.8 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other 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.
- 10.2.9 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 circumstances of the matter including, but not limited to:
- (a) how does the inclusion of the Councillor in the deliberation affect the public trust;
 - (b) how close or remote is the Councillor's relationship to the related party;
 - (c) if the declarable conflict of interest relates to a gift or other benefit, how long ago was

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the gift or benefit received;

- (d) will the benefit or detriment the subject Councillor or their related party stands to receive from the decision, have major or minor impact on them;
- (e) how does the benefit or detriment the subject Councillor stands to receive, compare to others in the community;
- (f) how does this compare with similar matters that council has decided and have other Councillors with the same or similar interests decided to leave the meeting;
- (g) whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

10.2.10 If the eligible Councillors cannot decide whether the subject Councillors has 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.

10.2.11 A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, 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 that 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 council meeting about the same matter e.g. briefing sessions or workshops.

10.2.12 In making the decision under 10.2.6 and 10.2.9, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

10.2.13 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister as prescribed under section 150EV of the LGA.

10.3 Reporting a suspected conflict of interest

10.3.1 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 declarable conflict of interest, and that Councillor is participating in a decision on that matter, the Councillor who believes or suspects this, 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.

The chairperson should ask the relevant 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 procedures above.

10.3.2 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.

10.3.3 The eligible Councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above. If a Councillor with a declarable conflict of interest wants to participate in the

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decision despite the declarable conflict of interest, then the eligible Councillors must make a decision about the Councillor's participation.

- 10.3.4 If the Councillors cannot reach a majority decision about the conflict of interest, or the subject Councillor's participation in the matter despite a declarable conflict of interest, then they are taken to have determined that the Councillor has a declarable conflict of interest and must leave and stay away from the place where the meeting is being held while the eligible Councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the conflict of interest remains unchanged.

10.4 Loss of quorum

- 10.4.1 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 council must resolve to:

- (a) delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, unless the matter cannot be delegated; or
- (b) defer the matter to a later meeting
- (c) not to decide the matter and take no further action in relation to the matter.

All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.

- 10.4.2 The council 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.

- 10.4.3 If the matter cannot be delegated under an Act, the council may seek ministerial approval for the Councillors with a conflict of interest to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

10.5 Recording Prescribed and Declarable Conflicts of Interest

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 of the relevant details of how the conflict of interest was dealt with, being:

- (a) the name of any Councillor and any other Councillor who may have a prescribed or declarable conflict of interest;
- (b) the particulars of the prescribed or declarable conflict of interest provided by the Councillor;
- (c) 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;
- (d) any decision then made by the eligible Councillors;
- (e) whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval;
- (f) the council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision;

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- (g) the name of each Councillor who voted on the matter and how each voted;
- (h) 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:
 - i. the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the Councillors voted;
- (i) where a decision has been made under section 10.2.6 above – the minutes must include:
 - i. the decision and reasons for the decision
 - ii. the name of each eligible Councillor who voted and how each eligible Councillor voted.

11. Monitoring and evaluation

Outline the process for monitoring and/or review of this procedure to ensure it remains fit for purpose.

Identify specific measures that will determine the successful implementation and effectiveness of the procedure.

12. Related documents

Local Government Act 2009

Ipswich City Council Investigations Policy

13. Definitions

Assessor or OIA (Office of the Independent Assessor)	means the Independent Assessor appointed under section 150CV of the LGA
Authorised person	Means a person who holds office under section 202 of the LGA
Behavioural Standard	means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA
Chairperson	The person presiding at a meeting of the local government or committee
Chief Executive Officer or CEO	The Chief Executive Officer of the local government A person who holds an appointment under section 194 of the Act.
Committee	A committee of the local government appointed under section 264 of the <i>Local Government Regulation 2012</i>
Conflict of Interest	As outlined in Chapter 5B of the <i>Local Government Act 2009</i>
Council	Ipswich City Council
Councillor	Of a local government, includes the mayor

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Corrupt Conduct	As per the <i>Crime and Corruption Act 2001</i> , conduct of a person regardless of whether the person holds or held an appointment that fulfils each of the following elements: (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— (i) a unit of public administration; or (ii) a person holding an appointment; and (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise
	of powers of a person holding an appointment; and (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and (d) would, if proved, be— (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.
Councillor Conduct Register	As required under section 150DX of the Act and is a record of all written complaints about Councillors and the outcome of each complaint, including any disciplinary or other action.
Eligible Councillor/s	For a matter at a local government meeting, means a Councillor at that meeting who does not have a prescribed or declarable conflict of interest in the matter and who is a member of that meeting.
Inappropriate conduct	As per section 150K of the <i>Local Government Act 2009</i> (1) The conduct of a Councillor is inappropriate conduct if the conduct contravenes— (a) a behavioural standard; or (b) a policy, procedure or resolution of the local government. (2) Also, the conduct of a Councillor is inappropriate conduct if— (a) 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 (b) it is part of a course of conduct at local government meetings leading to orders for the Councillor’s unsuitable meeting conduct being made on 3 occasions within a period of 1 year. (3) For subsection (2)(b), the conduct that led to the orders being made, taken together, is the inappropriate conduct. (4) However, inappropriate conduct does not include conduct that is— (a) unsuitable meeting conduct, to the extent the conduct is not conduct mentioned in subsection (2); or (b) misconduct; or (c) corrupt conduct
Investigation policy	Refers to the policy as required by section 150AE of the LGA
Local Government	In this policy meaning Ipswich City Council
Meeting	A local government Council meeting or a committee meeting

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Misconduct	As per section 150L the <i>Local Government Act 2009</i> (1) The conduct of a Councillor is misconduct if the conduct— (a) adversely affects, directly or indirectly, the honest and impartial performance of the Councillor’s functions, or the exercise of the Councillor’s powers; or (b) is or involves— (i) a breach of the trust placed in the Councillor, either knowingly or recklessly; or (ii) a misuse of information or material acquired in, or in connection with, the performance of the Councillor’s functions, whether the misuse is for the benefit of the Councillor or for the benefit, or to the detriment, of another person; or (c) contravenes any of the following— (i) an order of the local government or the conduct tribunal; (ii) the acceptable requests guidelines of the local government
	under section 170A; (iii) a policy of the local government about the reimbursement of expenses; (iv) section 150R, 170(2), 171(3) or 175G. (2) Also, the conduct of a Councillor is misconduct if the conduct— (a) is part of a course of conduct leading to the local government deciding to take action under section 150AG to discipline the Councillor for inappropriate conduct on 3 occasions within a period of 1 year; or (b) is of the same type stated in an order of the local government that if the Councillor engages in the same type of conduct again, it will be dealt with as misconduct. (3) For subsection (2)(a), the conduct that led to the 3 occasions of disciplinary action, taken together, is the misconduct.
Ordinary meeting	A meeting that the local government is required to hold pursuant to section 257 of the <i>Local Government Regulation 2012</i>
Point of order	An interjection during a meeting by a member who does not have the floor, to call to the attention of the chairperson an alleged violation or breach of the local government’s standing orders
Procedural Motion	A set of motions that can be employed in specific ways to control the conduct of meetings.
Regulation	<i>Local Government Regulation 2012</i>
Standing orders	The rules adopted by council that regulate the meetings of the Ipswich City Council
Unsuitable meeting conduct	As per section 150H of the <i>Local Government Act 2009</i> The conduct of a Councillor is unsuitable meeting conduct if the conduct— (a) happens during a local government meeting; and (b) contravenes a behavioural standard.

14. Policy Owner

The Executive Services Branch (Office of the CEO) is the policy owner and the Manager, Executive Services is responsible for authoring and reviewing this policy.

Version Control

Version	Reason	Endorsed/Approved by	Date
2.0	Adopted by Council	Council Ordinary Meeting	26 November 2020
2.1	Updated to align with Qld State Government Model Meeting Procedures revised November 2022	Governance and Transparency Committee	9 February 2023
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1. Statement

Section ~~150G-150F~~ of the *Local Government Act 2009* requires that a local government must make procedures for the conduct of meetings of a local government and its committees outlining how the chairperson of a local government meeting may deal with a Councillor's unsuitable meeting conduct, [how the Councillors at a local government meeting may deal with unsuitable meeting conduct by the chairperson](#) and how the suspected inappropriate conduct of a Councillor, referred to the local government by the [Independent Assessor \(IA\)](#), must be dealt with at a local government meeting as well as the processes for dealing with and recording [Conflicts of Interest](#).

2. Purpose and Principles

This procedure outlines the processes that must be followed for instances of unsuitable meeting conduct and suspected inappropriate conduct by Councillors of Ipswich City Council in a local government meeting including committee meetings. It also ensures that if a Councillor has a [Conflict of Interest](#) in a matter, the local government deals with and records the matter in an accountable and transparent way that meets community expectations.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

4. Regulatory Authority

Local Government Act 2009

Local Government Regulation 2012

Ipswich City Council Meeting Procedures Policy

Ipswich City Council Investigations Policy

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

This policy applies to all Councillors including the Mayor of Ipswich City Council as well as the Chief Executive Officer.

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7. Roles and Responsibilities

Councillors are required to participate in meetings in accordance with this Policy and adhere to the processes outlined in this Policy.

The Chief Executive Officer is responsible for maintaining the Councillor Conduct Register

The Meetings Coordination Team are responsible for recording proceedings at Council Meetings.

8. Key Stakeholders

This policy applies to all Councillors, the Chief Executive Officer and the Meetings Coordination Team.

9. Processes for meeting conduct

9.1 Conduct during meetings

9.1.1 Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

9.1.2 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.

9.1.3 Unless exempted by the Chairperson, members shall address the Chairperson while:

- (a) moving any motion or amendment;
- (b) seconding any motion or amendment;
- (c) taking part in any discussion;
- (d) replying to any question; or
- (e) addressing the local government for any other purpose.

9.1.4 Councillors must remain seated and silent while a vote is being taken except when calling for a division.

9.1.5 Councillors will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the meeting.

9.1.6 Councillors will, during a meeting, address:

- (a) other Councillors by their respective titles, "Mayor", "Councillor" or "Chairperson" and
- (b) Employees by designating them with their respective official or departmental title or full name (e.g. Mr Smith).

9.1.7 Councillors will confine their remarks to the matter then under consideration.

9.1.8 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.

9.1.9 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

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9.2 Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting

The conduct of a ~~e~~Councillor is unsuitable meeting conduct if the conduct happens during a ~~council~~ 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 ~~e~~Councillor in a meeting, the following procedures must be followed:

- 9.2.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 9.2.2 If the Chairperson decides that unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the ~~e~~Councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 9.2.5.
- 9.2.3 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:
 - (a) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (b) Apologising for their conduct;
 - (c) Withdrawing their comments.
- 9.2.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 9.2.5 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 may result in an order being issued.
- 9.2.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 9.2.7 If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under 9.2.3, the Chairperson may make one or more of the orders below:
 - (a) an order reprimanding the Councillor for the conduct
 - (b) 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.
- 9.2.8 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.
- 9.2.9 Following the completion of the meeting, the Chairperson must ensure:
 - (a) details of any order issued is recorded in the minutes of the meeting
 - (b) if it is the third (3rd) or more order within a 12-month period made against a Councillor, or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next ~~local government~~ meeting of the Council and treated as ~~inappropriate conduct~~ a suspected conduct breach.
 - (c) the Local Government's Chief Executive Officer is advised to ensure details of any order made is updated in the Local Government's Councillor Conduct Register pursuant to the LGA.

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9.3 Dealing with a ~~S~~suspected ~~Inappropriate~~ Conduct ~~Breach~~ including that which has been referred to a Local Government by the Independent Assessor

~~9.3.1 Pursuant to Chapter 5A, part 3, Division 5-3A of the LGA (Referral of conduct to local government Preliminary Assessments), the Independent Assessor must make a preliminary assessment and consider dismissing a complaint or information before taking other action if satisfied that particular circumstances apply. If the IA assesses 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. a referral from the Independent Assessor of inappropriate conduct, or an instance of suspected inappropriate conduct may arise from circumstances under 9.2.9(b) of this Policy.~~

~~9.3.2 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 under paragraph 9.2.9 of this policy.~~

~~9.3.3 In relation to matters referred by the IA to the local government, the local government may decide not to start or discontinue an investigation if the complainant withdraws the complaint, or consents to the investigation not starting or discontinuing, or the complainant does not provide extra information when requested, or there is insufficient information to investigate the complaint, or the Councillor vacates or has vacated their office as a Councillor.~~

~~9.3.4 (a) 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.~~

~~9.3.2 In either case, the council must complete an investigation into the alleged conduct:~~

- ~~(a) consistent with any recommendations from the IA; and~~
- ~~(b) consistent with the council's investigation policy; or~~
- ~~(c) in another way decided by resolution of the council.~~

~~9.3.3.4~~ 9.3.4 After the completion of the investigation, the council must decide in a Council meeting whether or not the Councillor has engaged in ~~inappropriate a~~ conduct ~~breach~~, unless it has delegated responsibility for this decision ~~to the Mayor~~ under section 257(2)(a), or to a standing committee under section 257(2) of the of the LGA.

~~9.3.4~~ 9.3.5 When dealing with an instance of a suspected ~~inappropriate~~ conduct ~~breach~~ which has been referred by the Independent Assessor, the council must:

- ~~(a) Be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with the outcome of an investigation of a suspected inappropriate conduct breach in an open meeting of the Council.~~

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However, where the matter ~~may directly affect the health and safety of the complainant due to the nature of the complaint, the C~~requires debate, Council may resolve to go into closed session, ~~if considered necessary, to discuss an investigation report~~ under section 254J~~(3)(f)~~(f) of the Local Government Regulation 2012 (the LGR) ~~to discuss the allegation.~~

- ~~(b)~~ (b) No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- ~~(c)~~ (c) 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 245H of the LGR.
- ~~(d)~~ (d) The subject Councillor has a declarable ~~C~~conflict of ~~I~~interest in the matter and is permitted by the Council to remain in the ~~closed~~ meeting during the debate about ~~the investigation report and whether the Councillor engaged in the inappropriate conduct~~ and answer questions put to the subject Councillor through the Chairperson ~~in relation to the evidence or written submission provided by the Councillor to the local government to assist the other Councillors in making a decision, unless the local government decides otherwise).~~
- ~~(e)~~ (e) The permission to remain in the meeting for the debate is on the condition that 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 ~~inappropriate a~~ conduct ~~breach~~ and what, if any, penalty to impose if the Councillor is found to have ~~committed inappropriate engaged in a~~ conduct ~~breach~~.
- ~~(f)~~ (f) ~~Should If~~ the complainant ~~be is~~ a Councillor, that Councillor has a declarable ~~C~~conflict of ~~I~~interest in the matter and if so, must follow the declarable ~~C~~conflict of ~~I~~interest procedures in section 10.2 of this policy. If the complainant Councillor who has a ~~C~~conflict of ~~I~~interest, wishes to remain in the meeting during the debate and vote on the matter, the other ~~eligible~~ Councillors ~~(who do not have a COI in the matter)~~ must decide how to deal with the ~~C~~conflict of ~~I~~interest under section 10.2 of this policy. The complainant Councillor can be ordered 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.
- ~~(g)~~ (g) 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 complainants, or any Councillor who declared a COI in the matter~~

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~~(h)~~ ~~The council must debate the issue and decide whether the subject Councillor engaged in inappropriate conduct.~~ 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 (Delegation of local government powers)~~ the Council must do one of the following:-

- i. Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, whichever is the most appropriate in the circumstances or
- ii. Decide, by resolution, to defer the matter to a later meeting or
- iii. Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless this Act or another Act provides that the local government must decide the matter

~~(d)~~iv. 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 deferred to a later meeting when a quorum can be maintained, or the conflicted Councillors may apply to the Minister for permission to participate in the decision.

~~(e)~~(i) If a decision is reached that the subject ~~e~~Councillor has engaged in ~~inappropriate~~ breach, then the ~~e~~Councillors must decide what penalty or penalties, if any, to impose on the ~~e~~Councillor. In deciding what penalty to impose the council may consider any previous inappropriate conduct of the ~~e~~Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the council is reasonably satisfied is true.

~~(f)~~(i) The council may order that no action be taken against the Councillor; or make one or more of the following:

- I. an order that the Councillor make a public admission-apology, that the Councillor has engaged in ~~inappropriate a~~ conduct breach, in the way decided by the local government;
- II. an order reprimanding the Councillor for the conduct breach;
- III. an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
- IV. an order that the Councillor be excluded from a stated Local Government meeting;
- V. an order that the Councillor is removed, or must resign, from a position representing the Local Government, other than the office of Councillor, (for example, the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee);
- VI. an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;
- VII. an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's ~~inappropriate~~ conduct breach.

~~9.3.59.3.6~~ 9.3.69.3.6 A Local Government may not make an order under section 9.3.4f 4j (iii, iv, v or vi) above in relation to a person who ~~is no longer a Councillor~~ has vacated their office as a Councillor.

~~9.3.69.3.7~~ 9.3.69.3.7 The subject Councillor and where relevant the complainant Councillor, must be

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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 details of the decision made by the local government and if relevant any order made by resolution.

- 9.3.79.3.8 The chairperson must ensure the meeting minutes reflect the resolution and any orders made. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and in an order is made under section 150AH the details of the order.
- 9.4 Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting
- 9.41 If a Councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the Councillor will raise the matter in the meeting by point of order.
- 9.42 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 Councillor has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.
- 9.43 The chairperson has a declarable Conflict of Interest in the matter and must 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 in 10.2 below
- 9.44 For the debate and vote on the motion, a Councillor other than the Councillor that moved the motion, is to act as the chairperson
- 9.45 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
- 9.46 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).
- 9.47 If it is decided that the chairperson has engaged in unsuitable meeting conduct the Councillors can make an order reprimanding the chairperson for the conduct
- 9.48 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.
- 9.49 The chairperson then resumes the role of chairperson, and the meeting continues
- 9.410 Following the completion of the meeting, the Chairperson must ensure:
- (a) details of any reprimand is recorded in the minutes of the meeting.
 - (b) the Local Government's Chief Executive Officer is advised to ensure details of any order made is updated in the local government's Councillor Conduct Register.
 - (c) For conduct of a chairperson, at local government meetings that is part of a course of conduct leading to a reprimand order for unsuitable meeting conduct being made against

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the chairperson, on three occasions within a period of 12 months, the conduct that led to the orders being made, taken together, becomes a conduct breach

(d) 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(2)(b) and (3) of the LGA, the local government is not required to notify the assessor about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. It may be dealt with at the next local government meeting

10. Processes for Conflicts of Interest

10.1 Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed Conflict of Interest on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business matters). When dealing with a prescribed Conflict of Interest, Councillors must abide by the following procedures:

- 10.1.1 A Councillor who has notified the chief executive officer of a prescribed Conflict of Interest in a matter to be discussed in a council meeting must also give notice during the meeting at the time when the matter is to be discussed.
- 10.1.2 A Councillor who first becomes aware of a prescribed Conflict of Interest in a matter during a council meeting must immediately inform the meeting of the Conflict of Interest.
- 10.1.3 When notifying the meeting of a prescribed Conflict of Interest, the following details must, at a minimum, be provided:
 - (a) if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
 - (b) if it arises because of an application for which a submission has been made, the matters the subject of the application and submission;
 - (c) the name of any entity, other than the Councillor, that has an interest in the matter;
 - (d) the nature of the Councillor's relationship with the entity mentioned in (c) above;
 - (e) details of the Councillor's and any other entity's interest in the matter.
- 10.1.4 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 from the Minister to participate in the matter.
- 10.1.5 Once the Councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

10.2 Declarable Conflicts of Interest

Councillors are ultimately responsible for informing of any declarable Conflict of Interest on matters to be discussed at council meetings, standing or advisory committee meetings, that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

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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 **C**onflict of **I**nterest. If the other Councillors suspect the personal interest might be a **C**onflict of **I**nterest, the other Councillor may disclose their suspicion and the processes under section 150EW of the LGA applies.

When dealing with a declarable **C**onflict of **I**nterest, Councillors must abide by the following procedures:

- 10.2.1 A Councillor who has notified the chief executive officer in writing of a declarable **C**onflict of **I**nterest in a matter to be discussed at a council meeting must also give notice during the meeting.
- 10.2.2 A Councillor who first becomes aware of a declarable **C**onflict of **I**nterest in a matter during a council meeting must inform the meeting of the **C**onflict of **I**nterest.
- 10.2.3 When notifying the meeting of a declarable **C**onflict of **I**nterest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable **C**onflict of **I**nterest in the public interest. The following minimum details must be provided:
 - (a) the nature of the declarable **C**onflict of **I**nterest;
 - (b) if it arises because of the Councillor's relationship with a related party:
 - i. the name of the related party to the Councillor;
 - ii. the nature of the relationship of the related party to the Councillor;
 - iii. the nature of the related party's interest in the matter;
 - (c) if it arises because of a gift or loan from another person to the Councillor or a related party:
 - i. the name of the other person;
 - ii. the nature of the relationship of the other person to the Councillor or related party;
 - iii. the nature of the other person's interest in the matter;
 - iv. the value of the gift or loan and the date the gift or loan was made.
- 10.2.4 After a Councillor has declared a **C**onflict of **I**nterest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 10.2.5 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.
- 10.2.6 The other eligible Councillors 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 the Councillor 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 under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote.
- 10.2.7 The Councillor must comply with any decision or condition imposed by the eligible Councillors. **The Councillor must not participate in the decision unless authorised in**

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[compliance with section 150ES of the LGA or under an approval by the minister for local government under section 150EV of the LGA.](#)

10.2.78 In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable [Conflict of Interest](#), only Councillors who do not themselves have a prescribed or declarable [Conflict of Interest](#) in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.

10.2.89 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other 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](#).

10.2.910 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 circumstances of the matter including, but not limited to:

- (a) how does the inclusion of the Councillor in the deliberation affect the public trust;
- (b) how close or remote is the Councillor's relationship to the related party;
- (c) if the declarable [Conflict of Interest](#) relates to a gift or other benefit, how long ago was the gift or benefit received;
- (d) will the benefit or detriment the subject Councillor or their related party stands to receive from the decision, have major or minor impact on them;
- (e) how does the benefit or detriment the subject Councillor stands to receive, compare to others in the community;
- (f) how does this compare with similar matters that council has decided and have other Councillors with the same or similar interests decided to leave the meeting;
- (g) whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

10.2.1011 If the eligible Councillors cannot decide whether the subject Councillors has 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.

10.2.1112 A decision about a Councillor who has a declarable [Conflict of Interest](#) in a matter applies in relation to the Councillor for participating in the decision, 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 that 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 council meeting about the same matter e.g. briefing sessions or workshops.

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~~10.2.12~~10.2.13 In making the decision under 10.2.6 and 10.2.9, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).

~~10.2.13-14~~ A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister as prescribed under section 150EV of the LGA.

~~10.3~~ 10.3 Reporting a suspected Conflict of Interest

10.3.1 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 declarable Conflict of Interest, and that Councillor is participating in a decision on that matter, the Councillor who believes or suspects this, 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.

The chairperson should ask the relevant 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 procedures above.

10.3.2 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.

10.3.3 The eligible Councillors must then decide whether the Councillor has a prescribed Conflict of Interest, a declarable Conflict of Interest or that the Councillor does not have a prescribed or declarable Conflict of Interest in the matter. If the meeting decides the Councillor has a Conflict of Interest, the Councillor must follow the relevant 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.

10.3.4 If the Councillors cannot reach a majority decision about the Conflict of Interest, or the subject Councillor's participation in the matter despite a declarable Conflict of Interest, then they are taken to have determined that the Councillor has a declarable Conflict of Interest and must leave and stay away from the place where the meeting is being held while the eligible Councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the Conflict of Interest remains unchanged.

10.3.5 If the belief or suspicion of a COI relates to more than one Councillor. Then parts 10.2.1 to 10.2.9 of this policy must be complied with in relation to each Councillor separately.

10.4 Loss of quorum

10.4.1 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 council must resolve to:

- (a) delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, unless the matter cannot be delegated; or
- (b) defer the matter to a later meeting
- (c) not to decide the matter and take no further action in relation to the matter unless

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the LGA or another Act provides that the local government must decide the matter.

~~All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.~~

10.4.2 The council 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.

10.4.3 The local government must not delegate a power that an Act says must be decided by resolution of the local government under section 257(3) of the LGA.

10.4.4 The local government may by resolution delegate a power under section 257 of the LGA to:

- (a) The mayor or chief executive officer, or
- (b) A standing committee, or joint committee of the local government, or
- (c) The chairperson of a standing committee or joint standing committee of the local government, or
- (d) Another local government for a joint government activity.

10.4.5 The local government may only delegate a power to make a decision about a Councillors conduct under section 150AE or 150AG of the LGA pursuant to section 257(2) of the LGA, to:

- (a) The mayor; or
- (b) A standing committee.

~~10.4.3 10.4.6 If the matter cannot be delegated under an Act, the council may seek ministerial approval for the Councillors with a conflict of interest to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose. 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.~~

10.5 Recording Prescribed and Declarable Conflicts of Interest

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 of the relevant details of how the Conflict of Interest was dealt with, being:

- (a) the name of any Councillor and any other Councillor who may have a prescribed or declarable Conflict of Interest;
- (b) the particulars of the prescribed or declarable Conflict of Interest provided by the Councillor;
- (c) 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

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Interest;

- (d) any decision then made by the eligible Councillors;
- (e) whether the Councillor with a prescribed or declarable Conflict of Interest participated in or was present for the decision under ministerial approval;
- (f) the council's decision on what actions the Councillor with a declarable Conflict of Interest must take and the reasons for the decision;
- (g) the name of each Councillor who voted on the matter and how each voted;
- (h) 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:
 - i. the name of each Councillor who voted in relation to whether the Councillor has a declarable Conflict of Interest, and how each of the Councillors voted;
- (i) where a decision has been made under section 10.2.6 above – the minutes must include:
 - i. the decision and reasons for the decision
 - ii. the name of each eligible Councillor who voted and how each eligible Councillor voted.

11. Monitoring and evaluation

Outline the process for monitoring and/or review of this procedure to ensure it remains fit for purpose.

Identify specific measures that will determine the successful implementation and effectiveness of the procedure.

12. Related documents

Local Government Act 2009

Ipswich City Council Investigations Policy

13. Definitions

Assessor or OIA (Office of the Independent Assessor)	means the Independent Assessor appointed under section 150CV of the LGA
Authorised person	Means a person who holds office under section 202 of the LGA
Behavioural Standard	means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA
Chairperson	The person presiding at a meeting of the local government or committee
Chief Executive Officer or CEO	The Chief Executive Officer of the local government A person who holds an appointment under section 194 of the Act.
Committee	A committee of the local government appointed under section 264 of the <i>Local Government Regulation 2012</i>
Conflict of Interest	As outlined in Chapter 5B of the <i>Local Government Act 2009</i>
Council	Ipswich City Council
Councillor	Of a local government, includes the mayor

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Corrupt Conduct	As per the <i>Crime and Corruption Act 2001</i> , conduct of a person regardless of whether the person holds or held an appointment that fulfils each of the following elements: (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— (i) a unit of public administration; or (ii) a person holding an appointment; and (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise
	of powers of a person holding an appointment; and (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and (d) would, if proved, be— (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.
Councillor Conduct Register	As required under section 150DX of the Act and is a record of all written complaints about Councillors and the outcome of each complaint, including any disciplinary or other action.
Eligible Councillor/s	For a matter at a local government meeting, means a Councillor at that meeting who does not have a prescribed or declarable <u>C</u> onflict of <u>I</u> nterest in the matter and who is a member of that meeting.
Inappropriate conduct <u>Conduct Breach</u>	As per section 150K of the <i>Local Government Act 2009</i> (1) The conduct of a Councillor is inappropriate a conduct <u>breach</u> if the conduct contravenes— (a) a behavioural standard; or (b) a policy, procedure or resolution of the local government. (2) Also, the conduct of a Councillor is inappropriate a conduct <u>breach</u> if— (a) 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 (b) it is part of a course of conduct at local government meetings leading to orders for the Councillor’s unsuitable meeting conduct being made on 3 occasions within a period of 1 year. (3) For subsection (2)(b), the conduct that led to the orders being made, taken together, is the inappropriate conduct <u>breach and orders for the councillor’s unsuitable meeting conduct include any orders made against the councillor as the chairperson of a local government meeting.</u> (4) However, inappropriate a conduct <u>breach</u> does not include conduct that is— (a) unsuitable meeting conduct, to the extent the conduct is not conduct mentioned in subsection (2); or (b) misconduct; or (c) corrupt conduct
Investigation policy	Refers to the policy as required by section 150AE of the LGA
Local Government	In this policy meaning Ipswich City Council
Meeting	A local government Council meeting or a committee meeting

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Misconduct	As per section 150L the <i>Local Government Act 2009</i> (1) The conduct of a Councillor is misconduct if the conduct— (a) adversely affects, directly or indirectly, the honest and impartial performance of the Councillor’s functions, or the exercise of the Councillor’s powers; or (b) is or involves— (i) a breach of the trust placed in the Councillor, either knowingly or recklessly; or (ii) a misuse of information or material acquired in, or in connection with, the performance of the Councillor’s functions, whether the misuse is for the benefit of the Councillor or for the benefit, or to the detriment, of another person; or (c) contravenes any of the following— (i) an order of the local government or the conduct tribunal; (ii) the acceptable requests guidelines of the local government
	under section 170A; (iii) a policy of the local government about the reimbursement of expenses; (iv) section 150R, 170(2), 171(3) or 175G. (2) Also, the conduct of a Councillor is misconduct if the conduct— (a) is part of a course of conduct leading to the local government deciding to take action under section 150AG to discipline the Councillor for inappropriate conduct on 3 occasions within a period of 1 year; or (b) is of the same type stated in an order of the local government that if the Councillor engages in the same type of conduct again, it will be dealt with as misconduct. (3) For subsection (2)(a), the conduct that led to the 3 occasions of disciplinary action, taken together, is the misconduct.
Ordinary meeting	A meeting that the local government is required to hold pursuant to section 257 of the <i>Local Government Regulation 2012</i>
Point of order	An interjection during a meeting by a member who does not have the floor, to call to the attention of the chairperson an alleged violation or breach of the local government’s standing orders
Procedural Motion	A set of motions that can be employed in specific ways to control the conduct of meetings.
Regulation	<i>Local Government Regulation 2012</i>
Standing orders	The rules adopted by council that regulate the meetings of the Ipswich City Council
Unsuitable meeting conduct	As per section 150H of the <i>Local Government Act 2009</i> The conduct of a Councillor is unsuitable meeting conduct if the conduct— (a) happens during a local government meeting; and (b) contravenes a behavioural standard.

14. Policy Owner

The Executive Services Branch (Office of the CEO) is the policy owner and the Manager, Executive Services is responsible for authoring and reviewing this policy.

Version Control

Version	Reason	Endorsed/Approved by	Date
2.0	Adopted by Council	Council Ordinary Meeting	26 November 2020
2.1	Updated to align with Qld State Government Model Meeting Procedures revised November 2022	Governance and Transparency Committee	9 February 2023
3.0	Adopted by Council	Council Ordinary Meeting	23 February 2023

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4.0	Updated to align with Qld State Government Model Meeting Procedures		
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Version Control and Objective ID	Version No: 4	Objective ID:
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Date of Review		

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1. Statement

Section 150F of the *Local Government Act 2009* requires that a local government must make procedures for the conduct of meetings of a local government and its committees outlining how the chairperson of a local government meeting may deal with a Councillor's unsuitable meeting conduct, how the Councillors at a local government meeting may deal with unsuitable meeting conduct by the chairperson and how the suspected inappropriate conduct of a Councillor, referred to the local government by the Independent Assessor (IA), must be dealt with at a local government meeting as well as the processes for dealing with and recording Conflicts of Interest.

2. Purpose and Principles

This procedure outlines the processes that must be followed for instances of unsuitable meeting conduct and suspected inappropriate conduct by Councillors of Ipswich City Council in a local government meeting including committee meetings. It also ensures that if a Councillor has a Conflict of Interest in a matter, the local government deals with and records the matter in an accountable and transparent way that meets community expectations.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

4. Regulatory Authority

Local Government Act 2009

Local Government Regulation 2012

Ipswich City Council Meeting Procedures Policy

Ipswich City Council Investigations Policy

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

This policy applies to all Councillors including the Mayor of Ipswich City Council as well as the Chief Executive Officer.

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7. Roles and Responsibilities

Councillors are required to participate in meetings in accordance with this Policy and adhere to the processes outlined in this Policy.

The Chief Executive Officer is responsible for maintaining the Councillor Conduct Register

The Meetings Coordination Team are responsible for recording proceedings at Council Meetings.

8. Key Stakeholders

This policy applies to all Councillors, the Chief Executive Officer and the Meetings Coordination Team.

9. Processes for meeting conduct

9.1 Conduct during meetings

9.1.1 Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

9.1.2 After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.

9.1.3 Unless exempted by the Chairperson, members shall address the Chairperson while:

- (a) moving any motion or amendment;
- (b) seconding any motion or amendment;
- (c) taking part in any discussion;
- (d) replying to any question; or
- (e) addressing the local government for any other purpose.

9.1.4 Councillors must remain seated and silent while a vote is being taken except when calling for a division.

9.1.5 Councillors will not make a noise or disturbance except to raise a point of order, nor converse aloud, while another person is addressing the meeting.

9.1.6 Councillors will, during a meeting, address:

- (a) other Councillors by their respective titles, "Mayor", "Councillor" or "Chairperson" and
- (b) Employees by designating them with their respective official or departmental title or full name (e.g. Mr Smith).

9.1.7 Councillors will confine their remarks to the matter then under consideration.

9.1.8 No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.

9.1.9 When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.

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- 9.2 **Dealing with Unsuitable Meeting Conduct by a Councillor in a Meeting**
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:
- 9.2.1 The Chairperson must reasonably believe that unsuitable meeting conduct has been displayed by a Councillor at a meeting.
- 9.2.2 If the Chairperson decides that unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the chairperson decides the conduct is of a serious nature or another warning is unwarranted, proceed to step 9.2.5.
- 9.2.3 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:
- (a) Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct;
 - (b) Apologising for their conduct;
 - (c) Withdrawing their comments.
- 9.2.4 If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
- 9.2.5 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 may result in an order being issued.
- 9.2.6 If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
- 9.2.7 If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under 9.2.3, the Chairperson may make one or more of the orders below:
- (a) an order reprimanding the Councillor for the conduct
 - (b) 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.
- 9.2.8 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.
- 9.2.9 Following the completion of the meeting, the Chairperson must ensure:
- (a) details of any order issued is recorded in the minutes of the meeting
 - (b) if it is the third (3rd) or more order within a 12-month period made against a Councillor, or the Councillor has refused to leave following an order issued to leave the meeting, these matters are to be dealt with at the next local government meeting of the Council and treated as a suspected conduct breach.
 - (c) the Local Government's Chief Executive Officer is advised to ensure details of any order made is updated in the Local Government's Councillor Conduct Register pursuant to the LGA.

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- 9.3 Dealing with a Suspected Conduct Breach including that which has been referred to a Local Government by the Independent Assessor
- 9.3.1 Pursuant to Chapter 5A, part 3, Division 3A of the LGA (Preliminary Assessments), the Independent Assessor must make a preliminary assessment and consider dismissing a complaint or information before taking other action if satisfied that particular circumstances apply. If the IA assesses 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.
- 9.3.2 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 under paragraph 9.2.9 of this policy.
- 9.3.3 In relation to matters referred by the IA to the local government, the local government may decide not to start or discontinue an investigation if the complainant withdraws the complaint, or consents to the investigation not starting or discontinuing, or the complainant does not provide extra information when requested, or there is insufficient information to investigate the complaint, or the Councillor vacates or has vacated their office as a Councillor.
- (a) 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.
- 9.3.4 After the completion of the investigation, the council must decide in a Council meeting whether or not the Councillor has engaged in a conduct breach, unless it has delegated responsibility for this decision to the Mayor under section 257(2)(a), or to a standing committee under section 257(2) of the of the LGA.
- 9.3.5 When dealing with an instance of a suspected conduct breach which has been referred by the Independent Assessor, the council must:
- (a) Be consistent with the Local Government principle of transparent and accountable decision making in the public interest, by dealing with the outcome of an investigation of a suspected conduct breach in an open meeting of the Council. However, where the matter requires debate, Council may resolve to go into closed session, if considered necessary, to discuss an investigation report under section 254J) of the Local Government Regulation 2012 (the LGR) .
- (b) No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
- (c) 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

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matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting under section 245H of the LGR.

- (d) The subject Councillor has a declarable Conflict of Interest in the matter and is permitted by the Council to remain in the closed meeting during the debate about the investigation report and answer questions put to the subject Councillor through the Chairperson in relation to the evidence or written submission provided by the Councillor to the local government (unless the local government decides otherwise).
- (e) The permission to remain in the meeting for the debate is on the condition that 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.
- (f) 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 in section 10.2 of this policy. 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 other eligible Councillors (who do not have a COI in the matter) must decide how to deal with the Conflict of Interest under section 10.2 of this policy. The complainant Councillor can be ordered 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.
- (g) 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 complainants, or any Councillor who declared a COI in the matter
- (h) If the Council has lost quorum due to the number of conflicted Councillors, or another reason, the Council must do one of the following:
 - i. Delegate deciding the matter under section 257 of the LGA to the mayor or a standing committee, whichever is the most appropriate in the circumstances or
 - ii. Decide, by resolution, to defer the matter to a later meeting or
 - iii. Decide, by resolution, not to decide the matter and take no further action in relation to the matter unless this Act or another Act provides that the local government must decide the matter
 - iv. 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 deferred to a later meeting when a quorum can be maintained, or the conflicted Councillors may apply to the Minister for permission to participate in the decision.
- (i) If a decision is reached that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties, if any, to impose on the Councillor. In deciding what penalty to impose the council 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 council is reasonably satisfied is true.
- (j) The council may order that no action be taken against the Councillor; or make one or

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more of the following:

- I. an order that the Councillor make a public apology, that the Councillor has engaged in a conduct breach, in the way decided by the local government;
- II. an order reprimanding the Councillor for the conduct breach;
- III. an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense;
- IV. an order that the Councillor be excluded from a stated Local Government meeting;
- V. an order that the Councillor is removed, or must resign, from a position representing the Local Government, other than the office of Councillor, (for example, the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee);
- VI. an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct;
- VII. an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's conduct breach.

9.3.6 A Local Government may not make an order under section 9.3.4j (iii, iv, v or vi) above in relation to a person who has vacated their office as a Councillor.

9.3.7 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 details of the decision made by the local government and if relevant any order made by resolution.

9.3.8 The chairperson must ensure the meeting minutes reflect the resolution and any orders made. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and in an order is made under section 150AH the details of the order.

9.4 [Process for Dealing with Unsuitable Meeting Conduct by a Chairperson in a Meeting](#)

9.4.1 If a Councillor at the meeting reasonably believes that the conduct of the chairperson during the meeting is unsuitable meeting conduct, the Councillor will raise the matter in the meeting by point of order.

9.4.2 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 Councillor has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

9.4.3 The chairperson has a declarable Conflict of Interest in the matter and must 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 in 10.2 below

9.4.4 For the debate and vote on the motion, a Councillor other than the Councillor that moved the motion, is to act as the chairperson

9.4.5 If the original chairperson remains in the meeting, on the condition that they will not vote

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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

- 9.4.6 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).
- 9.4.7 If it is decided that the chairperson has engaged in unsuitable meeting conduct the Councillors can make an order reprimanding the chairperson for the conduct
- 9.4.8 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.
- 9.4.9 The chairperson then resumes the role of chairperson, and the meeting continues
- 9.4.10 Following the completion of the meeting, the Chairperson must ensure:
- (a) details of any reprimand is recorded in the minutes of the meeting.
 - (b) the Local Government's Chief Executive Officer is advised to ensure details of any order made is updated in the local government's Councillor Conduct Register.
 - (c) For conduct of a chairperson, at local government meetings that is part of a course of conduct leading to a reprimand order for unsuitable meeting conduct being made against the chairperson, on three occasions within a period of 12 months, the conduct that led to the orders being made, taken together, becomes a conduct breach
 - (d) 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(2)(b) and (3) of the LGA, the local government is not required to notify the assessor about the conduct; and may deal with the conduct under section 150AG as if an investigation had been conducted. It may be dealt with at the next local government meeting

10. Processes for Conflicts of Interest

10.1 Prescribed Conflict of Interest

Councillors are ultimately responsible for informing of any prescribed Conflict of Interest on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business matters). When dealing with a prescribed Conflict of Interest, Councillors must abide by the following procedures:

- 10.1.1 A Councillor who has notified the chief executive officer of a prescribed Conflict of Interest in a matter to be discussed in a council meeting must also give notice during the meeting at the time when the matter is to be discussed.
- 10.1.2 A Councillor who first becomes aware of a prescribed Conflict of Interest in a matter during a council meeting must immediately inform the meeting of the Conflict of Interest.
- 10.1.3 When notifying the meeting of a prescribed Conflict of Interest, the following

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details must, at a minimum, be provided:

- (a) if it arises because of a gift, loan or contract, the value of the gift, loan or contract;
- (b) if it arises because of an application for which a submission has been made, the matters the subject of the application and submission;
- (c) the name of any entity, other than the Councillor, that has an interest in the matter;
- (d) the nature of the Councillor's relationship with the entity mentioned in (c) above;
- (e) details of the Councillor's and any other entity's interest in the matter.

10.1.4 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 from the Minister to participate in the matter.

10.1.5 Once the Councillor has left the area where the meeting is being conducted, the council can continue discussing and deciding on the matter at hand.

10.2 Declarable Conflicts of Interest

Councillors are ultimately responsible for informing of any declarable Conflict of Interest on matters to be discussed at council meetings, standing or advisory committee meetings, that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

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 other Councillor may disclose their suspicion and the processes under section 150EW of the LGA applies.

When dealing with a declarable Conflict of Interest, Councillors must abide by the following procedures:

10.2.1 A Councillor who has notified the chief executive officer in writing of a declarable Conflict of Interest in a matter to be discussed at a council meeting must also give notice during the meeting.

10.2.2 A Councillor who first becomes aware of a declarable Conflict of Interest in a matter during a council meeting must inform the meeting of the Conflict of Interest.

10.2.3 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 minimum details must be provided:

- (a) the nature of the declarable Conflict of Interest;
- (b) if it arises because of the Councillor's relationship with a related party:
 - i. the name of the related party to the Councillor;
 - ii. the nature of the relationship of the related party to the Councillor;
 - iii. the nature of the related party's interest in the matter;
- (c) if it arises because of a gift or loan from another person to the Councillor or a related

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- party:
- i. the name of the other person;
 - ii. the nature of the relationship of the other person to the Councillor or related party;
 - iii. the nature of the other person's interest in the matter;
 - iv. the value of the gift or loan and the date the gift or loan was made.
- 10.2.4 After a Councillor has declared a Conflict of Interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 10.2.5 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.
- 10.2.6 The other eligible Councillors 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 the Councillor 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 under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote.
- 10.2.7 The Councillor must comply with any decision or 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 of the LGA.
- 10.2.8 In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable Conflict of Interest, only Councillors who do not themselves have a prescribed or declarable Conflict of Interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.
- 10.2.9 The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other 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.
- 10.2.10 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 circumstances of the matter including, but not limited to:
- (a) how does the inclusion of the Councillor in the deliberation affect the public trust;
 - (b) how close or remote is the Councillor's relationship to the related party;
 - (c) if the declarable Conflict of Interest relates to a gift or other benefit, how long ago was the gift or benefit received;

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- (d) will the benefit or detriment the subject Councillor or their related party stands to receive from the decision, have major or minor impact on them;
 - (e) how does the benefit or detriment the subject Councillor stands to receive, compare to others in the community;
 - (f) how does this compare with similar matters that council has decided and have other Councillors with the same or similar interests decided to leave the meeting;
 - (g) whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- 10.2.11 If the eligible Councillors cannot decide whether the subject Councillors has 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.
- 10.2.12 A decision about a Councillor who has a declarable Conflict of Interest in a matter applies in relation to the Councillor for participating in the decision, 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 that 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 council meeting about the same matter e.g. briefing sessions or workshops.
- 10.2.13 In making the decision under 10.2.6 and 10.2.9, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- 10.2.14 A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister as prescribed under section 150EV of the LGA.

10.3 Reporting a suspected Conflict of Interest

- 10.3.1 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 declarable Conflict of Interest, and that Councillor is participating in a decision on that matter, the Councillor who believes or suspects this, 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.
- The chairperson should ask the relevant 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 procedures above.
- 10.3.2 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.
- 10.3.3 The eligible Councillors must then decide whether the Councillor has a prescribed Conflict of Interest, a declarable Conflict of Interest or that the Councillor does not have a prescribed or declarable Conflict of Interest in the matter. If the meeting decides the Councillor has a Conflict of Interest, the Councillor must follow the relevant 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.

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- 10.3.4 If the Councillors cannot reach a majority decision about the Conflict of Interest, or the subject Councillor's participation in the matter despite a declarable Conflict of Interest, then they are taken to have determined that the Councillor has a declarable Conflict of Interest and must leave and stay away from the place where the meeting is being held while the eligible Councillors discuss and vote on the matter. This decision will continue to apply in relation to all subsequent decisions about the same matter, where the Conflict of Interest remains unchanged.
- 10.3.5 If the belief or suspicion of a COI relates to more than one Councillor. Then parts 10.2.1 to 10.2.9 of this policy must be complied with in relation to each Councillor separately.
- 10.4 Loss of quorum
- 10.4.1 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 council must resolve to:
- (a) delegate the consideration and decision on the matter, pursuant to section 257 of the LGA, unless the matter cannot be delegated; or
 - (b) defer the matter to a later meeting
 - (c) 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.
- 10.4.2 The council 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.
- 10.4.3 The local government must not delegate a power that an Act says must be decided by resolution of the local government under section 257(3) of the LGA.
- 10.4.4 The local government may by resolution delegate a power under section 257 of the LGA to:
- (a) The mayor or chief executive officer, or
 - (b) A standing committee, or joint committee of the local government, or
 - (c) The chairperson of a standing committee or joint standing committee of the local government, or
 - (d) Another local government for a joint government activity.
- 10.4.5 The local government may only delegate a power to make a decision about a Councillors conduct under section 150AE or 150AG of the LGA pursuant to section 257(2) of the LGA, to:
- (a) The mayor; or
 - (b) A standing committee.
- 10.4.6 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.

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10.5 Recording Prescribed and Declarable Conflicts of Interest

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 of the relevant details of how the Conflict of Interest was dealt with, being:

- (a) the name of any Councillor and any other Councillor who may have a prescribed or declarable Conflict of Interest;
- (b) the particulars of the prescribed or declarable Conflict of Interest provided by the Councillor;
- (c) 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;
- (d) any decision then made by the eligible Councillors;
- (e) whether the Councillor with a prescribed or declarable Conflict of Interest participated in or was present for the decision under ministerial approval;
- (f) the council’s decision on what actions the Councillor with a declarable Conflict of Interest must take and the reasons for the decision;
- (g) the name of each Councillor who voted on the matter and how each voted;
- (h) 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:
 - i. the name of each Councillor who voted in relation to whether the Councillor has a declarable Conflict of Interest, and how each of the Councillors voted;
- (i) where a decision has been made under section 10.2.6 above – the minutes must include:
 - i. the decision and reasons for the decision
 - ii. the name of each eligible Councillor who voted and how each eligible Councillor voted.

11. **Monitoring and evaluation**

Outline the process for monitoring and/or review of this procedure to ensure it remains fit for purpose.

Identify specific measures that will determine the successful implementation and effectiveness of the procedure.

12. **Related documents**

Local Government Act 2009
Ipswich City Council Investigations Policy

13. **Definitions**

Assessor or OIA (Office of the Independent Assessor)	means the Independent Assessor appointed under section 150CV of the LGA
Authorised person	Means a person who holds office under section 202 of the LGA

IPSWICH CITY COUNCIL | Meeting Conduct Policy

Behavioural Standard	means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA
Chairperson	The person presiding at a meeting of the local government or committee
Chief Executive Officer or CEO	The Chief Executive Officer of the local government A person who holds an appointment under section 194 of the Act.
Committee	A committee of the local government appointed under section 264 of the <i>Local Government Regulation 2012</i>
Conflict of Interest	As outlined in Chapter 5B of the <i>Local Government Act 2009</i>
Council	Ipswich City Council
Councillor	Of a local government, includes the mayor
Corrupt Conduct	As per the <i>Crime and Corruption Act 2001</i> , conduct of a person regardless of whether the person holds or held an appointment that fulfils each of the following elements: (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— (i) a unit of public administration; or (ii) a person holding an appointment; and (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise
	of powers of a person holding an appointment; and (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and (d) would, if proved, be— (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Councillor Conduct Register	As required under section 150DX of the Act and is a record of all written complaints about Councillors and the outcome of each complaint, including any disciplinary or other action.
Eligible Councillor/s	For a matter at a local government meeting, means a Councillor at that meeting who does not have a prescribed or declarable Conflict of Interest in the matter and who is a member of that meeting.

IPSWICH CITY COUNCIL | Meeting Conduct Policy

Conduct Breach	<p>As per section 150K of the <i>Local Government Act 2009</i></p> <p>(1) The conduct of a Councillor is a conduct breach if the conduct contravenes—</p> <p>(a) a behavioural standard; or</p> <p>(b) a policy, procedure or resolution of the local government.</p> <p>(2) Also, the conduct of a Councillor is a conduct breach if—</p> <p>(a) 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</p> <p>(b) it is part of a course of conduct at local government meetings leading to orders for the Councillor’s unsuitable meeting conduct being made on 3 occasions within a period of 1 year.</p> <p>(3) For subsection (2)(b), the conduct that led to the orders being made, taken together, is the conduct breach and orders for the Councillor’s unsuitable meeting conduct include any orders made against the Councillor as the chairperson of a local government meeting.</p> <p>(4) However, a conduct breach does not include conduct that is—</p> <p>(a) unsuitable meeting conduct, to the extent the conduct is not conduct mentioned in subsection (2); or</p> <p>(b) misconduct; or</p> <p>(c) corrupt conduct</p>
Investigation policy	Refers to the policy as required by section 150AE of the LGA
Local Government	In this policy meaning Ipswich City Council
Meeting	A local government Council meeting or a committee meeting
Misconduct	<p>As per section 150L the <i>Local Government Act 2009</i></p> <p>(1) The conduct of a Councillor is misconduct if the conduct—</p> <p>(a) adversely affects, directly or indirectly, the honest and impartial performance of the Councillor’s functions, or the exercise of the Councillor’s powers; or</p> <p>(b) is or involves—</p> <p>(i) a breach of the trust placed in the Councillor, either knowingly or recklessly; or</p> <p>(ii) a misuse of information or material acquired in, or in connection with, the performance of the Councillor’s functions, whether the misuse is for the benefit of the Councillor or for the benefit, or to the detriment, of another person; or</p> <p>(c) contravenes any of the following—</p> <p>(i) an order of the local government or the conduct tribunal;</p> <p>(ii) the acceptable requests guidelines of the local government</p>
	<p>under section 170A;</p> <p>(iii) a policy of the local government about the reimbursement of expenses;</p> <p>(iv) section 150R, 170(2), 171(3) or 175G.</p> <p>(2) Also, the conduct of a Councillor is misconduct if the conduct—</p> <p>(a) is part of a course of conduct leading to the local government deciding to take action under section 150AG to discipline the Councillor for inappropriate conduct on 3 occasions within a period of 1 year; or</p> <p>(b) is of the same type stated in an order of the local government that if the Councillor engages in the same type of conduct again, it will be dealt with as misconduct.</p> <p>(3) For subsection (2)(a), the conduct that led to the 3 occasions of disciplinary action, taken together, is the misconduct.</p>
Ordinary meeting	A meeting that the local government is required to hold pursuant to section 257 of the <i>Local Government Regulation 2012</i>

IPSWICH CITY COUNCIL | Meeting Conduct Policy

Point of order	An interjection during a meeting by a member who does not have the floor, to call to the attention of the chairperson an alleged violation or breach of the local government’s standing orders
Procedural Motion	A set of motions that can be employed in specific ways to control the conduct of meetings.
Regulation	<i>Local Government Regulation 2012</i>
Standing orders	The rules adopted by council that regulate the meetings of the Ipswich City Council
Unsuitable meeting conduct	As per section 150H of the <i>Local Government Act 2009</i> The conduct of a Councillor is unsuitable meeting conduct if the conduct— (a) happens during a local government meeting; and (b) contravenes a behavioural standard.

14. Policy Owner

The Executive Services Branch (Office of the CEO) is the policy owner and the Manager, Executive Services is responsible for authoring and reviewing this policy.

Version Control

Version	Reason	Endorsed/Approved by	Date
2.0	Adopted by Council	Council Ordinary Meeting	26 November 2020
2.1	Updated to align with Qld State Government Model Meeting Procedures revised November 2022	Governance and Transparency Committee	9 February 2023
3.0	Adopted by Council	Council Ordinary Meeting	23 February 2023
4.0	Updated to align with Qld State Government Model Meeting Procedures		

Doc ID No: A9612075

ITEM: 7
SUBJECT: WORKING WITH CHILDREN POLICY
AUTHOR: PEOPLE SERVICES MANAGER
DATE: 16 NOVEMBER 2023

EXECUTIVE SUMMARY

This is a report concerning the four (4) year review of the Working with Children Policy which must be undertaken to ensure that legislative amendments are adopted by Council.

RECOMMENDATION/S

That the revised Working with Children Policy as detailed in Attachment 3 be adopted.

RELATED PARTIES

Blue Card Services – Queensland Government.

There are no declaration of conflicts of interest.

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

The Working with Children Policy has a requirement to be reviewed on a four (4) yearly basis to ensure that Council maintains its compliance with the national principles of Child Safe Organisations and takes into consideration any amendments to the principles.

In addition, the Working with Children (Risk Management and Screen) Act and Regulations are to be reviewed annually to ensure that there have been no legislative changes.

If legislative changes have been made, they must be incorporated into the Working with Children Policy. The Policy has now been reviewed, legal advice sought, and amended to include two (2) additional principles:

- Implementation of the national child safe principles is regularly reviewed and improved, and

- Policies and procedures document how the organisation is safe for children and young people.

LEGAL IMPLICATIONS

POLICY IMPLICATIONS

The matter of this report is consistent with the Working with Children Policy. No other policies have been identified that would be impacted.

RISK MANAGEMENT IMPLICATIONS

The risk of not approving the amended Working with Children Policy would result in Council not being compliant with the national principles of Child Safe Organisations or the identified legislation.

FINANCIAL/RESOURCE IMPLICATIONS

There are no budget implications.

COMMUNITY AND OTHER CONSULTATION

Consultation has occurred with the key stakeholders as identified in the Working with Children Policy:

- People and Culture Branch – agree with the recommended amendments
- Community and Cultural Services Branch – agree with the recommended amendments
- Library and Customer Services Branch – agree with the recommended amendments
- Legal Services – LEX 23-8047

CONCLUSION

A review of the Working with Children Policy has been undertaken and advice has been sought from Legal Services relating to the legislation aligned with this policy. Consultation has taken place with internal key stakeholders who have supported the proposed amendments to the Policy.




HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS
NON-DISCRETIONARY DECISION
Recommendation states that Council adopt the revised Working with Children Policy. Council has no ability to act differently and must be consistent with the legislative provisions of: <i>Working with Children (Risk Management and Screening) Act 2000</i> <i>Working with Children (Risk Management and Screening) Regulations 2020</i>

Therefore, while the proposed decision may not be compatible with human rights, Council’s decision will not be unlawful under the *Human Rights Act 2019* (Qld).

Link to Human Rights
Impact Assessment
Checklist in Objective

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

- | | |
|----|--|
| 1. | Working with Children Policy - current ↓  |
| 2. | Working with Children Policy - tracked Changes ↓  |
| 3. | Working with Children Policy - clean copy ↓  |

Linda Clem
PEOPLE SERVICES MANAGER

I concur with the recommendations contained in this report.

Talia Love-Linay
ACTING GENERAL MANAGER (CORPORATE SERVICES)

“Together, we proudly enhance the quality of life for our community”

Working with Children Policy

City of Ipswich

Collaboration Communication Integrity Efficiency Leadership

Version Control and Objective ID	Version No: 1	Objective ID: A5907825
Adopted at Council Ordinary Meeting on	10 December 2019	
Date of Review	10 December 2023	

1. Statement

Ipswich City Council is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in services run by Council. Ipswich City Council aims to promote a safe environment for all children and to assist employees, contingent workers and volunteers to recognise child abuse and neglect and follow the appropriate notification procedures when reporting alleged abuse.

This policy outlines the key elements of Council’s approach to being a child safe organisation. It is designed to embed child safety and wellbeing in organisational culture and governance, and to assist Council to prevent and respond to child abuse or child safety concerns identified by or reported to Council. This includes setting out Council’s responsibilities in relation to Blue Cards.

2. Purpose and Principles

To provide and promote a safe environment for children and young people, Ipswich City Council observes the national principles of a Child Safe Organisation, which are:

- Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Processes for complaints and concerns are child focused.
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

IPSWICH CITY COUNCIL | Working with Children Policy

3. Code of Conduct

In addition to Council's Code of Conduct for all employees, the following actions specify Council's standard of appropriate conduct when interacting with children and young people.

- Treat children and young people with courtesy, respect and consideration, without discrimination of any kind;
- Act as a positive role model;
- Do not be physically or verbally abusive toward children and or young people, and do not expose them to abusive behaviour;
- Wear neat attire that is not offensive, and is appropriate to the role or scheduled activity;
- Do not consume or be under the influence of alcohol or illicit drugs while on duty;
- Do not accept gifts from children or young people, or provide gifts to young people unless as part of a structured recognition or reward program;
- Do not leave children unsupervised in a facility;
- Do not remove a child from an organised group setting or council facility;
- Respond professionally to suspicions or disclosures of harm and report them to the relevant authorities;
- Act on complaints in accordance with relevant policies and procedures.

Failure to comply with the Code of Conduct may result in formal disciplinary action being taken, which may include dismissal.

4. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

5. Regulatory Authority

- Working With Children (Risk Management and Screening) Act 2000
- Working With Children (Risk Management and Screening) Regulation 2011
- Working With Children (Risk Management and Screening) Amendment Bill 2018
- Ipswich City Council Employee Code of Conduct
- Ipswich City Council Councillor Code of Conduct
- Working With Children Procedure

6. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

IPSWICH CITY COUNCIL | Working with Children Policy

7. Scope

This Policy applies to the development and delivery of services to children and young people, as well as other Council activities or business that involve contact with children and young people. This policy applies to all people involved directly or indirectly in the delivery of services to children and young people, including:

- Employees;
- Volunteers;
- Councillors;
- Children and young people;
- Contingent workers (e.g. contractors, agency workers).

8. Roles and Responsibilities

The Manager, People and Culture will develop appropriate procedures and identify strategies for the implementation of associated action plans in relation to this Policy.

9. Key Stakeholders

The following will be consulted during the review process:

- People and Culture Branch;
- Community and Cultural Services Branch;
- Library and Customer Services Branch;
- Economic and Community Development Branch;
- Marketing and Promotion Branch.

10. Monitoring and Evaluation

All managers, and employees directly or indirectly involved in providing services to children and young people, are to ensure compliance with the Working with Children Policy and related procedures. All Council employees will be informed of the policy and procedures in recognition of the role everyone plays in protecting children and young people within the community.

Managers/Supervisors at all levels will have primary responsibility for monitoring compliance. This policy shall be reviewed annually to ensure compliance with legislation to ensure the risk management strategy effectively addresses the risks of harm to children and young people. Specific measures that will demonstrate the successful implementation and effectiveness of this policy include:

- All related and supporting documentation updated to reflect updated Policy and Procedure;
- Total number of Blue Card Holders in Council that have attended training;
- Council will undertake quarterly audit reporting to identify potential negative blue card notices.



IPSWICH CITY COUNCIL | Working with Children Policy

11. Definitions

DIRECTLY INVOLVED: Involved with supervising children or young people, or having direct contact with children or young people during an event or activity. Directly involved would be indicative of holding a Blue Card.

INDIRECTLY INVOLVED: Not directly supervising or engaging with children or young people. Is involved with decision making or the development of risk management plans and / or event or activity planning. May not hold a Blue Card.

STAFF: Includes employees, volunteers, contractors [labour hire].

12. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Manager, People and Culture is responsible for authoring and reviewing this policy.



Working with Children Policy

Collaboration Communication Integrity Efficiency Leadership

Version Control and Objective ID	Version No: <u>1</u>	Objective ID: A5907825
Adopted at Council Ordinary Meeting on	10 December 2019 TBC	
Date of Review	10 December 2023 TBC	

Commented [KL2]: For you to amend

1. Statement

Ipswich City Council is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in services run by Council. Ipswich City Council aims to promote a safe environment for all children and to assist employees, contingent workers and volunteers to recognise child abuse and neglect and follow the appropriate notification procedures when reporting alleged abuse.

This policy outlines the key elements of Council's approach to being a child safe organisation. It is designed to embed child safety and wellbeing in organisational culture and governance, and to assist Council to prevent and respond to child abuse or child safety concerns identified by or reported to Council. This includes setting out Council's responsibilities in relation to Blue Cards.

2. Purpose and Principles

To provide and promote a safe environment for children and young people, Ipswich City Council observes the national principles of a Child Safe Organisations, which are:

- Child safety and wellbeing is embedded in organisational leadership, governance and culture-
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously-
- Families and communities are informed and involved in promoting child safety and wellbeing-
- Equity is upheld and diverse needs respected in policy and practice-
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice-
- Processes for complaints and concerns are child focused-
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training-
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed-
- Implementation of the national child safe principles is regularly reviewed and improved

Commented [KL3]: I have located 2 more, you may consider inserting. I will leave that as a matter for you

IPSWICH CITY COUNCIL | Working with Children Policy

- [Policies and procedures document how the organisation is safe for children and young people.](#)

IPSWICH CITY COUNCIL | Working with Children Policy

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Failure to comply with the Code of Conduct may result in formal disciplinary action being taken, which may include dismissal.

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This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

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IPSWICH CITY COUNCIL | Working with Children Policy

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8. Roles and Responsibilities

The Manager, People and Culture will develop appropriate procedures and identify strategies for the implementation of associated action plans in relation to this Policy.

9. Key Stakeholders

The following will be consulted during the review process:

- People and Culture Branch;
- Community and Cultural Services Branch;
- Library and Customer Services Branch;
- [Economic and Community Development Branch](#); [Office of Economic Development](#)
- Marketing and Promotion Branch.

10. Monitoring and Evaluation

All managers, and employees directly or indirectly involved in providing services to children and young people, are to ensure compliance with the Working with Children Policy and related procedures. All Council employees will be informed of the policy and procedures in recognition of the role everyone plays in protecting children and young people within the community.

Managers/Supervisors at all levels will have primary responsibility for monitoring compliance. This policy shall be reviewed [every four \(4\) years annually](#) to ensure compliance with legislation to ensure the risk management strategy effectively addresses the risks of harm to children and young people.

Specific measures that will demonstrate the successful implementation and effectiveness of this policy include:

- All related and supporting documentation updated to reflect updated Policy and Procedure;
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IPSWICH CITY COUNCIL | Working with Children Policy

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STAFF: Includes employees, volunteers, contractors [labour hire].

12. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Manager, People and Culture is responsible for authoring and reviewing this policy.



Working with Children Policy



Collaboration



Communication



Integrity



Efficiency



Leadership

Version Control and Objective ID	Version No: 2	Objective ID: 9744259
Adopted at Council Ordinary Meeting on	TBC	
Date of Review	TBC	

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- Implementation of the national child safe principles is regularly reviewed and improved

IPSWICH CITY COUNCIL | Working with Children Policy

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IPSWICH CITY COUNCIL | Working with Children Policy

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- Councillors
- Children and young people
- Contingent workers (e.g. contractors, agency workers).

8. Roles and Responsibilities

The Manager, People and Culture will develop appropriate procedures and identify strategies for the implementation of associated action plans in relation to this Policy.

9. Key Stakeholders

The following will be consulted during the review process:

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- Community and Cultural Services Branch
- Library and Customer Services Branch
- Office of Economic Development
- Marketing and Promotion Branch.

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IPSWICH CITY COUNCIL | Working with Children Policy

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Staff	Includes employees, volunteers, contractors (labour hire).

12. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Manager, People and Culture is responsible for authoring and reviewing this policy.

Doc ID No: A9722495

ITEM: 8

SUBJECT: QUARTERLY REPORT TO THE DEPARTMENT OF HOUSING, LOCAL GOVERNMENT, PLANNING AND PUBLIC WORKS

AUTHOR: ENTERPRISE PROGRAM MANAGEMENT OFFICE MANAGER

DATE: 8 JANUARY 2024

EXECUTIVE SUMMARY

This is a report concerning a request from the former Director-General, Department of State Development, Infrastructure, Local Government and Planning for Council to provide a series of quarterly reports.

This report is for the October to December 2023 quarter and is reflective of the scope requested by the then Director-General in June 2022.

Following a Machinery of Government change the report will now be provided to the Director-General, Department of Housing, Local Government, Planning and Public Works.

RECOMMENDATION/S

That Council approve the draft letter to the Director-General, Department Housing, Local Government, Planning and Public Works containing the quarterly report for October to December 2023 as set out in Attachment 1.

RELATED PARTIES

There are no potential, perceived or actual conflicts of interest to disclose.

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

The draft letter included as Attachment 1 to this report, is for the October to December 2023 quarter and is reflective of the revised scope requested by the then Director-General in June 2022, focussing on the following matters:

- any significant changes to governance policies and processes and the rationale for such changes;
- any significant issues relating to senior staff changes; and

- any issues which may identify corruption risks.

Following a recent Machinery of Government change the report will now be forwarded to the Director-General, Housing, Local Government, Planning and Public Works.

LEGAL/POLICY IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:
Local Government Act 2009

Public Sector Ethics Act 2004

Industrial Relations Act 2016

Crime and Corruption Act 2001

RISK MANAGEMENT IMPLICATIONS

There continues to be significant investment in good corporate governance and risk management. Council has implemented an Enterprise Risk Management Framework and has developed and is implementing a Five-Year Risk Maturity Roadmap to continue to mature its approach to identifying and managing risks.

FINANCIAL/RESOURCE IMPLICATIONS

The collation of the quarterly report has been undertaken by the Enterprise Program Management Office (ePMO) of Council within the existing resource allocation and has been given priority over other responsibilities given the legislative obligation. All future performance reports will continue to be coordinated by the ePMO up until the next quadrennial election in March 2024.

COMMUNITY AND OTHER CONSULTATION

The quarterly report has been coordinated by the ePMO with input and content verified by the relevant Council officers.


CONCLUSION

This quarterly report for the period October to December 2023 represents Council's compliance with the requested continuation of a revised reporting requirement through to March 2024.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS
RECEIVE AND NOTE REPORT
The Recommendation states that the report be received and the contents noted. The decision to receive and note the report does not limit human rights. Therefore, the decision is compatible with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	DG Letter - DRAFT Cover Letter, October to December 2023 ↓ 
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Maree Walker
ENTERPRISE PROGRAM MANAGEMENT OFFICE MANAGER

I concur with the recommendations contained in this report.

Haiden Taylor
ANIMAL MANAGEMENT AND BIOSECURITY MANAGER

I concur with the recommendations contained in this report.

Sonia Cooper
CHIEF EXECUTIVE OFFICER

“Together, we proudly enhance the quality of life for our community”



Mayor Teresa Harding

City of Ipswich
Queensland, Australia

Mr Mark Cridland
Director-General
Department of Housing, Local Government, Planning and Public Works
Via email: mark.cridland@dcdilgp.qld.gov.au

15 February 2024

Dear Mr Cridland,

I am pleased to provide below an update on the matters requested in correspondence of 30 June 2022 (ref. DGBN 22/258) by the then Director-General, Department of State Development, Infrastructure, Local Government and Planning for the period October - December 2023.

I appreciate the opportunity to provide this update as a demonstration of good governance for Council.

Matter	Update
Any significant changes to governance policies and processes and the rationale for such changes	There have been no significant changes to governance policies and processes for Quarter 2.
Any significant issues relating to senior staff changes	There have been no changes to senior staffing during Quarter 2.
Any issues which may identify corruption risks	Allegations of corrupt conduct continue to be referred to the Crime and Corruption Commission as required by the relevant legislation. There are not currently any issues that identify systemic corruption risks.

If you or your officers would like further detail or information on any of these matters, I would be happy to assist in providing this to you or alternatively I invite contact with Ms Sonia Cooper, Chief Executive Officer on email sonia.cooper@ipswich.qld.gov.au or telephone 0427 475 293.

1 Nicholas Street
PO Box 191
IPSWICH QLD 4305

Phone (07) 3810 6011
Email mayor@ipswich.qld.gov.au

ipswich.qld.gov.au

Yours sincerely

Mayor Teresa Harding



1 Nicholas Street
PO Box 191
IPSWICH QLD 4305

Phone (07) 3810 6011
Email mayor@ipswich.qld.gov.au

ipswich.qld.gov.au

Doc ID No: A9644647

ITEM: 9
SUBJECT: CONCESSION FOR GENERAL RATES - 2 JOFFRE STREET, BOOVAL QLD 4304
AUTHOR: TREASURY ACCOUNTING MANAGER
DATE: 27 NOVEMBER 2023

EXECUTIVE SUMMARY

This is a report concerning a request for a concession for general rates from Ozcare for 2 Joffre Street, BOOVAL QLD 4304.

RECOMMENDATION/S

That having satisfied the criteria in s120 of the of the *Local Government Regulation 2012*, as well as the Rates Concession Policy, the property at 2 Joffre Street, BOOVAL QLD 4304, be granted a 100% concession on the differential general rate from the 24 October 2023, being the date of application.

RELATED PARTIES

Councillors and Senior Managers should consider Ozcare and the St Vincent de Paul Society Queensland, for the purposes of related party disclosures

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

Council's Rates Concession Policy allows for a 100% concession for general rates on properties that meet the criteria outlined in the policy.

Ozcare have requested a concession for general rates on 2 Joffre Street, BOOVAL QLD 4304 as listed in the recommendation of this report. Ozcare are a registered Charity that provides a range of health care services in Queensland. These services include provision of in-home care and the operation of various aged care facilities, retirement villages and respite centres.

For the purposes of granting concession, Council officers are satisfied the property is being used for an eligible purpose. The activities undertaken on the property are considered to contribute to 'The relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage', accordingly the property is considered eligible to be granted a rates concession.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:
Local Government Act 2009

POLICY IMPLICATIONS

This report and its recommendations are consistent with the Rates Concession Policy

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report

FINANCIAL/RESOURCE IMPLICATIONS

Granting of this 100% concession will result in a reduction of general rates revenue of approximately \$18,902 per annum

COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation

CONCLUSION

Ozcare being the owner of 2 Joffre Street, BOOVAL QLD 4304, satisfy the requirements of the Rates Concession Policy as an eligible property owner. Further, the property is being used for purposes that are consistent with the requirements of the Rates Concession Policy, to be eligible for a 100% concession for general rates. The application of the Rates Concession Policy in this instance is consistent with Revenue Policy and the Budget and Rating Resolutions

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	The recommendation proposes a granting of 100% Council remission on the property at 2 Joffre Street, BOOVAL QLD 4304
(b) What human rights are affected?	No human rights are affected by this decision.
(c) How are the human rights limited?	Not Applicable
(d) Is there a good reason for limiting the relevant rights?	Not Applicable

Is the limitation fair and reasonable?	
(e) Conclusion	The decision is consistent with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	CONFIDENTIAL Rates Concession Request
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Paul Mollenhauer
TREASURY ACCOUNTING MANAGER

I concur with the recommendations contained in this report.

Jeffrey Keech
CHIEF FINANCIAL OFFICER

I concur with the recommendations contained in this report.

Matt Smith
GENERAL MANAGER CORPORATE SERVICES

“Together, we proudly enhance the quality of life for our community”

Doc ID No: A9806102

ITEM: 10
SUBJECT: MONTHLY FINANCIAL PERFORMANCE REPORT - DECEMBER 2023
AUTHOR: SENIOR BUSINESS ACCOUNTING ANALYST
DATE: 22 JANUARY 2024

EXECUTIVE SUMMARY

This is a report concerning Council's financial performance for the period ending 31 December 2023, submitted in accordance with section 204 of the *Local Government Regulation 2012*.

RECOMMENDATION/S

That the report on Council's financial performance for the period ending 31 December 2023, submitted in accordance with section 204 of the *Local Government Regulation 2012*, be considered and noted by Council.

RELATED PARTIES

Not applicable.

IFUTURE THEME

A Trusted and Leading Organisation

PURPOSE OF REPORT/BACKGROUND

This report outlines the financial results for Ipswich City Council as at 31 December 2023.

The total net result (including capital revenue) for Ipswich City Council as at 31 December 2023 is \$76.3 million compared to the year to date (YTD) budget of \$64.1 million.

Council's YTD operating deficit (excluding capital revenue) is approximately \$7.0 million compared to the YTD budget deficit of \$7.9 million.

Overall, capital expenditure including the Nicholas Street Redevelopment but excluding the flood buy-back is below budget by \$17.5 million. Asset donations as at 31 December 2023 are \$7.2 million below the YTD budget.

Revenue

Operating revenue is \$6.9 million (3.8%) ahead of the YTD budget, primarily due to higher than budgeted general rate revenue and interest revenue.

Rates and utilities revenue is ahead of budget by \$1.8 million, resulting from residential growth being slightly higher than forecast and adjustments due to valuation objections, being lower than anticipated.

Year-to-date fees and charges revenue continues to track above budget, with the favourable variances relating to facilities hire, roads and transport fees and property search fees. Town planning and development fees, which have been tracking above budget for most of the year, are now under budget due to the timing of when fees have been received.

Grants revenue is ahead of budget by \$24.5 million primarily due to the timing of Voluntary Home Buy Back home purchases.

Other revenue above budget is primarily due to additional interest revenue of \$2.6 million.

Expenses

Overall operating expenses are approximately \$6.1 million over the YTD budget primarily due to depreciation being \$4.8 million over budget.

Employee expenses including labour contracts is over budget by \$3.1 million largely a result of less annual leave taken than budget, and greater than budgeted use of labour contracts. Overtime is also higher than budget YTD, and in December there was a large increase which is attributable to the greater than expected mowing and clean up after the storm event in mid-December.

Materials and services (excluding labour contracts) is under budget by \$921k. The variance is primarily due to delays in the recognition of expenditure in December due to the commencement of new finance and procurement system, Oracle Fusion. It is expected that the recognition of expenses will return to normal over the next few months.

Even though material and services expenditure recognised is under budget, it is expected that the underlying expenditure incurred remains to be higher than budget. This is predominantly in the areas fleet maintenance and fuel costs, greater than budgeted spend on utilities, and greater spending on condition assessments. These overspends are partially offset by underspend in the Nicholas Street Precinct.

Depreciation is over budget by \$4.8 million YTD as a result of asset revaluations processed in the 2022-2023 financial year.

Capital Expenditure

The total YTD capital expenditure (including the Nicholas Street Redevelopment and excluding home buy back) is \$96.7 million compared to the YTD budget of \$114.2 million.

The Nicholas Street Precinct Redevelopment is under budget by approximately \$18.3 million due to the resequencing of the construction program and some variations.

Asset and Infrastructure Services December YTD capital expenditure (excluding voluntary home buy back and flood recovery) is \$49.1 million compared to budget of \$40.4 million. Carry-over spending and variations have resulted in asset rehabilitation being overspent, and has also resulted in parks, sports and environment being overspent.

Environment and Sustainability is overspent by \$2.2 million mainly due to the Legacy Landfill Site project.

Both Asset and Infrastructure Services and Environment and Sustainability Departments are forecasting expenditure in the current financial year exceeding 2023-24 budgets due to carry over projects and continued cost escalation pressures. Programs and forecast expenditure are currently under review, to determine relevant actions to address.

Cash Balances

Council's cash and cash equivalents balance as at 31 December 2023 was \$172.9 million. The actual cash balance includes \$11.5 million of funds related to the Voluntary Home Buy-Back program.

LEGAL IMPLICATIONS

This report and its recommendations are consistent with the following legislative provisions:
Local Government Regulation 2012

POLICY IMPLICATIONS

Council's financial position is managed in accordance with the Financial Management Policy.

RISK MANAGEMENT IMPLICATIONS

Even though the operating result of a \$7.0 million deficit against a budgeted deficit of \$7.8 million is favourable, it is important to note that employee expenses is \$3.1 million greater than budget and materials and services has trended above budget for the majority of the financial year. These cost escalation pressures in these areas will continue to occur in all areas of council and these will continue to be monitored.

The higher depreciation expense, whilst a non-cash expense will also continue to be worked through, and the remaining useful lives of assets reviewed.

Work is ongoing in relation to the capital project forecasts and funding implications associated with capital projects carried over and cost escalation pressures impacting the current 2023-2024 capital budget.

FINANCIAL/RESOURCE IMPLICATIONS

There are no specific implications as a result of this report.

COMMUNITY AND OTHER CONSULTATION

The contents of this report did not require any community consultation. Analysis and explanations of the variances are undertaken in conjunction with the various departments.


CONCLUSION

Regular reporting and monitoring of expenditure will continue during the financial year as part of Council's regular governance and reporting process.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS
RECEIVE AND NOTE REPORT
The Recommendation states that the report be received and the contents noted. The decision to receive and note the report does not limit human rights. Therefore, the decision is compatible with human rights.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Monthly Financial Performance Report - December 2023 ↓ 
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Peta Galland
SENIOR BUSINESS ACCOUNTING ANALYST

I concur with the recommendations contained in this report.

Jeffrey Keech
CHIEF FINANCIAL OFFICER

I concur with the recommendations contained in this report.

Matt Smith
GENERAL MANAGER, CORPORATE SERVICES

"Together, we proudly enhance the quality of life for our community"



Ipswich City Council

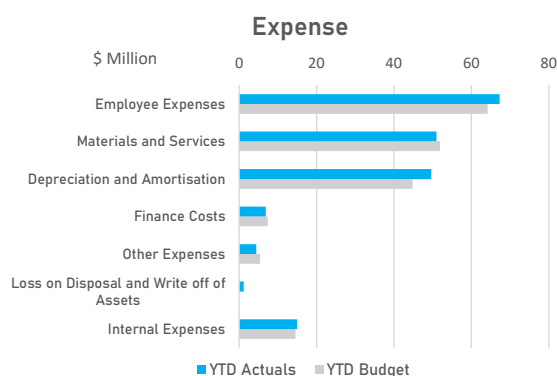
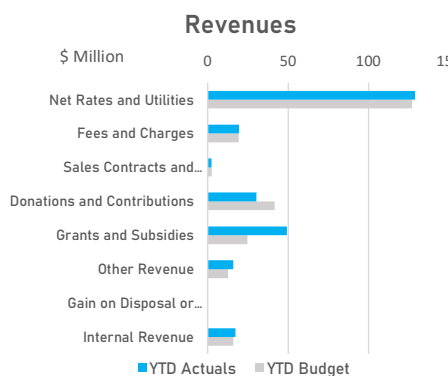
Performance Report

DECEMBER 2023

FINANCIAL EXECUTIVE SUMMARY

DECEMBER 2023

	YTD				Annual Current Budget \$'000s	Trend from NOV 2023
	Actuals	Current Budget	Variance	Variance		
	\$'000s	\$'000s	\$'000s	%		
Operating Revenue	187,195	180,290	6,905	3.8%	383,976	▲
Operating Expense	194,209	188,141	(6,068)	(3.2%)	383,625	▲
Operating Surplus/(Deficit)	(7,014)	(7,851)	837	(10.7%)	351	▼
Capital Revenue	84,464	71,970	12,494	17.4%	217,382	▲
Other Capital Income (Asset disposals)	(8)	0	(8)	N/A	0	▼
Capital Loss (Asset write-off)	1,122	0	(1,122)	N/A	0	▼
Net Result	76,320	64,119	12,201	19.0%	217,733	▲
Construction Program and Asset Purchase	97,120	84,182	(12,938)	(15.4%)	201,059	▲
CBD	31,543	50,056	18,513	37.0%	66,158	▲
Donated Assets	29,660	36,832	7,172	19.5%	73,666	▼
Total Capital Expenditure	158,323	171,070	12,747	7.5%	340,883	▲



Net Result

The total Net Result (including capital revenues) for Ipswich City Council as at 31 December is \$76.3 million compared to the YTD budget of \$64.1 million. Council's operating deficit (excluding capital revenue) is approximately \$7.0 million compared to the YTD budget deficit of \$7.8 million.

Operating revenue is \$6.9 million above the YTD budget

The \$6.9 million variance is made up of: net rates and utilities \$1.8 million ahead of budget, fees and charges \$82k above budget, operational grant revenue \$640k ahead of budget, other revenue \$17k above budget, sales contracts and recoverable works \$150k below budget, interest revenue \$3.0 million above budget, and internal revenue \$1.5 million above budget. These items are discussed further in this report.

Operating expenses are \$6.0 million over the YTD budget

The \$6.0 million variance is made up of: employee expenses including labour contracts \$3.1 million over budget, materials and services \$921k below budget, other expenses \$968k under budget, depreciation and amortisation \$4.8 million over budget, finance costs \$414k under budget, and internal expenses \$458k over budget. These items are discussed further in this report.

Capital Expenditure

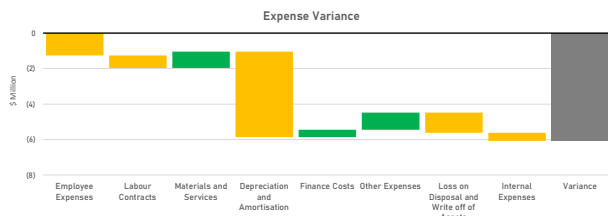
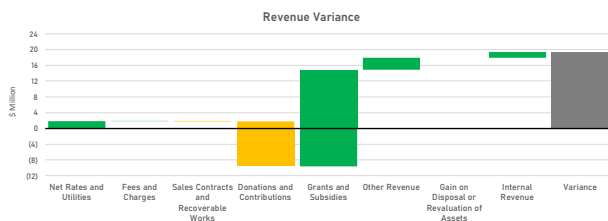
Capital expenditure including CBD excluding the flood buy-back as at 31 December is \$10.2 million below the YTD budget. Approximately \$96.7 million has been expended to 31 December compared to the YTD capital expenditure budget of \$114.2 million.

- The Infrastructure Program actual was over the December YTD budget by approximately \$8.1 million. Actual YTD costs are \$42.7 million compared to the current YTD budget of \$34.6 million.
- CBD redevelopment is approximately \$18.5 million under budget. Actual YTD costs are \$31.5 million compared to the current YTD budget of \$50 million.

Asset donations as at 31 December are \$7.2million below the YTD budget. Approximately \$29.6 million has been recognised to 31 December compared to the YTD donated assets budget of \$36.8 million.

FINANCIAL EXECUTIVE SUMMARY

	YTD				Annual		Note
	Actuals \$'000s	Current Budget \$'000s	Variance \$'000s	Variance %	Current Budget \$'000s	Trend from NOV 2023	
Revenue							
Net rates and utilities charges	128,864	127,057	1,807	1.4%	255,565	▲	1
Fees and charges	19,443	19,361	82	0.4%	38,629	▲	2
Government grants and subsidies	49,229	24,688	24,541	99.4%	130,891	▲	3
Internal revenue	17,266	15,811	1,455	9.2%	31,879	▲	4
Other revenue	18,166	15,282	2,884	18.9%	44,269	▲	5
Donations and contributions	38,706	50,062	(11,356)	(22.7%)	100,126	▼	6
Total Revenue	271,674	252,261	19,413	7.7%	601,359	▲	
Expense							
Employee expenses	65,154	62,695	(2,459)	(3.9%)	129,761	▼	7
Labour contracts	2,111	1,481	(630)	(42.5%)	2,907	▼	7
Materials and services	50,945	51,866	921	1.8%	106,034	▲	8
Internal expenses	15,032	14,567	(465)	(3.2%)	29,380	▼	9
Other expenses	12,488	12,724	236	1.9%	24,832	▲	10
Depreciation & amortisation	49,625	44,808	(4,817)	(10.8%)	90,712	▼	11
Total Expenses	195,355	188,141	(7,214)	(3.8%)	383,626	▼	
Net Result	76,319	64,120	12,199	19.0%	217,733	▲	



Revenue

1. Rates and utility charges are favourable to budget resulting from residential growth being slightly higher than forecast and valuation objections being lower than anticipated. Growth will continue to be monitored.
2. Fees and charges are tracking above budget, with the favourable variances mostly relating to property search fee, and Road Corridor Management Revenue in AIS. Town planning develop fee are now less than budget.
3. Capital grants revenue is tracking ahead of budget by \$24.7 million due to timing.
4. Internal revenue is above budget which is mainly due to higher than budgeted Fleet Equipment Usage Recovery in AIS.
5. Other revenue above budget is primarily due to additional interest revenue and unbudgeted Workcover reimbursement, which is partially offset by below the budget UU tax revenue.
6. Donations and Contributions are below budget by \$11.4 million. Developer contributions are \$4.1 million less than budget.

Expenses

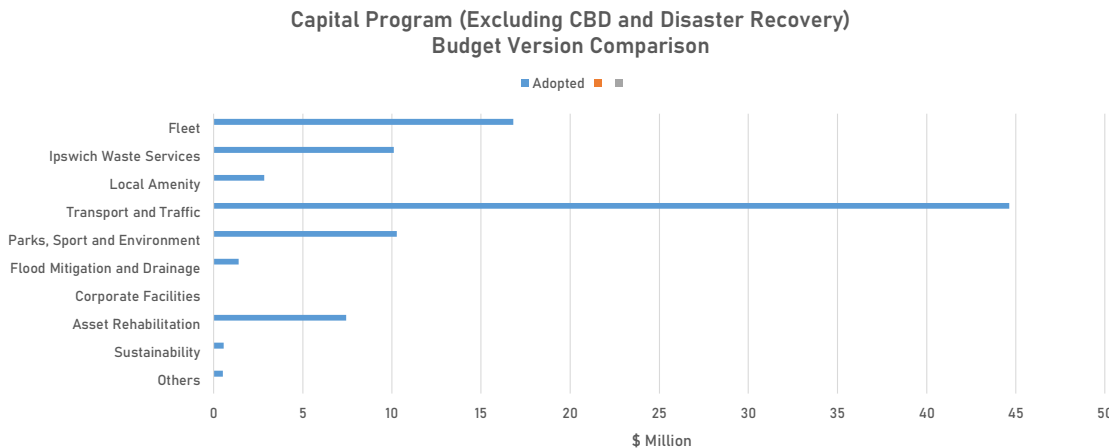
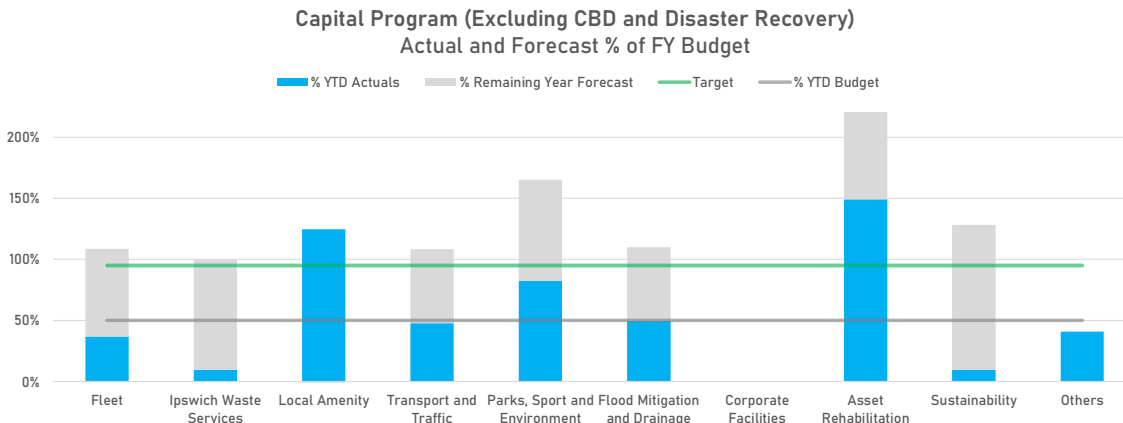
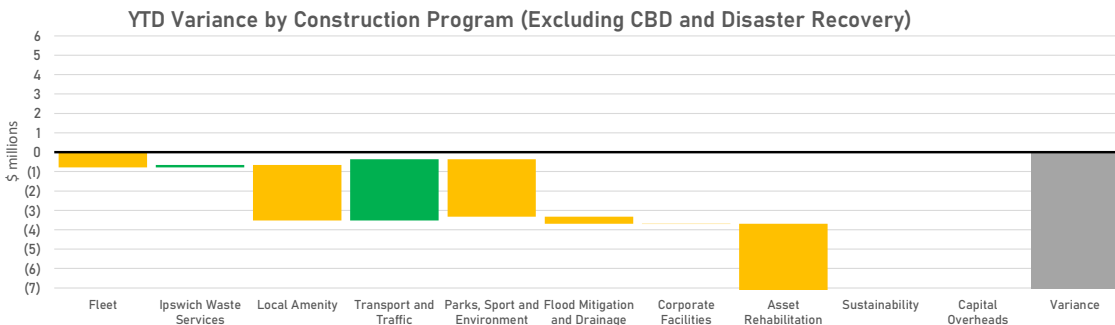
7. Employee expenses including labour contracts are over budget by \$3.1 million which is mainly due to greater than budgeted overtime (\$683k over budget) and greater than budgeted labour contracts (\$630k over budget). The largest unfavourable variance of overtime come from AIS and ES departments, and is mostly due to the overtime in the Works & Field Services Branch and Resource Recovery Branch. CS department contributed the largest overspent on labour contracts which is related to the usage of contingent labour for iVolve, Finance, ICT and Procurement.
8. Materials and services (excluding labour contracts) is under budget by \$921k. The variance is primarily related to the higher maintenance cost of fleet and over budgeted spent in open space area, this is partially offset by under spending in EX from Nicholas Street Precinct due to precinct activation being behind schedule.
9. Internal expenditure is above budget, which is mainly related to Works & Field Service underutilisation of plant and equipment and fleet cost recovery in Resource Recovery over budget. This is partially offset by positive variance from Flood Program Management and Support Allocation in EX.
10. Other expenses are higher than budget which is largely due to asset write-offs \$1 million, bad and doubtful debts and is partially offset by under budget for QTC finance costs Recovery area and under budget for Council's insurance premiums.
11. Depreciation is over budget (\$4.18million) which is due to the asset revaluations processed in the 2022-23 financial year.

FINANCIAL EXECUTIVE SUMMARY

DECEMBER 2023

Capital

	YTD				Annual Current Budget \$'000s	Trend from NOV 2023
	Actuals	Current Budget	Variance	Variance		
	\$'000s	\$'000s	\$'000s	%		
Executive	28,367	46,699	18,332	39.3%	62,084	▲
Corporate Services	4,744	5,104	360	7.1%	7,159	▼
Community, Cultural and Economic Development	376	1,310	935	71.3%	3,670	▲
Asset and Infrastructure Services	88,859	78,414	(10,445)	(13.3%)	175,727	▲
Environment and Sustainability	4,172	1,969	(2,203)	(111.9%)	14,034	▲
Planning and Regulatory Services	2,146	742	(1,404)	(189.2%)	4,543	▼
Net Result	128,663	134,238	5,575	4.2%	267,217	▲

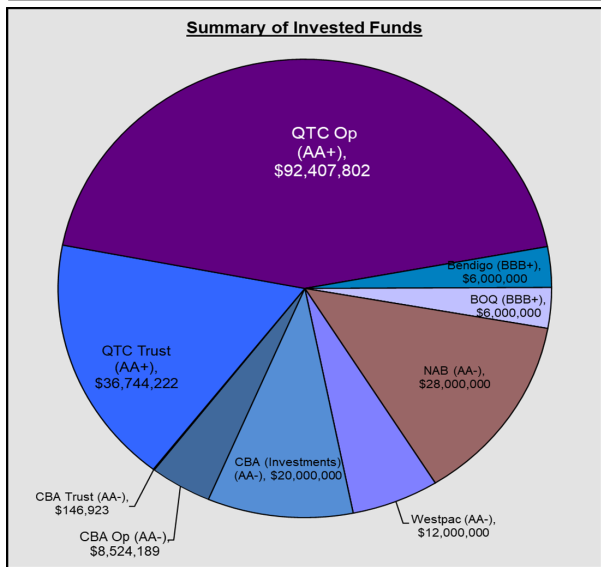
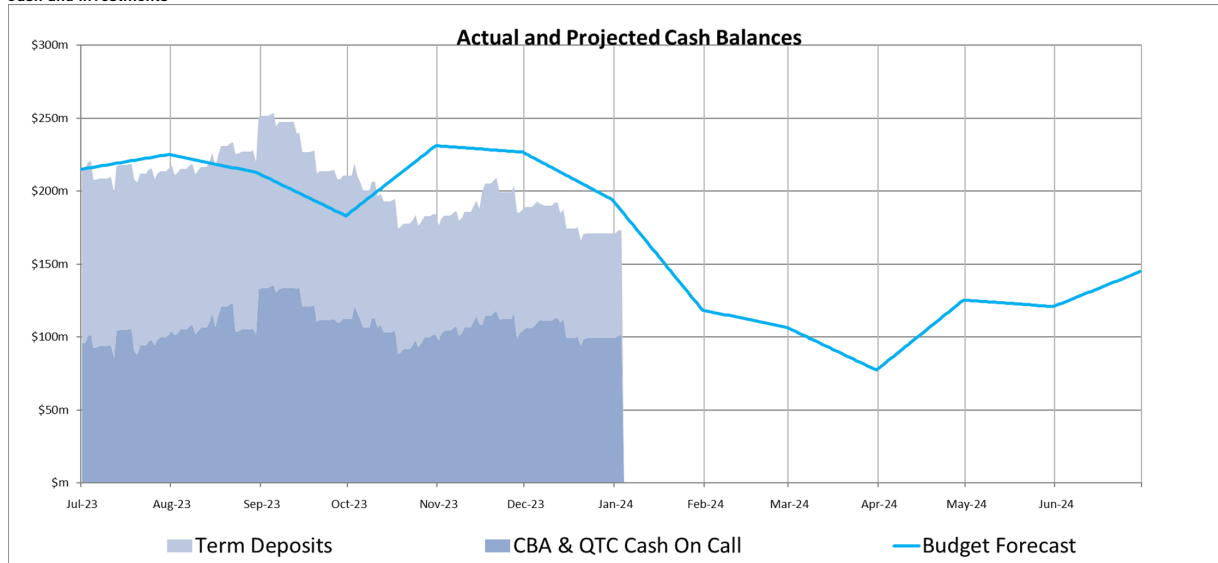


CAPITAL SUMMARY AS AT DECEMBER 2023									
	MTD Actual \$'000s	MTD Budget \$'000s	MTD Variance \$'000s	YTD Actual \$'000s	YTD Budget \$'000s	YTD Variance \$'000s	Full Year Budget \$'000s	Forecast As at Nov-23 \$'000s	
Whole of Council									
VHRR	4,160	3,750	(410)	31,896	20,000	(11,896)	20,000	26,500	
Construction Program and Asset Purchase (ex VHBB)	10,751	19,315	8,564	96,767	114,238	17,472	247,217	174,393	
Donated Assets	6,633	6,138	(495)	29,660	36,832	7,172	73,666	0	
Executive									
Construction Program and Asset Purchase	3,430	8,412	4,982	28,367	46,699	18,332	62,084	39,298	
Total Capital Expenditure	3,430	8,412	4,982	28,367	46,699	18,332	62,084	39,298	
Corporate Services									
Construction Program and Asset Purchase	109	259	149	1,568	1,747	178	3,085	3,085	
iVolve	695	324	(370)	3,176	3,357	181	4,074	4,985	
Total Capital Expenditure	804	583	(221)	4,744	5,104	360	7,159	8,070	
Community, Cultural and Economic Development									
Construction Program and Asset Purchase	33	258	225	376	1,310	935	3,670	3,211	
Total Capital Expenditure	33	258	225	376	1,310	935	3,670	3,211	
Assets and Infrastructure Services									
Infrastructure Program	3,446	6,188	2,742	42,722	34,588	(8,134)	63,223	45,108	
Equipment	0	12	12	99	167	68	241	83	
Ipswich Central Revitalisation	13	30	17	124	205	81	450	343	
Fleet	443	167	(276)	6,200	5,404	(795)	16,813	12,507	
Disaster Recovery	1,733	3,000	1,267	7,819	18,050	10,231	75,000	49,236	
Voluntary Home Buy Back Scheme	4,160	3,750	(410)	31,896	20,000	(11,896)	20,000	26,500	
Total Capital Expenditure	9,795	13,147	3,352	88,859	78,414	(10,445)	175,727	133,777	
Environment and Sustainability									
Infrastructure Program	295	207	(88)	3,196	847	(2,348)	3,925	4,455	
Waste	86	218	132	976	1,122	146	10,109	9,202	
Total Capital Expenditure	381	425	44	4,172	1,969	(2,203)	14,034	13,657	
Planning and Regulatory Services									
Construction Program and Asset Purchase	467	240	(227)	2,146	742	(1,404)	4,543	2,880	
Total Capital Expenditure	467	240	(227)	2,146	742	(1,404)	4,543	2,880	
Donated Assets									
Community, Cultural and Economic Development	0	2	2	137	16	(121)	31	0	
Corporate Services	0	0	0	0	0	0	0	0	
Asset and Infrastructure Services	6,633	6,136	(497)	29,523	36,816	7,293	73,635	0	
Environment and Sustainability	0	0	0	0	0	0	0	0	
Executive	0	0	0	0	0	0	0	0	
Planning and Regulatory Services	0	0	0	0	0	0	0	0	
Total Donated Assets	6,633	6,138	(495)	29,660	36,832	7,172	73,666	0	

FINANCIAL EXECUTIVE SUMMARY

DECEMBER 2023

Cash and Investments



Investments and Earnings Summary	Margin	% Return	\$
CBA Operating Account	0.005	4.85%	\$8,524,189
Term Deposit Investments	0.007	5.04%	\$72,000,000
QTC Trust Fund Account	0.008	5.15%	\$36,744,222
QTC Operating Account - CBD	0.008	5.15%	
QTC Operating Account - General	0.008	5.15%	\$92,407,802
QTC Operating Account - Total	0.008	5.15%	\$92,407,802
Total Invested funds (W.Avg return)	0.007	5.10%	\$209,676,213
Total Operating Funds (Ex Trust)	0.007	5.09%	\$172,931,991

Cashflow

Council's cash and cash equivalents balance as at 31 December 2023 was \$172.9 million. Actual cash balance includes \$11.5 million of funds related to the Voluntary Home Buy-Back program. Council's investments are made in accordance with Council's Investment Policy (adopted as part of the annual budget) with an average return percentage of 5.09%.