

Goondiwindi Regional Council **Ordinary Meeting**

CONFIRMED MINUTES

Meeting held at the Goondiwindi Regional Council Customer Service Office
82 Marshall Street, Goondiwindi Queensland 4390

Wednesday, 22 June 2011

Goondiwindi Regional Council
MINUTES OF ORDINARY MEETING
22 June, 2011

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Goondiwindi Regional Council
MINUTES OF ORDINARY MEETING
22 June, 2011

Present: Mayor Cr GS (Graeme) Scheu
Cr WP (Rick) Kearney
Cr RJ (Rob) Reardon
Cr RJ (Rick) McDougall
Cr PJ (Phil) Percival
Cr DG (David) McMahon
Cr PM (Mac) Kneipp

Attendance: Mr Peter Stewart (Chief Executive Officer)
Mr Carl Manton (Deputy Chief Executive Officer)
Mr Dave Burges (Director of Engineering & Planning)
Mr Jason Quinnell (Director of Finance & Corporate)
Mrs Teresa Pfingst (Minutes Secretary)

Apologies Nil

1. OPENING OF MEETING

The Mayor, Cr GS Scheu, declared the meeting open at 9:37am.

2. APOLOGIES

It was noted that Reverend Darren Muller of the Baptist Church, Goondiwindi, was not available to attend the Council meeting to deliver the opening prayer.

3. CONDOLENCES / CONGRATULATIONS

Nil.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLUTION OM-0108/11

Moved: Cr WP Kearney

Seconded: Cr PM Kneipp

That the minutes of the Ordinary Meeting of Council held on Wednesday, 25 May 2011, be confirmed.

Carried.

RESOLUTION OM-0109/11

Moved: Cr RJ Reardon

Seconded: Cr PJ Percival

That the minutes of the Special Budget Meeting of Council held on Wednesday, 15 June 2011, be confirmed.

Carried.

5. BUSINESS ARISING FROM PREVIOUS MEETING

Nil.

6. DEPUTATIONS

Nil.

7. REPORTS – DEPARTMENT OF FINANCE AND CORPORATE

Council's Director of Finance and Corporate, Mr Jason Quinnell, presented the following reports to Council.

7.1. FC-016/11 – Finance Report, PE 31 May 2011

RESOLUTION OM-0110/11

Moved: Cr PJ Percival

Seconded: Cr WP Kearney

That Council resolves to receive the Finance Report, number FC-016/11, for the period ending 31 May 2011.

Carried.

RESOLUTION OM-0111/11

Moved: Cr DG McMahon

Seconded: Cr RJ Reardon

That Council resolves to adopt the following amendments to its 2010/2011 Budget.

Version 4 Budget Amendments

<u>Adopted Budget v3</u>	Operating surplus / (deficit)	Depreciation	Capital expenditure	Total budget / cash flow surplus / (deficit)
Original Budget - Adopted 28 June 2010	247,459	8,423,642	(10,643,556)	(38,273)
Amendments for 1st quarter 2010	382,943	-	(1,756,699)	(383,938)
Amendments as at 20 April 2011	360,842	(223,142)	52,978	190,678
Amendments as at 25 May 2011	(268,714)	(7,007)	-	(275,721)
Budget totals before borrowings	722,530	8,193,493	(12,347,277)	(507,254)
Less Capital Revenue & Expenditure	2,768,631			
Budgeted Operating Surplus/(Deficit)	(2,046,101)			

<u>Budget including amendments</u>	Operating surplus / (deficit)	Depreciation	Capital expenditure	Total budget / cash flow surplus / (deficit)
Amended Budget as at 25 May 2011	722,530	8,193,493	(12,347,277)	(507,254)
Proposed Amendments - V4	226,533	-	202,641	429,174
Amended Budget totals before borrowings	949,063	8,193,493	(12,144,636)	(78,081)
Less Capital Revenue & Expenditure	2,901,963			
Amended Operating Surplus/(Deficit)	(1,952,901)			

Carried.

7.2. FC-017/11 – Establishment of an Internal Audit Function

The Goondiwindi Regional Council is required under legislation, the *Local Government Act 2009*, to establish an Internal Audit Committee. This report is provided for Council's consideration and decision.

RESOLUTION OM-0112/11

Moved: Cr RJ Reardon

Seconded: Cr WP Kearney

That Council resolves, in accordance with the provisions of the Local Government Act 2009, to establish an internal audit committee of four (4) members made up as follows:-

- a) one (1) independent consultant in Local Government Finance;*
- b) two (2) Councillors; and*
- c) one (1) Community Member*

Carried.

RESOLUTION OM-0113/11

Moved: Cr PJ Percival

Seconded: Cr RJ McDougall

That Council resolves to adopt the attached Internal Audit and Risk Management Audit Charter as tabled, in accordance with the provisions of the Local Government Act 2009.

Carried.

RESOLUTION OM-0114/11

Moved: Cr WP Kearney

Seconded: Cr RJ McDougall

That Council resolves to appoint Councillor PM Kneipp and Councillor RJ Reardon to the Internal Audit Committee.

Carried.

RESOLUTION OM-0115/11

Moved: Cr WP Kearney

Seconded: Cr PM Kneipp

That Council resolves to request the Internal Audit Committee to make a recommendation to its September 2011 meeting as to the process to be followed to fill the external community member position.

Carried.

RESOLUTION OM-0116/11

Moved: Cr WP Kearney

Seconded: Cr RJ Reardon

That Council resolves to engage Mr David Spearitt as a member of the Internal Audit Committee for a period of 18 months.

Carried.

RESOLUTION OM-0117/11

Moved: Cr RJ Reardon

Seconded: Cr WP Kearney

That Council resolves to appoint Mr David Spearitt as Chair of the Internal Audit Committee.

Carried.

** Reference - Minutes Attachment 1*

7.3. General Business – Department of Finance & Corporate

Nil.

8. REPORTS – DEPARTMENT OF BUILDING AND ENVIRONMENTAL HEALTH

Nil reports tabled.

8.1. General Business – Department of Building and Environmental Health

Nil.

9. REPORTS – DEPARTMENT OF ENGINEERING AND PLANNING

Council's Director of Engineering and Planning, Mr Dave Burges, presented the following reports to Council.

ENGINEERING – WATER AND SEWERAGE

9.1. EP-027/11 – Goondiwindi Water Supply Fluoridation Project

At its meeting of 23 March 2011, Council resolved to delegate authority to the Mayor and Chief Executive Officer to accept a tender for the construction of the Goondiwindi Water Supply Fluoridation Project.

At the time of writing, this delegated authority has yet to be executed but is expected before the next meeting to help meet strict deadlines. This report is provided for Council's information.

Noted.

ENGINEERING – OTHER

9.2. EP-029/11 – 2011/12 Contract for the Manufacture, Supply and Delivery of Bagged Cement, Concrete and Miscellaneous Products

The intent of this tender is to establish a preferred supplier arrangement for the manufacture, supply & delivery of bagged cement, concrete and miscellaneous products for the 2011/12 period.

A Request for Tender (RFT) was advertised in the Argus, MacIntyre Gazette, Council's website and letters mailed to interested parties inviting tenders. Tenders closed at 12:00 noon on Wednesday, 8 June 2011.

RESOLUTION OM-0118/11

Moved: Cr WP Kearney

Seconded: Cr PJ Percival

That Council accepts all tenders for inclusion on a preferred supplier arrangement for the manufacture, supply & delivery of bagged cement, concrete and miscellaneous products for the 2011/12 period, with Contractors selected in accordance with the sound contracting principles in s106 of the Local Government Act 2009 and using the following criteria:-

- *Price;*
- *Past performance;*
- *Local preference;*
- *Safety record, training and maintenance service quality; and*
- *Availability.*

Carried.

9.3. EP-030/11 – 2011/12 Register of Pre-Qualified Suppliers for the Hire of Plant from Local Sub-Contractors

This contract is for the hire of plant from local sub-contractors for the 2011/12 period.

A Request for Tender (RFT) was advertised in the Argus, MacIntyre Gazette, Council's website and letters mailed to interested parties inviting tenders. Tenders closed at 12:00 noon on Wednesday, 8 June 2011.

❖ **It was noted that Councillor McDougall left the meeting at 10:32am**

RESOLUTION OM-0119/11

Moved: Cr RJ Reardon

Seconded: Cr WP Kearney

That Council accepts all tenders for inclusion on a register of pre-qualified suppliers for the hire of plant from local sub-contractors for the 2011/12 period, with Contractors selected in accordance with the sound contracting principles in s106 of the Local Government Act 2009 and using the following criteria:-

- *Price;*
- *Past performance;*
- *Local preference;*
- *Safety record, training and maintenance service quality; and*
- *Availability.*

Carried.

❖ **Councillor McDougall returned to the meeting at 10:33am**

- ❖ **Councillor RJ McDougall declared a Material Personal Interest in Meeting Report EP-028/11 and left the meeting at 10:34am.**

9.4. EP-028/11 – 2011/12 Preferred Supplier Arrangement for the Supply of Chemicals

The intent of this tender is to establish a preferred supplier arrangement for the supply of chemicals for the 2011/12 period.

A Request for Tender (RFT) was advertised in the Argus, MacIntyre Gazette, Council's website and letters mailed to interested parties inviting tenders. Tenders closed at 12:00 noon on Wednesday, 8 June 2011.

RESOLUTION OM-0120/11

Moved: Cr DG McMahon

Seconded: Cr WP Kearney

That Council accepts all tenders for inclusion on a preferred supplier arrangement for the supply of chemicals for the 2011/12 period, with Contractors selected in accordance with the sound contracting principles in s106 of the Local Government Act 2009 and using the following criteria:-

- *Price;*
- *Past performance;*
- *Local preference;*
- *Safety record, training and maintenance service quality; and*
- *Availability.*

Carried.

- ❖ **Councillor McDougall returned to the meeting at 10:35am**

9.5. EP-031/11 – Expression of Interest 10/48, Inclusion on Council's Civil Works Approved Contractor List – Request for Inclusion

Council invited Expressions of Interest (EOI) 10/48 in December 2010 from suitably qualified, experienced and resourced contractors for inclusion on an approved contractors list for civil works. This action was taken to ensure that Council had the capacity to meet its normal maintenance and capital works program, while undertaking both emergent and permanent restoration of flood damage to state and local roads.

Since its meeting of 23 March 2011, Council has received an additional two (2) submissions for inclusion on Council's Civil Works Approved Contractor List. This report is provided for Council's consideration and decision.

RESOLUTION OM-0121/11

Moved: Cr RJ Reardon

Seconded: Cr DG McMahon

That Council accepts the submissions received from Kristace Pty Ltd and CJM Civil for inclusion on Council's Civil Works Approved Contractor List, in accordance with the sound contracting principles in s106 of the Local Government Act 2009.

Carried.

9.6. EP-032/11 – Levee Bank Permit Application 11/03, Duddy Management Pty Ltd, “South Callandoon”

Council has control of and responsibility for managing levee banks under Local Law 26 (Levee Banks) 2004. An application for levee banks has been made by Duddy Management Pty Ltd for a permit under the provisions of Chapter 3, Part 2, Section 29 of the *Local Government (Operations) Regulation 2010*.

The works include the construction of approximately 2,210 metres of levee bank and 1,245 metres of storage on Lot 75 CP889041 and Lot 76 CP889041, Parish of Callandoon, County of Carnarvon. Council has previously issued a permit to undertake these works under Levee Bank Permit 07/04. The applicants are requesting to modify the works authorised under section ‘F’ of Permit 07/04. Subsequently, the proposed works have been removed from the respective permit and are subject to a new application.

RESOLUTION OM-0122/11

Moved: Cr RJ Reardon

Seconded: Cr WP Kearney

That Council resolves to approve the application by Duddy Management Pty Ltd for 2,210 metres of levee bank and 1,245 metres of storage on Lot 75 CP889041 and Lot 76 CP889041, Parish of Callandoon, County of Carnarvon subject to the following conditions:-

1. *The works approved by the permit (“approved works”) are those works particularised in the application and the attached plan identified as SCDN-L1 (“the approved plan”).*
2. *The works associated with Levee Bank Permit 11/03 be constructed to the following dimensions:-*

	<i>Levee Banks</i>	<i>Storage</i>	<i>Drains</i>
<i>Length</i>	<i>2,210 metres</i>	<i>1,245 metres</i>	<i>0 metres</i>
<i>Maximum Height/Depth</i>	<i>3.0 metres</i>	<i>7.0 metres</i>	<i>0 metres</i>
<i>Top Width</i>	<i>5.0 metres</i>	<i>6.0 metres</i>	<i>0 metres</i>
<i>Base Width</i>	<i>20.0 metres</i>	<i>59.0 metres</i>	<i>0 metres</i>

3. *The works associated with levee Bank Permit 11/03 be constructed to the coordinates and dimensions as detailed on Plan SCDN-L1.*
4. *The permit relates only to the approved works identified on the approved plan.*
5. *The holder of the permit must not construct or cause to be constructed a levee bank on any land unless authorised by this permit or another permit issued under Waggamba Shire Council Local Law No. 26 (Levee Banks) 2004.*
6. *The holder of the permit must, after completion of construction of the works in accordance with the approved plans and specifications, repair and maintain the levee bank in accordance with:-*
 - *The conditions of the permit; and*
 - *The as constructed survey plan produced to the local government in accordance with the conditions of this permit.*
7. *Approvals required under any other Act or by any other Agency for the construction, repair or maintenance of the approved works must be obtained and maintained for the duration of the permit.*
8. *That approval from the Department of Environment and Resource Management is required for any construction works pertaining to the taking of overland flow water.*
9. *The permit holder must satisfy themselves as to whether the approved works constitute a referable dam under the Water Supply (Safety & Reliability) Act 2008 and the Water Act 2000.*
10. *The term of this permit is five (5) years from the date of this permit. If a levee bank or a part of a levee bank identified in the permit remains on land to which the local law applies after the term of the permit expires, the holder of the permit must apply to the*

local government to renew the permit.

11. *A maximum construction period of two (2) years will apply for the works to be completed.*
12. *An inspection by Council's Engineer is to be arranged at the completion of the works.*
13. *Should, following local heavy rain, the diversion of local runoff water around the development, in the opinion of Council's Engineer, be causing scouring, erosion or changed conditions to adjacent landholders the holder of the permit will carry out any works directed to rectify the situation.*
14. *An as-constructed survey plan certified by a licensed surveyor, to GDA and AHD, shall be provided to Council within three (3) months of the completion of construction. The survey shall include co-ordinates for each corner point on the levee/s, as well as all top/bottom of banks and batters and a number of points along the boundary, with corners where possible. This data is to be supplied as a hardcopy (paper) plan as well as electronically with a plan in .DWG (Autocad) format and a co-ordinate listing in a Microsoft Excel spreadsheet.*
15. *After completion of construction of the levee bank the holder of the permit must give not less than 30 days written notice to the local government before commencing any works proposed to be undertaken by the holder of the permit to alter, change, modify or demolish the levee bank.*
16. *The local government may, by written notice given to the holder of the permit, change the conditions of the permit. However, the local government may only change the conditions of a permit if:-*
 - *The holder of the permit agrees to the proposed changes; or*
 - *The change is urgently necessary in the interests of safety or to prevent a nuisance; or*
 - *The local government:-*
 - (i) *gives the permit holder written notice of the proposed change inviting the holder to make written representations about the proposed change within a reasonable time fixed in the notice; and*
 - (ii) *if the permit holder makes written representations within the time allowed in the notice – takes the representations into account.*
17. *If the holder of the permit has an interest in the land and the holder disposes of the interest in the land by transfer or transmission:-*
 - *the holder must give written notice of the disposal to the local government within 30 days of the transfer or transmission (as the case may be); and*
 - *the permit shall be deemed to be transferred to the transferee or transmittee (as the case may be) of the interest in the land.*
18. *If there is on land to which the local law applies a levee bank the demolition of which will, in the local government's opinion, affect or be likely to affect natural drainage to an extent that is or is likely to cause damage to land or a public work, service or undertaking, the owner of the land must not demolish the levee bank unless the demolition is authorised by a permit under part 2 of the local law*

Carried.

9.7. EP-033/11 – Flooding Assessment, Proposed Rural Residential Subdivision

The owners of property in New South Wales (NSW), on the southern banks of the Macintyre River opposite Goondiwindi, have been investigating the feasibility of a rural residential subdivision for some years. The project has now progressed to the point where the developer is requesting review and comment from Goondiwindi Regional Council and the Department of Environment and Resource Management prior to formally submitting the proposal to the relevant NSW state government agency (the Department of Environment, Climate Change & Water).

RESOLUTION OM-0123/11

Moved: Cr PJ Percival

Seconded: Cr RJ Reardon

That Council resolves to write to the Queensland Reconstruction Authority, Emergency Management Queensland, Queensland Health, Queensland Ambulance Service, Department of Environment, Climate Change & Water (New South Wales) and Moree Plains Shire Council outlining concerns with the proposed development and request a meeting with each agency to discuss the matter.

Carried.

RESOLUTION OM-0124/11

Moved: Cr PM Kneipp

Seconded: Cr WP Kearney

That Council responds to Cardno Lawson and Treloar advising that additional information is being sought from various government agencies.

Carried.

9.8. General Business – Department of Engineering and Planning Services

Nil.

10. REPORTS - DEPUTY CHIEF EXECUTIVE OFFICER

10.1. DCE-022/11 – Yelarbon Public Rest Area and Beautification

Further to Council's resolution at the Ordinary Meeting in May new correspondence has been received from Queensland Rail for consideration and decision regarding the agreement between Queensland Rail and the former Waggamba Shire Council for the public rest area at Taloom Street, Yelarbon.

RESOLUTION OM-0125/11

Moved: Cr PJ Percival

Seconded: Cr DG McMahon

That Council accepts the offer to maintain the licence agreement between Queensland Rail and Goondiwindi Regional Council for the public rest area and beautification, part of Lot 20 SP120712, Taloom Street, Yelarbon at the rate offered by Queensland Rail.

Carried.

10.2. DCE-023/11 – Department of Environment and Resource Management, June 2011

Council has received correspondence from the Department of Environment and Resource Management, relating to an application for Permits to Occupy along Mills-Warroo Road, Cement Mills and also an application for the renewal of Special Lease 20/52303, for consideration and decision.

RESOLUTION OM-0126/11

Moved: Cr RJ Reardon

Seconded: Cr WP Kearney

That Council advises the Department of Environment and Resource Management that it does not object to the application for Permits to Occupy along Cement Mills-Warroo Road, Cement Mills as shown on Drawing DD2011_07.

Carried.

RESOLUTION OM-0127/11

Moved: Cr DG McMahon

Seconded: Cr RJ McDougall

That Council advises the Department of Environment and Resource Management:-

- i) That it does not object to the renewal of Special Lease 20/52303 over Lot 1 on CVN839948, Parish of Nomby; and*
- ii) That the continuation of the terms of the existing lease is acceptable.*

Carried.

10.3. DCE-024/11 – Complaints Management Policy

In accordance with the *Local Government Act 2009*, Council must adopt by 1 July 2011 a process for resolving administrative action complaints. A draft Administrative Action Complaints Policy is provided for Council's consideration.

RESOLUTION OM-0128/11

Moved: Cr PJ Percival

Seconded: Cr RJ Reardon

That Council resolves to adopt the Administrative Action Complaints Policy and Procedure, as tabled, in accordance with s268 of the Local Government Act 2009 and s119 of the Local Government (Operations) Regulation 2010.

Carried.

* Reference - Minutes Attachment 2

10.4. DCE-025/11 – Hangar Lease, Texas Airstrip

Council's consideration has been sought regarding the proposed lease of a parcel of land at the Texas Airstrip, for the construction of a private hangar.

RESOLUTION OM-0129/11

Moved: Cr DG McDougall

Seconded: Cr RJ Reardon

That Council agrees to advertise for expressions of interest for leasing land at the Texas Airstrip for the purpose of hangar development, in accordance with Local Government (Finance, Plans and Reporting) Regulation 2010.

Carried.

10.5. General Business – Deputy Chief Executive Officer

Nil.

11. REPORTS – EXECUTIVE OFFICE

Council's Chief Executive Officer, Mr Peter Stewart, presented the following reports to Council.

11.1. EX-012/11 – Service Levels and Efficiencies

Council discussed a report provided by Consultant, David Spearitt, regarding a proposed project plan for the review of service levels and efficiencies within Council.

Noted.

11.2. General Business – Chief Executive Officer

Nil.

12. RECEPTION OF NOTICE OF MOTION FOR NEXT MEETING

It was noted that Councillor Reardon left the meeting at 11:40am

12.1.1. Date and Time of July 2011 Ordinary Meeting

RESOLUTION OM-0130/11

Moved: Cr PM Kneipp

Seconded: Cr PJ Percival

That Council resolves to bring forward the Ordinary Meeting of Council scheduled for 27 July 2011 to Wednesday, 20 July 2011 and that it be advertised accordingly.

Carried.

12.1.2. Date and Time of Future Councillor Workshops

Council discussed schedules for the month of July 2011, with specific regard to identifying suitable dates to hold the July 2011 Councillor Workshops.

13. GENERAL BUSINESS

13.1.1. Environmental Waste Levy

It was noted that Councillor Kearney will be attending a meeting in Toowoomba on 21 July 2011, regarding the Environmental Waste Levy.

13.1.2. Queensland Murray-Darling Committee Inc

It was noted that Councillor RJ McDougall will be attending the Queensland Murray-Darling Committee Inc, Executive Meeting on 27 June 2011 and the Members Meeting on 28 June 2011.

14. CONFIRMATION OF DATES AND TIMES FOR FUTURE MEETINGS

It was noted that the next two (2) Ordinary Meetings of Council will be held on the following dates:-

- a) Ordinary Meeting of Council on Wednesday, 20 July 2011, commencing at 9:30am at the Goondiwindi Customer Service Centre Boardroom, 82 Marshall Street, Goondiwindi.
- b) Ordinary Meeting of Council on Wednesday, 24 August 2011, commencing at 9:30am at the Goondiwindi Customer Service Centre Boardroom, 82 Marshall Street, Goondiwindi.

15. CLOSURE OF MEETING

There being no further business, the Mayor thanked everyone for their attendance and declared the meeting closed at 11:45am.

Confirmed: _____

Date: _____



INTERNAL AUDIT AND RISK MANAGEMENT FUNCTION

AUDIT CHARTER

Approved by Council - XX/06/2011

Internal Audit & Risk Management Function Audit Charter

1. Objective

The objective of the Audit and Risk Management Committee (Committee) is to provide independent assurance and assistance to the Goondiwindi Regional Council on risk management, internal control, governance, and external accountability responsibilities.

Specifically the Committee is to independently of management, report to Council and provide appropriate advice to ensure that:-

1. Appropriate risks and exposures are effectively managed.
2. A culture of adherence to Council policies and procedures is promoted.
3. Resources are being used economically and efficiently, and system objectives are being achieved effectively.
4. Better practices are identified, encouraged, developed and reported. (The opinion expressed in this regard is a measure of the extent to which improvements can be made which may lead to lower direct and indirect costs, better management of those costs, and/or improved program outcomes)
5. The external reporting is objective and credible.
6. Council performs the functions imposed on it by legislation.
7. Accounting standards and other prescribed requirements in respect of the establishment and keeping of accounts have been complied within all material respects.

2. Authority

The Committee is an advisory Committee of the Council and is authorised, within the scope of its role and responsibilities, to:-

- Through the Chief Executive Officer or relevant Director, obtain any information it needs from any employee or external party (subject to their legal obligations to protect information.)
- Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
- Through the Chief Executive Officer or relevant Director, request the attendance of any employee or councillor at Committee meetings.
- Through the secretariat, obtain external legal or other professional advice considered necessary to meet its responsibilities.

3. Composition and Tenure

Collectively, members of Audit Committees should possess:-

- A thorough understanding of the responsibilities of the Council;
- A sound knowledge of the core operations of the Council and the environment in which it operates, including its strengths, weaknesses, opportunities and threats;
- A commitment to the continual improvement of the outputs that the Council delivers and how these contribute to the achievement of the Council's priorities;
- Strong business acumen and management skills;
- A high level of understanding of 'best practice' internal control, risk management and corporate governance;
- A sound knowledge of information systems and emerging technology;
- A high level of competency in financial and operational reporting and the ability to analyse complex financial reports,;
- An inquiring attitude, objectivity and independence; and
- A strong, demonstrated sense of probity and ethical conduct.

The committee is made up of the following representatives:-

3.1 Members (voting)

- Councillors x 2
- External Appointed Chair x 1
- External Community Member x 1

3.2 Attendee (non-voting)

- Chief Executive Officer
- Director Corporate Services (Secretariat)

3.3 Invitees (non-voting) for specific Agenda items

- Representatives of the external auditor.
- Other officers may attend by invitation as requested by the Committee.

The committee will utilise council officers to conduct audits or reviews or engage these functions externally as required.

The independent external chair and external community member will be appointed by Council for an initial term of 18 months after which they will be eligible for extension or re-appointment following a formal review of their performance and the structure of the internal audit committee.

Internal Audit & Risk Management Function Audit Charter

The initial appointment of the external community member will be made by Council at a date after the initial formation of the internal audit committee. The committee is to consider the attributes sought in the independent community member that would be most advantageous to the proper functioning of the committee and make a recommendation to Council as to the process that may be pursued to fill the position.

4. Role and Responsibilities

The Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the Chief Executive Officer as defined by the *Local Government Act 2009*.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are:-

4.1 Risk Management

Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.

Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;

Review the impact of the risk management framework on its control environment and insurance arrangements; and

Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

4.2 Control Framework

Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;

Review whether management has in place relevant policies and procedures and these are periodically reviewed and updated;

Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;

Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and

Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

4.3 External Accountability

Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls.

Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.

To consider contentious financial reporting matters, in conjunction with Council's management and external auditors.

Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.

Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations.

Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

4.4 Legislative Compliance

Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements.

Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

4.5 Internal Audit

Act as a forum for communication between the Council, Chief Executive Officer, senior management, internal audit and external audit.

Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan.

Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan.

Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.

Monitor the implementation of internal audit recommendations by management.

Periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.

Periodically review the performance of Internal Audit.

4.6 External Audit

Act as a forum for communication between the Council, Chief Executive Officer, senior management, internal audit and external audit.

Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided.

Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management.

Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

5. **Reporting**

At the first Committee meeting after 30 June each year, the secretariat will provide a performance report of:

- The performance of Internal Audit for the financial year.
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.
- The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

6. **Administrative Arrangements**

6.1 Meetings

The Committee will meet at least quarterly, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit Committee Charter.

6.2 Attendance at Meetings and Quorums

A quorum will consist of at least 2 voting Committee members. Meetings can be held in person, by telephone or by video conference.

Internal Audit & Risk Management Function Audit Charter

The Chief Executive Officer will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may also request of the CEO the attendance of any other employees to participate for certain agenda items, as well as the external auditor.

6.3 Secretariat

The Committee will appoint the Director of Corporate Services to provide secretariat support to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

6.4 Conflicts of Interest

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

6.5 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

6.6 Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

6.7 Review of Audit Committee Charter

At least once every two years the Audit Committee will review this Audit Committee Charter.

GOONDIWINDI REGIONAL COUNCIL

ADMINISTRATIVE ACTION COMPLAINTS POLICY

Adopted Date:

Policy Number: GRC

Policy Type: Strategic

Responsible Officer: Deputy Chief Executive Officer

Department: Administration, Community Services and Economic Development

Version	Decision Number or CEO Approval	Decision Date	History
1	GRC 00		
2			
3			
4			

1. STATEMENT OF INTENT

In accordance with section 268 of the *Local Government Act 2009* and section 119 of the *Local Government (Operations) Regulation 2010*, a complaints Management process is established. The policy underpins the complaint management process and is consistent with the *Local Government Principles* as defined in section 4 of the *Local Government Act 2009*.

2. SCOPE OF THE COMPLAINTS MANAGEMENT PROCESS

The complaints management process has been established for resolving complaints by affected persons about administrative actions of Council or Council officers. The complaints management process does not apply to a complaint as follows:

- a) be made under Chapter 3 of the Act about competitive neutrality issues;
- b) about official misconduct that should be directed to the Crime and Misconduct Commission;
- c) made under the *Public Interest Disclosure Act 2010*; and
- d) about conduct and performance of Councillors as prescribed in Chapter 6, Part 2, Division 6 of the *Local Government Act 2009*.

3. OBJECTIVES

The complaints management process is established with the following objectives;

- 3.1 The fair, efficient and consistent treatment of complaints about decisions and other administrative actions of the Council;
- 3.2 A complaints management process that is easy to understand and is readily accessible to all;
- 3.3 Detection and rectification, where appropriate, of administrative errors;
- 3.4 Identification of areas for improvement in the Council's administrative practices;
- 3.5 Increase in awareness of the complaints management process for the Council's staff and the community;
- 3.6 Enhancement of the community's confidence in the complaints management process and the reputation of the Council as being accountable and transparent;
- 3.7 Building the capacity of staff to effectively manage complaints in an environment of continuous improvement;
- 3.8 Complaints will be acknowledged and resolved in a timely manner;
- 3.9 Council will manage complaints confidentially and ensure that complainants do not suffer any form of reprisal for making a complaint;
- 3.10 Council will abide by the principles of natural justice/procedural fairness when dealing with complaints.

4. POLICY DOCUMENT

Council intends to provide a level of customer service that does not attract complaints, but acknowledges the right of persons to provide feedback, both positive and negative, on its services and/or to lodge a complaint about a decision or other action it takes.

Council commits to providing adequate resources to deal with complaints and to record and analyse complaints data.

Council will endeavour to ensure that:

- Anyone who is dissatisfied about a decision or other action can easily and simply lodge a complaint;
- Complainants are provided with information on the complaints management process and, if necessary, assistance to make their complaint;
- Each complaint is initially assessed in terms of its seriousness, safety implications, complexity and degree of urgency;
- Council officers will receive complaints in a professional manner and welcome valid feedback as an opportunity for improvement of the Council's administrative practices;
- Complaints are resolved as quickly as possible, preferably on first contact if the complaint is straightforward;
- Complainants are advised of their appeal rights at the relevant stages of the complaint management process;
- Complainants will be provided with a written statement of the outcomes, including details of the reasons for the outcome at the relevant stages of the decision-making process;
- People with particular needs are assisted – for example people who are in any way disadvantaged by intellectual or physical disability, education, language ability or any other impairment.

5. DEFINITIONS

Terms used in the complaints management process have the following meanings:

Administrative action – an administrative action of the Council, being an action about a matter of administration, including each of the following-

- a) a decision and an act;
- b) a failure to make a decision or do an act, including to provide written reasons for a decision;
- c) the formulation of a proposal or intention;
- d) the making of a recommendation.

Affected person – is a person who is apparently directly affected by an administrative action of a local government.

CEO – the Chief Executive Officer of the Council.

Council – Goondiwindi Regional Council.

Council Officer – includes a permanent, temporary, casual or contractor employed by Council.

Complaints management process – is a process for resolving complaints about administrative actions of the local government that –

- a) covers all administrative action complaints made to the local government; and
- b) requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and
- c) includes the criteria considered when assessing whether to investigate a complaint; and
- d) requires the local government to inform an affected person of the local government's decision about the complaint and the reasons for the decision, unless the complaint was made anonymously.

The Act – *Local Government Act 2009*.

Natural Justice – or procedural fairness is giving someone who might be adversely affected by a decision a fair hearing before the decision is made.

Review – to undertake a second or repeated examination of a past event or decision, taking into consideration the facts and circumstances of such event or decision.

6. REMEDIES

Council has adopted a range of remedies for addressing administrative actions that it considers to be unfair or wrong. Remedies include, but are not limited to –

- 6.1 An explanation for the action in question
- 6.2 An admission of fault
- 6.3 An apology
- 6.4 Revocation or amendment of the decision
- 6.5 Rectification, including repairing or replacing the matter in dispute
- 6.6 Revision of relevant policy, procedure or practice
- 6.7 Provision of technical assistance
- 6.8 Reimbursement of cost incurred as a result of the action in question
- 6.9 Financial compensation, including an ex-gratia payment
- 6.10 Waiver of debt

More than one remedy may be applied in the particular case if the circumstances justify that course of action.

7. IMPLEMENTATION OF REMEDY

Council, through the CEO or delegate, will take action in a timely manner to implement any remedy made available to a complainant and/or any revision of its policy, practice or procedure.

8. REVIEW BY OTHER COMPLAINTS ENTITIES

If Council decides not to undertake a review, it will inform the complainant that a complaint may be lodged with the Queensland Ombudsman or other relevant complaint entity (giving contact details). It is also recognised that a complainant is also entitled to have a matter externally reviewed if they are still dissatisfied with the outcome of Council's review process.

9. COMPLAINTS MANAGEMENT SYSTEM

Council will maintain a *Register of administrative action complaints* to ensure complaints are recorded including the decision and outcome.

10. RESPONSIBILITY OF OFFICERS

All Council officers –

- a) Are required to observe the complaints management process; and
- b) Wherever appropriate, attempt to resolve a complaint before it is referred for attention under the complaints management process.

11. RELATED POLICIES OR PROCEDURES

All Council policies and procedures must be taken into consideration when considering or investigating a complaint under the complaints management process.

12. COMMUNICATION

The Council will take appropriate steps to publicise the complaints management process. For example, Council will place this document on its website and include training on the complaints management process in the induction process for new employees and in other staff training.

13. REVIEW DATE

14. ATTACHMENT

Procedure – Administrative Action Complaints

Procedure – Administrative Action Complaints

Approval Date: 22 March 2011

Review Date: 30 June 2014

Department/Section: Governance

Goondiwindi Regional Council

OBJECTIVE

A procedure to outline a process to be followed in dealing with administrative action complaints in accordance with section 268 the *Local Government Act 2009* and section 119 of the *Local Government (Operations) Regulation 2010*.

The procedure also has regard to the *local government principles* as defined in section 4 of the *Local Government Act 2009*.

Policy Reference

Administrative Action Complaints Policy

1. COMPLAINT HANDLING PROCEDURE

This procedure is pursuant to the following local government principles, thereby allowing Council the flexibility to adequately deal with complaints, having regard to the size of Council and its community population.

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

1.1 Complaints process

In the first instance, a complainant should contact the relevant service area of the Council, provide their rationale why they believe the decision to be wrong and request rectification of the decision. It may be apparent on the face of the complaint that an error has been made and that the administrative action in question can be promptly remedied. An explanation of the Council's action or decision may be sufficient to satisfy the complainant in a particular case.

If rectification is not forthcoming then the following steps describe the model adopted by Council for handling complaints:

- Step 1 – Intake and assessment
- Step 2 – Internal review and investigation
- Step 3 – Complaint finalisation
- Step 4 – External review

Step 1 – Intake and assessment

CEO to review a complaint to determine:

- (a) whether or not it is captured by the Administrative Action Complaints Policy and Procedures; and
- (b) whether or not it warrants investigation.

If the complaint is to be investigated, the CEO, or delegate, to:

- (a) complete the 'Register of administrative action complaints';
- (b) categorise the complaint by its severity and allot a timeframe to the complaint for resolution;
- (c) give the investigator/reviewing officer written instructions stipulating the date by which the investigation is to be completed; and
- (d) acknowledge receipt of the complaint and advise the complainant that the matter is to be investigated and the date the investigation is to be completed by.

If a complaint is not to be investigated, the CEO to:

- (a) acknowledge receipt of the complaint;
- (b) advise the complainant that the complaint will not be investigated;
- (c) provide the complainant with the reasons for the decision; and
- (d) advise the complainant of any available avenues of appeal.

The procedure should also:

- (a) require that a complaints officer, when investigating a complaint, must be equal to or senior to the original decision-maker; and
- (b) identify a process for reviewing and investigating complaints where the subject of the complaint is the CEO.

Step 2 – Internal review and investigation

An investigation by a complaints officer should include, but not be limited to:

- (a) ensure they act within their power and understand their role and terms of reference;
- (b) establish a list of people to be interviewed and any files or locations to be inspected;
- (c) conduct interviews and inspect sites and documents required;
- (d) gather and record information by eg. 'talking to both sides';
- (e) provide relevant information to those in the investigations;
- (f) observe any legal requirements involved in making decisions;
- (g) research and apply any relevant law;
- (h) evaluate the evidence and make findings;
- (i) identify factors that contributed to the complaint arising;
- (j) formulate recommendations; and
- (k) prepare a report clearly summarising the matter and results of the investigation, setting out findings and recommendations, including remedies if deemed appropriate.

Step 3 – Complaint finalisation

Following a detailed investigation of a complaint by a complaints officer, written advice must be provided to the complainant detailing the outcome of the review and specifically addressing their concerns. A statement of reasons, amongst other things, would include the following:

- (a) the allegation;
- (b) identifying the applicable legislation and any relevant Council policy or procedure;
- (c) the findings of fact;
- (d) the analysis;
- (e) the decision; and
- (f) the reasons for the decision.

If, on the other hand, there are grounds to uphold a complaint, for whatever reason, the statement must outline the proposed remedies and timeframes for their implementation.

Step 4 – External review

When a complainant remains dissatisfied with the investigative outcome the CEO will advise the complainant of their external review rights by the Queensland Ombudsman or other relevant entity.

It should be clearly noted that a customer request or request for service is not an administrative action in terms of the Act. However, if Council fails to act on such requests or its rectification actions considered inappropriate then its actions or its failure to act is an administrative action as defined in the Act.

Complaints must be dealt with quickly and efficiently and every effort must be made by Council officers to achieve this outcome.

1.2 Lodging a complaint

A person may make a complaint in any of the following ways:

- (a) verbally, preferably in person to a Council officer;
- (b) in writing (by letter, facsimile or by completing a complaint form);
- (c) by email to mail@grc.qld.gov.au
- (d) by or through an agent.

All complaints are to be referred to the CEO for appropriate action and recording into the complaints register. Every effort for assistance will be provided by Council officers in how to make a complaint and the process to be followed. In the first instance, complaints must be acknowledged in writing within seven (7) days.

1.3 Complaints officer

All complaints are referred to the CEO who will assess the nature of the complaint and determine whether the complaint is to be investigated. Complaints will be reviewed as follows:

- (a) Complaints about the conduct of Council officers are to be reviewed by the CEO;
- (b) Complaints about the conduct of the CEO are to be reviewed by the Council;
- (c) Complaints about decisions of Council, made by resolution, will be reviewed by Council after considering and weighing the additional information supplied by the complainant outlining why they believe the decision is unfair, unjust, unreasonable or wrong.

1.4 Criteria for refusing to investigate a complaint

Complaints must be assessed so that they are fully understood followed by an assessment as to whether it will be investigated. Criteria for this process are as follows:

- (a) what the complainant wants as an outcome as it may be possible to amicably and informally resolve the matter quickly and without detailed investigation;
- (b) whether the resources required to deal with the matter would be disproportionate to the complaint's significance and likely outcome;
- (c) what remedies would be available;
- (d) if the complaint has previously been dealt with under the Administrative Action Complaints procedure; and

- (e) sufficient direct interest.

Further to item (e) above although the CEO may refuse to investigate a complaint if he or she reasonably considers that the complainant does not have sufficient direct interest in the administrative action, it is important to note that this is a discretionary power which may or may not be exercised. Therefore, the CEO may, depending on the particular circumstances, decide to accept a complaint for investigation despite the complainant not having a sufficient direct interest in the matter.

1.5 Investigating a complaint

The investigation of a complaint must be undertaken by the complaints officer in an independent, impartial and objective manner. When conducting an investigation the complaints officer will adhere to the following principles:

- (a) Procedural fairness/natural justice;
- (b) The civil standard of proof (balance of probabilities) is to apply;
- (c) Confidentiality must be maintained to the extent the law permits;
- (d) Lawfulness of a particular action is not necessarily decisive of the issue in dispute.
The complaints officer will also assess whether the action was unfair, unreasonable or wrong.

The complaints officer must also follow the four stages of the investigative process as outlined in section 1.1 of this procedure.

If necessary, the complaints officer should contact the complainant to negotiate an extension of time if standard timeframes cannot be met. Contact should be made as soon as possible (i.e. as soon as the officer becomes aware of the fact the timeframe is not likely to be achieved, or before the expiry of the timeframe).

1.6 External review

Advice to a complainant should include reference to other external review entities, in the event they seek further review. Council will make every effort to cooperate with external review.

1.7 Monitoring and reporting

The complaint management process will be reviewed and evaluated in accordance with set timeframes as specified in the policy and procedure.

Complaints, including the register of complaints, will be reviewed annually and reported to Council.

2. RELATED POLICY/PROCEDURE/DOCUMENTATION

Administrative Action Complaints Policy

3. REFERENCES

Queensland Ombudsman's Office www.ombudsman.qld.gov.au

4. DEFINITIONS

Terms used in this procedure have the following meanings:

Customer request – means a Council process that records and monitors public feedback, suggestions and problems with there being a formal procedure for appropriate action.

Request for service – a request from a person seeking a service normally provided by Council whether it be free or on a cost-recovery basis.

Review – to undertake a second or repeated examination of a past event or decision, taking into consideration the facts and circumstances of such event or decision.