



# **Leadership and Governance Standing Committee Meeting**

Meeting of the Central Highlands Regional Council held  
in the **Council Chambers, 65 Egerton Street, Emerald**  
on

**Tuesday 13 November 2018**  
**Commenced at 12.03pm**

**COUNCIL MINUTES**

# CENTRAL HIGHLANDS REGIONAL COUNCIL

## LEADERSHIP AND GOVERNANCE STANDING COMMITTEE MEETING OF COUNCIL

TUESDAY 13 NOVEMBER 2018

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**MINUTES – LEADERSHIP AND GOVERNANCE STANDING COMMITTEE MEETING  
HELD AT 12.03PM TUESDAY 13 NOVEMBER 2018 IN THE CENTRAL HIGHLANDS REGIONAL  
COUNCIL CHAMBERS, EMERALD OFFICE**

**PRESENT**

**Councillors**

Councillor (Crs) C. Rolfe (Chair),

Councillors (Crs) K. Hayes (Mayor), P. Bell AM, C. Brimblecombe, G. Nixon and G. Sypher

**Officers**

General Manager Corporate Services J. Bradshaw, General Manager Customer and Commercial Services M. Webster, Corporate Communications Officer J. Lorenzen and Minute Secretary S. Chant.

**Observers**

Nil

**APOLOGIES**

Nil

**LEAVE OF ABSENCE**

***Resolution:***

Cr Nixon moved and seconded by Cr Sypher “That a leave of absence be granted for Cr P. Bell (AM) for the Leadership and Governance Standing Committee Meeting scheduled on 10 December 2018 pursuant to section 162 (1)(e) of the Local Government Act 2009.”

**LGSC 2018 / 11 / 13 / 001**

Carried (5-0)

**Attendance**

Cr C. Brimblecombe attended the meeting at 12.04pm.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**4.1 Minutes – Leadership and Governance Standing Committee Meeting – 10 October 2018**

***Resolution:***

Cr Sypher moved and seconded by Cr Nixon “That the minutes of the previous Leadership and Governance Standing Committee Meeting held on 10 October 2018 be confirmed.”

**LGSC 2018 / 11 / 13 / 002**

Carried (6-0)

**BUSINESS ARISING OUT OF MINUTES**

Nil

**REVIEW OF OUTSTANDING MEETING ACTIONS**

Updates provided by General Manager Corporate Services.

**REVIEW OF UPCOMING AGENDA ITEMS**

Updates provided by General Manager Corporate Services.

**PETITIONS**

Nil

**MATERIAL PERSONAL INTEREST, CONFLICT OF INTEREST, PERSONAL GIFTS AND BENEFITS**

Nil

Attendance

Manager Information Services, A. Jurd attended the meeting at 12.08pm.

## **CORPORATE SERVICES**

### **10.1 TOTO Project - Update**

**Executive summary:**

This report provides a snapshot of the progress being made on the TOTO project and the forecast activity over the coming months. A presentation will be provided on the details of the progress being realised.

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Nixon “That Central Highlands Regional Council receive this information report on the implementation of technology changes across the organisation.”

**LGSC 2018 / 11 / 13 / 003**

Carried (6-0)

### **10.2 ICT Program of Work (POW) - Update**

**Executive summary:**

This report provides a summary of the Information Services projects managed under a “Program of Work” (POW) provided by external consultants, Strategic Directions.

**Resolution:**

Cr Nixon moved and seconded by Cr Brimblecombe “That the Central Highlands Regional Council receive the Information Services Program of Work Summary Report to 31 October 2018.”

**LGSC 2018 / 11 / 13 / 004**

Carried (6-0)

Attendance

A. Jurd left the meeting at 12.21pm.

### **10.3 Staff Engagement Survey 2018 – Overall Summary**

**Executive summary:**

This report is intended to provide council with an overall summary of the results from our recent Staff Engagement Survey 2018. The survey was conducted in August in the form of an online questionnaire that measures specific aspects of our organisation related to our employees.

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Nixon “That Central Highlands Regional Council receive the Staff Engagement Survey 2018 information report.”

**LGSC 2018 / 11 / 13 / 005**

Carried (6-0)

Attendance

Manager Governance (Fixed-Term), C. Joosen attended the meeting at 12.36pm.

### **10.4 Complaints about the Chief Executive Officer Policy**

**Executive summary:**

Section 48A of the Crime and Corruption Act 2001, requires Council to adopt a stand-alone policy on the processing of complaints about its Chief Executive Officer.

Council considered this requirement and adopted a policy at its meeting held on 3 September 2018. Following a further review and additional legal advice, minor amendments to the policy are now proposed.

***Resolution:***

Cr Sypher moved and seconded by Cr Nixon “That the Central Highlands Regional Council adopt the complaints about the Chief Executive Officer (s.48 of the Crime and Corruption Act 2001) policy and advise the Crime and Corruption Commission.”

**LGSC 2018 / 11 / 13 / 006**

Carried (6-0)



POLICY NUMBER:

DEPARTMENT: Corporate Services

EFFECTIVE DATE: 9 September 2018

UNIT: Governance

## 1.0 Purpose and Scope

The objective of this policy is to set out how Council will deal with a complaint (also information or matter)<sup>1</sup> that involves or may involve corrupt conduct of its Chief Executive Officer as defined in the *Crime and Corruption Act 2001* (CC Act).

The Chief Executive Officer is the public official of Central Highlands Regional Council.

## 2.0 Policy Rationale

The policy is designed to assist Council to:

1. Comply with s48A of the CC Act
2. Promote public confidence in the way suspected corrupt conduct of the Chief Executive Officer for the Council is dealt with (s34(c) CC Act)
3. Promote accountability, integrity and transparency in the way the Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the Chief Executive Officer.

## 3.0 Definitions

**CEO** refers to the Chief Executive Officer for the Council

**Complaint** - includes information or matter. See definition provided by s48A (4) of the CC Act

**Contact Details** – should include a direct telephone number, email address and postal address to enable confidential communications

**Corrupt conduct** - see s15 of the CC Act

**Corruption** - see Schedule 2 (Dictionary) of the CC Act

**Council** refers to Central Highlands Regional Council

**CCC** - the Crime and Corruption Commission established by the CC Act

**CC Act** – *Crime and Corruption Act 2001*

<sup>1</sup> See s48A of the CC Act and definitions below

**Deal with** - see Schedule 2 (Dictionary) of the CC Act

**Nominated person** - see item 5 of this policy

#### 4.0 Policy Application

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO
- to all persons who hold an appointment in, or are councillors or employees of, the Council.

For the purpose of this policy a complaint includes information or matter.<sup>2</sup>

#### 5.0 Nominated Person

Having regard to s48A (2) and (3) of the CC Act, this policy nominates:

- The Mayor and the General Manager Corporate Services as the nominated person/s to notify<sup>3</sup> the CCC of the complaint and to deal with the complaint under the CC Act.<sup>4</sup>

Where there is more than one nominated person:

- the nominated persons will — with or without consulting the CCC — decide who will be the nominated person for a particular complaint; and
- the nominated person for that particular complaint will inform the CCC that they are the nominated person for the particular complaint.

Once the Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person<sup>5</sup>.

#### 6.0 Complaints about the CEO

Where there is a nominated person/s, if a complaint may involve an allegation of corrupt conduct of the CEO, the complaint may be reported to:

- the nominated person/s, or
- a person to whom there is an obligation to report under an Act<sup>6</sup> (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

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<sup>2</sup> See s48(4) CC of the CC Act

<sup>3</sup> Under ss37 or 38 of the CC Act

<sup>4</sup> Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the CC Act

<sup>5</sup> See s48A(3) CC Act

<sup>6</sup> See s39(2) of the CC Act

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If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

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

- a) notify the CCC of the complaint<sup>7</sup>, and
- b) deal with the complaint, subject to the CCC's monitoring role, when —
  - directions issued under s40 apply to the complaint, if any, or
  - pursuant to s46, the CCC refers the complaint to the nominated person to deal with<sup>8</sup>.

If the CEO receives a complaint and reasonably suspects that the complaint may involve corrupt conduct on their part, and there is a nominated person, the CEO must:

- i. report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
- ii. take no further action to deal with the complaint unless requested to do so by the nominated person.

Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- i. the nominated person is to deal with the complaint, and
- ii. the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person.

## 7.0 Resourcing the Nominated Person

If pursuant to ss40 or 46, the nominated person has responsibility to deal with the complaint<sup>9</sup>:

- (i) The Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately<sup>10</sup>, and
- (ii) The nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
  - authorisation under a law of the Commonwealth or the State, or
  - the consent of the nominated person responsible for dealing with the complaint
- (iii) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - purposes of the CC Act<sup>11</sup>

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<sup>7</sup> Under ss37 or 38, subject to s40 of the CC Act

<sup>8</sup> Under ss43 and 44 of the CC Act

<sup>9</sup> Under ss43 and 44 of the CC Act

<sup>10</sup> See the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the Council's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint

<sup>11</sup> See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

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- importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with<sup>12</sup>, and
- Council's statutory, policy and procedural framework.

If the Mayor is the nominated person with responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the CEO to direct and control staff of the Council as if the nominated person is the CEO for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of the Council for the purpose of dealing with the complaint.

If the General Manager Corporate Services is the nominated person with responsibility to deal with the complaint, subject to receiving delegated authority from the CEO, they:

- are delegated the same authority, functions and powers as the CEO to direct and control staff of the Council as if the nominated person is the CEO for the purpose of dealing with the complaint only
- are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of the Council for the purpose of dealing with the complaint.

If the nominated person has responsibility to deal with the complaint, they must:

- disclose the complaint to the Council; and
- before finally dealing with the complaint, report to the Council about
  - the action taken or not taken
  - the reasons the nominated person considers the action to be appropriate in the circumstances and
  - the results of the action taken that are known at the time of the report<sup>13</sup>.

## 8.0 Communication & Consultation with the CCC

The CEO is to keep the CCC and the nominated person/s informed of:

- the contact details for the CEO and the nominated person/s
- any proposed changes to this policy.

The CEO will consult with the CCC when preparing any policy about how the Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.<sup>14</sup>

## 9.0 Statutory References

Unless otherwise stated, all statutory references are to the CC Act.

<sup>12</sup> See s34(c) CC Act

<sup>13</sup> See s44 of the CC Act

<sup>14</sup> Section 48A of the CC Act

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Attendance

C. Joosen left the meeting at 12.38pm.

## **DEPARTMENTAL UPDATES**

### **11.1 Chief Executive Officer**

**Executive summary:**

The following report provides an update on key activities for the Office of the Chief Executive Officer.

- Central Queensland Regional Organisation of Councils Chief Executive Officers meeting
- Roads of Significant Importance roundtable meeting 1 November 2018

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Nixon “That Central Highlands Regional Council receive the Office of the Chief Executive Officer departmental update report, highlighting key activities for the month of October 2018.”

**LGSC 2018 / 11 / 13 / 007**

Carried (6-0)

## **GENERAL BUSINESS**

Nil

## **CLOSED SESSION**

### **Into Closed Session**

**Resolution:**

Cr Brimblecombe moved and seconded by Cr Nixon “That Council close its meeting to the public in accordance with *Section 275 (1) (b), (f) and (h) of the Local Government Regulation 2012* and that only Council staff involved in the closed discussions remain in the room.”

**LGSC 2018 / 11 / 13 / 008**

Carried (6-0)

The meeting was closed at 12.44pm.

Attendance

General Manager Corporate Services J. Bradshaw, General Manager Customer and Commercial Services M. Webster remained in the room.

Attendance

Manager Safety and Wellness S. Schofield attended the meeting at 12.44pm.

### **13.1 Bi-Monthly Safety and Wellness Report**

Attendance

S. Schofield left the meeting at 1.01pm.

### **13.2 Departmental Updates (Customer and Commercial services)**

### **13.3 Departmental Updates (Corporate Services)**

#### **Out of Closed Session**

##### ***Resolution:***

Cr Sypher moved and seconded by Cr Brimblecombe “That the meeting now be re-opened to the public.”

**LGSC 2018 / 11 / 13 / 009**

**Carried (6-0)**

The meeting was opened at 1.11pm.

### **13.1 Bi-Monthly Safety and Wellness Report**

#### **Executive Summary:**

This report provides a summary of council’s health and safety performance. The purpose of the information provided is to highlight to council any issues, risks and opportunities impacting the safety and health of workers at Central Highlands Regional Council.

##### ***Resolution:***

Cr Nixon moved and seconded by Cr Sypher “That Central Highlands Regional Council receive the WHS Bi-Monthly Report for the period to 31 October 2018.”

**LGSC 2018 / 11 / 13 / 010**

**Carried (6-0)**

### **13.2 Departmental Updates (Customer and Commercial Services)**

#### **Executive Summary:**

The following report provides an update on key activities for the Customer and Commercial Services department for the month of October 2018.

##### ***Resolution:***

Cr Brimblecombe moved and seconded by Cr Sypher “That Central Highlands Regional Council receive the Customer and Commercial Services departmental update report, highlighting key activities for the month of October 2018.”

**LGSC 2018 / 11 / 13 / 011**

**Carried (6-0)**

### **13.3 Departmental Updates (Corporate Services)**

#### **Executive Summary:**

The following report provides an update on key activities for the Corporate Services department for the month of October 2018.

##### ***Resolution:***

Cr Brimblecombe moved and seconded by Cr Nixon “That Central Highlands Regional Council receive the Corporate Services departmental update report, highlighting key activities for the month of October 2018.”

**Carried (6-0)**

**LGSC 2018 / 11 / 13 / 012**

## **CLOSURE OF MEETING**

There being no further business, the Chair closed the meeting at 1.13pm.

CONFIRMED

CHAIR

DATE