Central Highlands Regional Council

COUNCIL AGENDA

Leadership and Governance Standing Committee Meeting

Notice is hereby given pursuant to the provisions of the *Local Government Regulation 2012*, that the next Meeting of the Central Highlands Regional Council will be held in the **Council Chambers, 65 Egerton Street, Emerald** on

Tuesday, 10 July 2018
At 12.00 pm

For the purpose of considering the items included on the Agenda.

Scott Mason
Chief Executive Officer

OUR VISION

A progressive region creating opportunities for all

OUR MISSION

We are a council committed to continuous improvement, a sustainable future and efficient investment in our communities

OUR VALUES

Respect and Integrity
Accountability and Transparency
Providing Value
Commitment and Teamwork

OUR PRIORITIES

Strong, vibrant communities
Building and maintaining quality infrastructure
Supporting our local economy
Protecting our people and our environment
Leadership and governance
Our organisation

Central Highlands Regional Council

AGENDA CONTENTS

1 PRESENT 3
2 APOLOGIES 3
3 LEAVE OF ABSENCE 3
4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING 3
4.1 Minutes - Leadership and Governance Standing Committee Meeting - 12 June 2018 3
5 BUSINESS ARISING OUT OF MINUTES 59
6 REVIEW OF OUTSTANDING MEETING ACTIONS 59
7 REVIEW OF UPCOMING AGENDA ITEMS 59
8 PETITION 59
9 MATERIAL PERSONAL INTEREST, CONFLICT OF INTEREST, PERSONAL GIFTS AND BENEFITS 59
10 CORPORATE SERVICES 60
10.1 Procurement Policy - Local Preference Amendment 60
11 CHIEF EXECUTIVE OFFICER 67
11.1 WHS Bi-Monthly Information Report 67
12 DEPARTMENTAL UPDATES 71
12.1 Corporate Services 71
13 GENERAL BUSINESS 79
14 CLOSED SESSION 79
14.1 Departmental Update - Commercial Services 79
15 CLOSURE OF MEETING 79

1 PRESENT

2 APOLOGIES

3 LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Minutes - Leadership and Governance Standing Committee Meeting - 12 June 2018

Central Highlands Regional Council

Leadership and Governance Standing Committee Meeting

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

Tuesday, 12 June 2018
Commenced at 12.00pm

COUNCIL MINUTES

Unconfirmed

CENTRAL HIGHLANDS REGIONAL COUNCIL

GENERAL MEETING OF COUNCIL

TUESDAY 12 JUNE 2018

MINUTES CONTENTS

PRESENT **2**
APOLOGIES **2**
LEAVE OF ABSENCE **2**
CONFIRMATION OF MINUTES OF PREVIOUS MEETING **2**
4.1 Minutes - Leadership and Governance Standing Committee Meeting – 15 May 2018 2
BUSINESS ARISING OUT OF MINUTES **2**
REVIEW OF OUTSTANDING MEETING ACTIONS **2**
REVIEW OF UPCOMING AGENDA ITEMS **2**
SCHEDULE OF CENTRAL HIGHLANDS REGIONAL COUNCIL STRATEGIC DOCUMENTS **2**
PETITIONS **2**
MATERIAL PERSONAL INTEREST, CONFLICT OF INTEREST, PERSONAL GIFTS AND BENEFITS **2**
CORPORATE SERVICES **3**
12.1 Governance Arrangements - Council Advisory Committees 3
12.2 Policies for Adoption 3
CHIEF EXECUTIVE OFFICER **4**
13.1 Local Government of Queensland - 6th Local Government Financial Sustainability Summit 4
13.2 82nd Western Queensland Local Government Association Conference 2018 4
GENERAL BUSINESS **4**
CLOSED SESSION **4**
16.1 Workforce Statistics - Bi-Monthly Report 4
16.2 Local Government Association of Queensland Civic Leaders Summit 4
16.3 Departmental Updates 4
CLOSURE OF MEETING **5**

Unconfirmed

MINUTES – LEADERSHIP AND GOVERNANCE STANDING COMMITTEE MEETING HELD AT 12.00PM TUESDAY 12 JUNE 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 Commercial Services M. Webster and Minute Secretary S. Chant

Observers

Nil

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Minutes - Leadership and Governance Standing Committee Meeting – 15 May 2018

Resolution:

Cr Brimblecombe moved and seconded by Cr Bell "That the minutes of the previous Leadership and Governance Standing Committee Meeting held on 15 May 2018 be confirmed."

LGSC 2018 / 01 / 23 / 001 Carried (6-0)

BUSINESS ARISING OUT OF MINUTES

Nil

REVIEW OF OUTSTANDING MEETING ACTIONS

Nil

REVIEW OF UPCOMING AGENDA ITEMS

Nil

SCHEDULE OF CENTRAL HIGHLANDS REGIONAL COUNCIL STRATEGIC DOCUMENTS

Nil

PETITIONS

Nil

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

Nil

Attendance

Manager Governance (Fixed Term) C. Dendle attended the meeting at 12.07pm.

Unconfirmed

CORPORATE SERVICES

12.1 Governance Arrangements - Council Advisory Committees

Executive Summary:
At the Leadership and Governance Standing Committee meeting on 15 May 2018, Cr Rolfe sought a report on the governance arrangements for Council's advisory committees, and this follows on from the recent training and discussions on council decision making and Standing Orders Policy.

Considered by Council

12.2 Policies for Adoption

Executive Summary:
The Council Document Development Framework Policy (framework) was considered and approved by the Leadership and Governance Standing Committee on 15 May 2018, streamlining the policy review process where all policies will be debated publicly and adopted by resolution and procedures now approved by either the Executive Leadership Team or Departmental General Manager.

With the framework now finalised, the following policy documents are presented for adoption or periodic review.

Attendance
Cr M. Daniels attended the meeting at 12.41pm

Resolution:
Cr Brimblecombe moved and seconded by Cr Sypher "That Central Highlands Regional Council adopt the following policies:

1. Advertising Spending Policy replacing CHRC0002 adopted on 20 January 2016.
2. Councillor Acceptable Requests Guidelines replacing CHRC0005 adopted on 20 January 2016.
3. Councillor Contact with Lobbyists, Developers and Submitters Policy replacing CHRC0006 adopted on 20 January 2016.
4. Competitive Neutrality Complaints Policy.
5. Conflict of Interest Policy.
6. Intellectual Property Policy.
7. Legislative Compliance Policy.
8. Entertainment and Hospitality Policy replacing policy amended on 17 January 2011.
9. Copyright Policy.
10. Employee Code of Conduct Policy replacing policy revised in February 2012.

LGSC 2018 / 01 / 23 / 002 Carried (6-0)

Attendance
C. Dendle left the meeting at 12.43pm.

Unconfirmed

Central Highlands Regional Council	**POLICY** **Advertising Spending**
POLICY NUMBER: CHRC0002 EFFECTIVE DATE:	DEPARTMENT: Office of the CEO UNIT: Corporate Communications

1.0 Purpose and Scope

The purpose of this policy is to ensure that Central Highlands Regional Council's compliance with s. 197 of the Local Government Regulation 2012 that governs advertising spending.

2.0 Reference

s. 197, *Local Government Regulation 2012*

197 Advertising spending

*(1) A local government must prepare and adopt a policy about the local government's spending on advertising (an **advertising spending policy**).*

(2) A local government may spend money on advertising only—

(a) if—

(i) the advertising is to provide information or education to the public; and

(ii) the information or education is provided in the public interest; and

(b) in a way that is consistent with the local government's advertising spending policy.

*(3) **Advertising** is promoting, for the payment of a fee, an idea, goods or services to the public.*

3.0 Definitions

Advertising has the meaning assigned by s. 197 of the Local Government Regulation 2012, viz:
"Advertising is promoting, for the payment of a fee, an idea, good or services to the public."

Caretaker Period has the meaning assigned under s. 90A of the *Local Government Act 2009*, viz:
90A Caretaker period

*(1) The **caretaker period** for a local government is the period during an election for the local government that—*

(a) starts on the day when public notice of the holding of the election is given under the Local Government Electoral Act, section 25(1); and

(b) ends at the conclusion of the election.

(2) There is no caretaker period during a by-election or fresh election.

Council means Central Highlands Regional Council.

4.0 Policy Statement

As part of its overall community engagement initiatives, council may place paid advertisements in various media to promote, inform, and educate the public about its services and programs.

On all occasions, such advertising should comply with the provisions of this policy and be:

- Reasonable;
- For official purposes;
- Cost effective and within budget limits;

Unconfirmed

- Able to withstand public scrutiny.

Council is prohibited from advertising to promote the achievements or plans of particular councillors or groups of councillors.

Types of Advertising

The types of advertising considered appropriate includes:
- satisfying statutory obligations
- achieving council's plans, goals and objectives
- advising the public about the introduction or change to local laws and policies
- advising the public about new or existing (or changes to) services, programs and facilities
- advising the public of council meetings and outcomes
- publicising public events and activities
- reporting on council performance
- requesting feedback or comment on council's business
- recruiting staff, acquiring or disposing of property, plant and equipment, tenders and expressions of interest
- increase understanding of or influence public behaviour or attitude toward a matter of public interest
- fostering a sense of civic pride and social cohesion
- promoting the economic development and sustainability of the Central Highlands region
- market council businesses and commercial activities (where public benefit is derived from the profit success of such activities)
- public safety, personal security and/or emergency notifications

Advertising during Elections

Council must not during the caretaker period in relation to a quadrennial local government election until the day of the election:
- place advertisements relating to future plans unless, and only to the extent that, those plans have been formally adopted by council
- place advertisements that seek to influence support for particular candidates, groups of candidates or potential candidates in the election
- bear the costs of advertisements featuring one or more councillors or containing quotations attributed to individual councillors. For the avoidance of doubt, this policy does not prohibit councillors appearing in unpaid publicity or publicity where the cost is not borne by council.

Unconfirmed

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation;

2. The related information is amended or replaced;

3. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

Central Highlands Regional Council	**POLICY** **Councillor Acceptable Requests**
POLICY NUMBER: CHRC0005 EFFECTIVE DATE:	DEPARTMENT: Corporate Services UNIT: Governance

1.0 Purpose and Scope

The policy provides Councillors with information they require to obtain advice from the council to assist them undertake their Councillor role.

The policy covers all requests for assistance, information and advice that a Councillor may require to make decisions, undertake their duties as a Councillor and understand the processes of council.

2.0 Reference

s. 170A *Local Government Act 2009* (Requests for assistance or information)
s. 171 *Local Government Act 2009* (Use of information by councillors)s. 176(3)(iii) Local Government Act 2009 (Conduct and performance of councilors)

3.0 Definitions

Council means Central Highlands Regional Council

Employee means council officer or contractor determined by the Chief Executive Officer to be responsible for providing assistance, information or advice on a particular issue

4.0 Policy Statement

Councillors are entitled to seek assistance, information and advice from the council administration to assist them undertake their role as a Councillor where it directly relates to the discharge of their duties as a Councillor. To ensure the efficient operations of Council, the process of seeking that assistance, information and advice is proposed in an orderly way.

To assist Councillors being fully informed in respect to decision making and their other responsibilities council officers will:

- provide every reasonable assistance;
- ensure that the Chief Executive Officer keeps an up to date list of employees that the Councillors can ask for assistance, information and advice on particular issues
- provide the Councillor with the system for managing the requests for assistance, information and advice
- ensure that council employees comply with any reasonable request for assistance, information and advice made by the Councillor.

4.1 Request for Assistance or Information

4.1.1 Councillor Responsibility

Councillors are welcome to direct requests for assistance, information or advice on any matter to those employees the Chief Executive Officer has listed as being responsible for the particular area of council responsibility from which the information is being sought, viz:

Unconfirmed

Position	Nature of Request
Executive Support	
Chief Executive Officer	Any matter
Executive Assistant to CEO	Administrative matters relating to the Office of the CEO
Executive Assistant to Mayor & Councillors	Any matter
Coordinator Communications	Media enquiries, corporate communications, media releases, public relations matters, project/event promotion, website, social media and tourism.
Manager Safety & Wellness	Work health & safety matters and wellness programs
Any Council report author	Content, background, rationale or clarification for reports presented to Council by that author
Commercial Services	
General Manager	Any matter
Manager Airport	Emerald airport and regional aerodrome landing strips.
Manager Quarry	Quarry matters
Manager Saleyards	Saleyards matters
Coordinator Customer Service	Area offices and customer service
Infrastructure & Utilities	
General Manager	Any matter
Manager Infrastructure	Road (and stormwater) infrastructure capital works and maintenance
Coordinator Infrastructure (Dingo, Blackwater, Duaringa, Springsure and Rolleston)	Local road and drainage matters
Coordinator Infrastructure (Emerald, Gemfields, Capella)	Local road and drainage matters
Manager Water Utilities	Water (and waste water) infrastructure capital works and maintenance
Manager Technical Services	Long term infrastructure planning, operational works and engineering/design matters
Coordinator Emergency Services	Local disaster management and SES.
Communities	
General Manager	Any matter
Manager Planning & Environment	Land use planning and development control, ranger services (animal control, pest and stock route management), building certification, plumbing certification, waste management and environmental services
Manager Community Recreation & Facilities	Parks and recreational assets, major leisure centres, sporting fields, swimming pools, showgrounds and cemeteries
Manager Community Development	Social/community planning, community development, youth and indigenous development, arts & cultural services, library services, grants/funding and community reference group coordination and support
Corporate Services	
General Manager	Any matter
Manager Organisational Development	Human resources, payroll, recruitment and uniforms
Manager Finance	Finance, rates, budget
Manager Asset Management	Plant & vehicle management, internal and external mapping services and asset management

Unconfirmed

Manager Information Services	Computer, moile phones, tablets, laptops, council software, internet and intranet, business development
Governance Manager	Governance policy, legal, corporate and operational planning and reporting, performance management and reporting, risk management, internal audit

To ensure officers can properly respond to requests, councilors are asked to:

- outline the nature of the decision to be made for which the Councillor requires assistance, information or advice;
- specify the employee of whom the assistance, information or advice is sought;

Councillors can submit their requests by contacting the appropriate employee in person, by telephone, by mail or by email. A Councillor should notify the employee's supervisor or Chief Executive Officer if they believe an employee has not appropriately responded to a request made under this policy.

Any contact outside of this guideline policy may constitute a breach of the Councillor Code of Conduct

4.1.2 Information which cannot be sought by a Councillor

A Councillor cannot seek information:

- that is a record of the regional conduct review panel;
- if disclosure of the information to the Council would be contrary to legislation, an order of the court or tribunal;
- that relate to information about a community member or employee that is subject to the privacy legislation; or
- that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

4.1.3 Councillor Access to Publically Available Information

A Councillor need not make a request for information under this guideline policy if they are able to obtain the information from publically available sources.

4.1.4 Use of Information

A person who is or has been a Councillor must not use information that was acquired as a Councillor to gain, directly or indirectly a financial advantage for themselves or someone else or cause detriment to the local government.

A Councillor must not release information that the Councillor knows or should reasonably know is information that is confidential to the local government.

A Councillor that obtains access to Council information or advice must continue to conduct themselves in accordance with the local government principles and Councillor Code of Conduct.

4.2 Staff Responsibility

Staff should direct councillors to those employees listed in this policy to ensure the proper processing of requests for information and/or assistance.

An employee who is required to respond to a Councillor request under this policy is responsible for:

Unconfirmed

- providing sound and impartial advice to the Councillor;
- providing professional assistance and accurate information;
- documenting and recording the request in line with Council procedures developed for processing Councillor requests for assistance, information or advice;
- providing the Chief Executive Officer with a copy of the action taken in relation to the request including providing a copy of any information or advice.

The Chief Executive Officer may provide the copy of the request and the response to all Councillors.

No employee shall comment on any other matter outside of their scope unless authorised by the Chief Executive Officer and they are fully briefed on the matter.

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation;

2. The related information is amended or replaced;

3. Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

Unconfirmed

Central Highlands Regional Council	**POLICY** **Councillor Contact with Lobbyists, Developers and Submitters**
POLICY NUMBER: CHRC0006 EFFECTIVE DATE:	DEPARTMENT: Corporate Services UNIT: Governance

1.0 Purpose and Scope

This policy states council's position on Councillors contact with lobbyists, developers and submitters.

This policy is in addition to any other legal requirements or council policies and procedures placed on Councillors in relation to such contact.

2.0 Reference

Local Government Act 2009
Integrity Act 2009

3.0 Definitions

Council means Central Highlands Regional Council

Councillors means the Mayor and Councillors of the Council

4.0 Policy Statement

Council will ensure that dealings with lobbyists, developers and submitters are carried out in a transparent, legal, ethical and impartial manner by:

- ensuring lobbyists, developers and submitters are aware of the appropriate council processes for making submissions to council and meeting with Councillors;
- keeping appropriate records of meetings held by Councillors with lobbyists, developers and submitters.

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation;

2. The related information is amended or replaced;

3. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

Unconfirmed

Central Highlands Regional Council	**POLICY** **Competitive Neutrality Complaints**
POLICY NUMBER:	DEPARTMENT: Corporate Services
EFFECTIVE DATE:	UNIT: Governance

1.0 Purpose and Scope

Central Highlands Regional Council is required to implement a policy to deal with complaints received in relation to competitive neutrality issues. It will ensure compliance with the relevant National Competition Policy (NCP) provisions of the *Local Government Act 2009* and *Local Government Regulation 2012.*

The NCP advocates the delivery of local government services of its significant business activities on commercial principles. It is designed to ensure that, where appropriate, council sets prices on the same basis as the private sector by making adjustments for the advantages and disadvantages of public ownership. This policy is applicable to those activities to which competitive neutrality applies.

2.0 Reference

Chapter 3, Part 2of the *Local* Government Act 2009
Chapter 3, Part 2 of the *Local Government Regulation 2012*
Competition & Water Reform Policy, CHRC0018
Competitive Neutrality Complaints Procedure

3.0 Definitions

CEO refers to Chief Executive Officer.

Competitive Advantage is an advantage a business entity conducting a significant business activity has over a private sector business because the local government owns the activity. For example, a competitive advantage includes –

(a) a financial advantage; and
(b) a procedural advantage; and
(c) a regulatory advantage.

Examples of a financial advantage –
A business entity conducting a significant business activity has a financial advantage if the business entity:

- is exempt from paying a local government tax a private sector business must pay; or
- is charged a different government tax from the government tax a private sector business is charged; or
- is charged a lower rate of interest on a bank loan because the State guarantees the loan.

Examples of a procedural advantage –
A business entity conducting a significant business activity has a procedural advantage if the business entity:

- does not have to supply the same amount of information under a government approval process as a private sector business; or

Unconfirmed

- can access more information for a government approval process than a private sector business can access.

Example of a regulatory advantage –
A business entity conducting a significant business activity has a regulatory advantage if the business entity is exempt (completely or partly) from a government approval process a private sector business must follow.

Competitive Neutrality is defined in the *Local Government Act 2009* as a principle that an entity which is conducting a business activity in competition with the private sector should not enjoy a net advantage over competitors only because the entity is in the public sector.

Council refers to Central Highlands Regional Council.

NCP refers to National Competition Policy.

Significant business activity has the meaning applied by s. 43(4) of the *Local Government Act 2009* with the activity having expenditure that meets or exceeds the thresholds prescribed annually by s. 19(2) of the *Local Government Regulation 2012***.**

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

The Regulation shall mean the *Local Government Regulation 2012* (as amended).

4.0 Policy Statement

Council is committed to ensuring that its business activities are accountable and transparent for financing, pricing and other business decisions, as well as identifying the true cost of service provision to the community.

Council supports the principles of competitive neutrality by ensuring that council businesses operate without any net competitive advantages over other businesses as a result of the public ownership.

Where council competes in the market place, it will always do so on the basis that it does not use its public position to gain an unfair advantage over a private sector competitor.

Council will receive and deal with any competitive neutrality complaints quickly and in accordance with policy guidelines.

Relevant information will be provided to a complainant to facilitate a complete understanding of competition policy. The operation of a council business activity will be investigated and reviewed if a legitimate complaint is made, in accordance with the council's Competitive Neutrality Complaints Procedure.

A change will be made to a council business practice where a complaint is substantiated.

Management of Competitive Neutrality Complaints

The *Local Government Act 2009* requires council to adopt a process for resolving competitive neutrality complaints. Section 44 of the *Local Government Regulation 2012* mandates the minimum requirements for the resolution of competitive neutrality complaints.

Council must ensure that the process deals with the following:

Unconfirmed

(a) establishing operational procedures before an affected person makes a complaint including a process for:

- raising concerns about alleged failures of a significant business to comply with the competitive neutrality principles
- clarification of issues and resolutions

(b) Recording all complaints, decisions and recommendations

(c) Appointing someone other than the competition authority as referee to:

- review the way an affected person may make a complaint
- appoint a referee
- advise the complainant of the complaint process
- send a complaint to a referee
- investigate a complaint
- give a complainant an opportunity to provide further details about the complaint to the referee
- provide times within which the referee must give reports to council
- any other matters that council considers appropriate

Outputs

The full cost pricing model adopted by council involves setting prices on a commercial basis. It is founded on the principle that the price charged or the provision of goods or services should recover sufficient revenue to cover the costs of production, the funds to replace assets as they are consumed, and the achievement of a reasonable rate of return.

Whilst a full cost pricing model has been utilised for the annual determination of cost recovery levels for council's significant business activities, an appropriate long term financial sustainability model will enable the identification of ongoing investment requirements, helping to inform capital funding decisions and borrowing programs, as well as assisting in the development of longer term price paths and revenue strategies for the business and compliance with the full cost pricing principles, in accordance with legislative requirements.

Further Information

Further information on competitive neutrality can be found in the National Competition Policy here.

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation;

2. The related information is amended or replaced;

3. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

Unconfirmed

Central Highlands Regional Council	**POLICY** **Conflict of Interest**
POLICY NUMBER: EFFECTIVE DATE:	DEPARTMENT: Corporate Services UNIT: Governance

1.0 Purpose and Scope

This policy defines council's commitment to assist employees of Central Highlands Regional Council to identify and manage conflicts of interest and to foster:

a) integrity and impartiality;
b) promoting the public good;
c) commitment to the system of government; and
d) accountability and transparency.

2.0 Reference

Local Government Act 2009
Local Government Regulation 2012
Public Service Act 2008
Public Sector Ethics Act 1994
Crime and Misconduct Act 2001
Conflict of Interest Procedure and associated forms and register

3.0 Definitions

CEO refers to Chief Executive Officer

Council refers to Central Highlands Regional Council

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

The Regulation shall mean the *Local Government Regulation 2012* (as amended)

Employees refers to members of staff who are employed on a permanent, part-time, fixed term or casual basis under award and enterprise bargaining agreement conditions. It also includes managers, contracted staff and volunteers.

4.0 Policy Statement

Responsibilities

The Chief Executive Officer is responsible for:

a) maintaining a register of disclosed conflicts for Councilors and Senior Executive Management
b) ensuring the conflicts of interest policy is kept current;
c) arranging investigations of possible conflicts of interest as required; and
d) ensuring the policy is enforced.

4.1 Identifying Conflicts of Interest

Unconfirmed

A Conflict of interest is defined by the *Public Sector Act 1994* as a conflict between a person's private interests and person's official duties. It is therefore set out that:

"The established test is an objective one, namely whether a reasonable member of the public property informed, would feel that the conflict was unacceptable. Essentially it means that such reasonable member of the public would conclude that inappropriate factors could influence an official action or decision".

There are three (3) types of conflicts of interest:

(1) Actual conflict of interest.
(2) Perceived (or apparent) conflict of interest.
(3) Potential conflict of interest.

All employees, contractors and volunteers are directed to the Conflict of Interest Procedure and checklist on the Queensland Crime and Corruption website; 'Identifying Conflicts of Interest in the Public Sector' and 'Managing Conflicts of Interest in the Public Sector' – http://www.ccc.qld.gov.au for further information.

4.2 Areas of activity where conflicts may arise

A conflict of interest may arise as a result of the council's involvement in any of the following matters:

a) Appointing and managing staff
b) Providing sponsorships
c) Use of resources or assets that could be used for private gain
d) Entering into contracts to procure goods or services from the private sector or engaging in projects with the private sector
e) Collecting, retaining, accessing or using confidential information
f) Providing financial assistance and concessions
g) Performing a regulatory role in relation to the monitoring of standards;
h) Disciplinary role;
i) Providing advice;

4.2 When conflicts of interest arise

Primarily a conflict of interest will arise when there is a possibility or a perception that an employee could be influenced by a personal (private) interest when carrying out their duties. For example, the following are some of the matters that may lead to a conflict of interest:

a) Financial interests of an employee (a financial interest of an employee's spouse or family may also be relevant);
b) Personal bias in relation to a particular topic;
c) Memberships of other organisations held by the employee or affiliations with political, trade union or professional organisations;
d) Personal or business relationships.

4.3 Responsibilities of employees

All employees of council must consider the public interest when carrying out the official duties and place this above their own private or personal interests. This is achieved by:

- Carrying out all official duties in accordance with council and legislative ethical principles as documented in council's Code of Conduct.

Unconfirmed

- Assessing their own private and personal interest to identify any action, potential or perceived conflicts of interest.
- Identifying and declaring all conflicts of interest.
- Avoiding all situations which may give rise to conflicts of interest.
- Managing all conflicts of interest in accordance with agreed management strategies.

All levels of management will:

- Encourage a culture of disclosure within council;
- Regularly remind employees of their obligation to identify and declare conflicts of interest;
- Actively liaise with employees to resolve and manage conflicts of interest;
- Monitor their employee's work to develop management strategies to minimize conflicts;
- Maintain confidentiality with regards to conflict of interest declarations.

All reported conflicts of interest must be recorded in the Conflict of Interest Register maintained by Governance.

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation;

2. The related information is amended or replaced;

3. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

Unconfirmed

Central Highlands Regional Council	**POLICY** **Intellectual Property**
POLICY NUMBER:	DEPARTMENT: Corporate Services
EFFECTIVE DATE:	UNIT: Governance

1.0 Purpose and Scope

This policy regulates the ownership and protection of Central Highlands Regional Council's intellectual property and provides specific directions and formal guidelines to staff, councillors, contractors and consultants on intellectual property related matters.

This applies to all council staff, councillors, contractors and consultants engaged by council.

2.0 Reference

Copyright Act 1968
Circuit Layouts Act 1989
Designs Act 2003
Patents Act 1990
Trademarks Act 1995
Copyright Policy

3.0 Definitions

CEO refers to Chief Executive Officer

Contributor is staff member, councillor or contractor who is a:

- creator; and/or
- person that contributed to the creation, development or invention

Creator is a staff member, councillor or contractor who:

- in the case of a patentable invention subject to the *Patents Act 1990*: is an inventor;
- in the case of a copyright work or similar subject to the *Copyright Act 1968;*
- in the case of a trade mark subject to the *Trade Marks Act 1995*: is a person who developed or first used the trade mark;
- in the case of designs registrable under the *Designs Act 2003*: is a designer;
- in the case of circuit layouts, under the *Circuit Layouts Act 1999:* is a designer; and
- in the case of trade secrets and know how, is a creator of that body of knowledge.

Council refers to Central Highlands Regional Council

Intellectual Property refers to Intellectual Property where all statutory and other proprietary rights (including rights to require information be kept confidential) in respect to inventions, copyright, trademarks, designs, patents, plant breeder's rights, circuit layouts, know-how, trade secrets and all other rights included.

Unconfirmed

Pre-existing Intellectual Property refers to intellectual property that is developed and is owned by council's staff, councillors or contractors

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

The Regulation shall mean the *Local Government Regulation 2012* (as amended).

4.0 Policy Statement

Council recognises the importance of protecting intellectual property in the creation of assets and other benefits.

This policy establishes flexible mechanisms by which council is able to identify, protect, manage and commercialise its intellectual property.

Ownership of Intellectual Property

Except otherwise stated, council owns all intellectual property created by staff, councillors or contractors and consultants in the course of their duties as follows:

- created in or during the course of employment or engagement by council
- using or accessing council resources

Intellectual property created in or during the course of employment or engagement with council includes intellectual property created while participating in any project or program supported by funding obtained or provided by or through council.

Ownership by Council of Intellectual Property Developed by Staff

Except as otherwise stated, council owns intellectual property created by staff, councillors, contractors and consultants unless a signed agreement has been executed to vary this policy.

Ownership of Pre-Existing Intellectual Property

Council does not assert ownership over pre-existing intellectual property that has clearly been identified in advance and documented in an agreement. To avoid disputes as to ownership, the relevant staff member, councillor or contractor, must advise the Chief Executive Officer in writing of the existence of pre-existing intellectual property that the individual brings to the council prior to employment or engagement. If no such advice is received by the Chief Executive Officer, then any intellectual property used or disclosed during the period of employment or engagement will be treated as council-owned intellectual property.

Brands

Where the policy states that council owns intellectual property, and a brand, trade mark, domain name or business name is used by staff member, councillor, contractor or consultant in a promotion, naming or commercialisation of that intellectual property, then council owns that brand, trade mark, domain name or business name.

Exceptions to Council Ownership

Where the policy states that council owns intellectual property, this may only be varied or waived by an agreement or approval in writing by the Chief Executive Officer.

Unconfirmed

Assignments of Intellectual Property

Contributors must:

- execute all confirmations of assignment and ownership and other documentation necessary to give effect to the intellectual property ownership and use provisions set out in this policy, prior to use of such

- provide assistance as reasonably requested, such as providing evidence including date of creation, assisting with intellectual property protection procedures, and assistance with enforcement of intellectual property

Effect of this Policy on Existing Arrangements

All existing legally binding contracts, deeds and agreements entered into by council prior to the policy date will remain in full force and effect. Their terms will prevail to the extent that there is an inconsistency with this policy.

Assignment of Intellectual Property Ownership by Council

Council may assign its rights, title and interests in intellectual property owned by it to another council at its sole discretion.

Copyright Ownership Statement

All published or distributed copyright material owned by council must include the following copyright statement:

© Copyright Central Highlands Regional Council [year]

Protection and Commercialisation of Intellectual Property owned by Council

Notification

Staff, councillors, contractors or consultants develop intellectual property over which council asserts ownership rights under this policy, must follow the CHRC – 0000 Copyright Policy.

Protection

The terms on which council protects intellectual property owned by council pursuant to this policy will be at the absolute discretion of the Chief Executive Officer. Council will endeavour to make decisions regarding protection of such intellectual property in consultation with the relevant creators and business units.

Commercialisation

The terms on which council's intellectual property is commercialised is at the absolute discretion of council and may include consultation with the relevant creators and business units.

Dealings by Staff or Students

No staff member, councillor, contractor or consultant may act on behalf of council, or act in their own name, to assign, license, protect, enforce, commercialise or otherwise deal with intellectual property which is owned by council, or over which council asserts rights under this policy, unless specifically permitted in writing by Chief Executive Officer to do so.

Unconfirmed

Moral Rights

Council recognises the moral rights of the creators of certain works in accordance with the *Copyright Act 1968.* These include the right of fair attribution, and the need for work not to be altered or used in such a way that it harms the reputation of the creator. Where a creator agrees to be involved in research activities as part of a project between council and an external contractor or other third party, the creator may be required to provide a written consent in respect of the creator's moral rights in relation to certain works that may be created during the project prior to work commencing.

Indigenous Cultural and Intellectual Property Rights

The heritage of indigenous people is a living one and includes items that may be created in the future, based on that heritage. Council recognises and will protect indigenous cultural and intellectual property rights as identified under Australian Federal Laws.

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation;

2. The related information is amended or replaced;

3. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

Unconfirmed

Central Highlands Regional Council	**POLICY** **Legislative Compliance**
POLICY NUMBER:	DEPARTMENT: Corporate Services
EFFECTIVE DATE:	UNIT: Governance

1.0 Purpose and Scope

The purpose of this policy is to outline Central Highlands Regional Council's (council) commitment to a culture of compliance and provide a framework for good public administration. Council has an obligation to ensure that all legislative requirements and obligations are met and this policy is a key element in its overall legislative compliance framework for monitoring compliance and identifying action required for corrective measures.

This policy applies to all employees of the council whether full-time, part-time or casual workers. The policy also applies to all contractors, consultants, volunteers or temporary staff that may be considered workers within council's work environment.

The policy applies to all areas of council's operations and covers compliance with State and Commonwealth legislation, council policies and procedures, contracts, funding agreements and relevant standards etc.

2.0 Reference

NZS/AS 3806:2006 Compliance Programs
AS/ISO 19600:2015 Compliance Management Systems – Guidelines
Local Government Association of Queensland – Compliance Service

3.0 Definitions

CEO refers to Chief Executive Officer.

Compliance means the degree to which obligations and requirements of legislation, codes of practice, Australian Standards, Council polices, principles of good governance, and voluntary protocols are met.

Council refers to Central Highlands Regional Council.

Non-compliance refers to an act or an omission which causes Council to fail to meet its compliance obligation.

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

The Regulation shall mean the *Local Government Regulation 2012* (as amended).

4.0 Policy Statement

Council is committed to the principles of effective compliance programs as outlined in the NZS/AS 3806:2006. In order to support this commitment, council will apply appropriate resources and

Unconfirmed

procedures to ensure that the following principles are integrated into council's administration procedures:

Commitment

1. commitment by the council and the Executive Leadership Team to effective compliance across all areas of the organisation
2. the compliance policy is aligned to the organisation's strategy and business objectives, and is endorsed by council
3. appropriate resources are allocated to develop, implement, maintain and improve the compliance program
4. the council and Executive Leadership Team endorse the objectives and strategy of the compliance program
5. compliance obligations are identified and assessed

Implementation

6. responsibility for compliance outcomes is clearly articulated and assigned
7. competence and training needs are identified and addressed to enable employees to fulfil their compliance obligations
8. behaviours that create and support compliance programs are encouraged, and behaviours that compromise compliance are not tolerated
9. controls are in place to manage the identified compliance obligations and achieve desired behaviours

Performance

10. performance of the compliance program is monitored, measured and reported on
11. the organisation is able to demonstrate its compliance program through both documentation and practice

Continuous Improvement

12. the compliance program is regularly reviewed and continually improved

Responsibilities

The Chief Executive Officer shall have overall responsibility for council's legislative compliance framework.

The Executive Leadership Team should ensure that adequate training and instruction is given to all reporting staff to ensure that legal obligations for their responsibilities are identified and met. Reports of significant non-compliance must be promptly addressed and the necessary steps taken to comply.

Managers must ensure that procedures and systems are established to support compliance with the framework for all council activities and are regularly maintained.

All council employees have a responsibility to ensure that they remain abreast of legislation changes which affect their area of work to ensure that they are aware of their legislative obligations and compliance is achieved at all times. All employees must immediately report through their Supervisors/Coordinators/Managers any areas of non-compliance identified.

Internal and external audit functions are responsible for auditing compliance with the framework.

Unconfirmed

Maintenance

Council will ensure adequate processes are in place to ensure that timely advice is received regarding changes to compliance obligations and good governance practices by:

- maintaining arrangements with legal advisors
- continuing memberships with professional bodies
- subscribing to relevant information services
- attending industry forums, conferences, workshops and seminars
- monitoring regulators' websites

Implementation and Review

Legislative compliance is primarily a management responsibility and therefore commitment must be demonstrated by all levels of management to ensure council's legal obligations within their area of responsibility are met. Appropriate actions must be taken to ensure an adequate understanding of obligations and where necessary expert advice sought to guide management actions. To achieve council's compliance objective, a compliance framework has been implemented to support monitoring and review of obligations and responsibilities. To support the framework all levels of management will:

- promote a culture of compliance and good governance;
- uphold a culture of open disclosure of non-compliance without fear of reprisal;
- document and review council processes to ensure they comply with applicable laws and regulations;
- provide training and assistance to employees to enable understanding of compliance obligations and required management actions;
- continue to monitor and report on compliance to identify breaches or system failures; and
- promptly address identified breaches or other non-compliances to mitigate council's exposure to legal risk.

Council's level of compliance will be assessed using the Local Government Association of Queensland's Legislation Compliance Service. Regular monitoring and review of compliance rates will be provided by council, Audit Committee and the Executive Leadership Team.

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation;

2. The related information is amended or replaced;

3. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

Unconfirmed

Central Highlands Regional Council	**POLICY** **Entertainment and Hospitality**
POLICY NUMBER: EFFECTIVE DATE:	DEPARTMENT: Corporate Services UNIT: Governance

1.0 Purpose and Scope

The purpose of this policy is to provide guidelines for appropriate expenditure on entertainment and hospitality, ensuring that the public monies are utilised prudently and properly. This policy applies to all council representatives and employees. It also applies to councillors where the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors does not apply.

2.0 Reference

Local Government Regulation 2012
Employee Code of Conduct Policy
Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy

3.0 Definitions

CEO refers to Chief Executive Officer.

Council refers to Central Highlands Regional Council.

Entertainment as defined in section 196 of *Local Government Regulation 2012*:

- A service provided by Local Government for entertaining members of the public for promoting an initiative or project of the local government.

- The provision of food or beverages by local government:
  - to a person visiting the local government in an official capacity
  - for a conference or meeting held by the local government for its councillors, employees or other persons
  - for a seminar, course workshop or another forum provided by local government for its councillors, employees or other persons

- Attendance by a councillor or employee of local government at a function:
  - As part of the councillor's or employee's official duties or obligations as a councillor or employee of the local government.

For the purposes of this policy, where cost is borne by council, entertainment will include:

a) the provision of food or non-alcoholic drink other than as a commercial transaction for full payment
b) the provision of a performance other than as a commercial transaction for full payment
c) attendance by a councillor or employee of the local government at a function as part of the councillor or employee's official duties or obligations

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

The Regulation shall mean the *Local Government Regulation 2012* (as amended).

Unconfirmed

4.0 Policy Statement

The objectives of this policy are to ensure that expenditure on entertainment and hospitality is reasonable and appropriate, is incurred in the public interest, and that approval for such expenditure follows standard council procedures.

All entertainment and hospitality expenditure must be incurred in the public interest or as a means of promoting council business. The person authorising the expenditure must also be able to demonstrate the benefits resulting from such expenditure.

The amount spent on entertaining and hospitality must be reasonable and commensurate with the benefit received by council or the public.

The expenditure must be provided for in a budget, be authorized in accordance with council's normal accounting procedures, and in accordance with the requirements of this policy.

Entertainment and hospitality expenses may only be charged to council if prior authorisation has been obtained and such expenditure has been authorised within a specified limit and complies with policy.

Council may meet the cost of food and non-alcoholic drinks provided to employees in the following circumstances:

- a light meal may be provided for employees who are required to work during a mealtime and an alternative meal break is not available. This includes committee, working group meetings, conferences, seminars and training sessions where the council meets the cost
- if the employee is required to attend a meeting or other function attended by non-employees and food and drink is provided for all attendees under this policy
- if the employee is working at premises remote from normal place of work so that normal arrangements for a particular meal are not available

Council may contribute towards the cost of providing food and drink to employees in the following circumstances:

- where the employee attends a function at which alcoholic drinks are included and provided for non-employees. As representatives of the council, employees may drink in moderation.

Where a training course, meeting or other function is arranged and employees or visitors will be present during the normal meal period, the council may, if it facilitates the event, arrange for refreshments to be made available. Such refreshments are to be reasonable in relation to the purpose and nature of the event and the expected attendees.

If an employee attends a training course, meeting or other function not provided by the council but at council's cost, the council may pay for the meals if they are included in an overall cost for the event, or are provided as meals which are an integral part of the event.

Alcohol will not be provided during meetings or training courses provided by the council.

Reasonable and Appropriate Expenditure is as follows:

Civic Functions

Functions such as citizenship ceremonies that provide community recognition or a welcome by the council. The decision as to reasonable and appropriate costs will take into consideration the number of attendees, the timing of the function, the venue and the location within the region.

Unconfirmed

Employer Reward and Recognition Presentations

Recognition of council officers to reward outstanding achievements in the provision of services to the council; this may include official reward and recognition events, length of service presentations and officer farewells. Such expenditure is to be approved by the Chief Executive Officer or the relevant General and/or Executive Manager.

ANZAC or Vietnam Veteran's Wreaths

Recognition of the service of war veterans to the community.

Condolence Wreaths or Floral Presentations

For the death of, or serious injury to, a councillor or council officer or their immediate family. This is in recognition of service and a mark of respect to his/her family.

Visits by Overseas Delegates

These visits occur for cultural or economic development reasons and have the potential to increase investment in the council area.

Annual Christmas Celebration

In order to recognise and appreciate council officers for their dedication and commitment to the provision of council services to the public, a contribution will be provided for the annual Christmas function.

Meetings within Ordinary Hours

Entertainment and hospitality for meetings held within ordinary working hours should be kept to a minimum. Where councillors or council officers are required to work through a meal break or outside normal hours due to the impracticality of holding the meeting at any other time, the relevant meal allowance is to be used as a guide. Such entertainment and hospitality should not be substituted for business meetings that would ordinarily be conducted in the workplace. Examples may include ordinary meetings of the council, committee meetings, and management team meetings. Where there are regular meetings that are similar in nature each time, there will be no need to justify the reasonableness and appropriateness of expenditure for each meeting; provided that the expenditure for the first meeting is reasonable and appropriate and has been incurred in the public interest.

Associated Persons Expenditure

Only in exceptional circumstances, specifically approved by council, Mayor, Chief Executive Officer or the relevant General Manager, and where the attendance of an associate is of demonstrated benefit to the council, and the entertainment and hospitality costs for such a person are to be met by the council. In these instances, the associate will be considered an official representative of the council and will be expected to comply with council's Employee Code of Conduct policy.

Examples of expenditure that is considered inappropriate and are therefore treated as private expenditure:

- tips or gratuities – tipping is not customary in Australia, however, when travelling overseas and tipping is the custom, these will be considered official expenditure
- drinks only costs – including hot and cold beverages
- morning/afternoon tea outside council premises, where only councillors or council officers are attending
- stocking of fridges (except in the instance of the Mayor, Chief Executive Officer, and General Managers) for small scale entertainment
- mini bar expenses

Unconfirmed

- inappropriate entertainment (e.g. a floor show)
- alcohol consumed in conjunction with a meal (excepting as specified)

The provision of entertainment by way of food, drink or recreation may have implications for fringe benefits tax. The following types of fringe benefits may arise from council providing entertainment such as farewell dinners for senior employees:

- an expense payment fringe benefit if, for example, the cost of tickets purchased by an employee is reimbursed by council
- a property fringe benefit through the provision of food and drink
- a residual fringe benefit resulting from the provision of accommodation or transport in connection with such entertainment

Council must keep sufficient records to enable the correct calculation of its Fringe Benefit Tax liability. With this objective in mind, the following details are to be recorded for each function funded wholly or in part by council, detailing the following:

- Invoice number
- Supplier
- Work order number/GL account number
- Purpose of expenditure
- Particulars of function
- Breakdown of attendance – staff; councillors, staff associates, visitors
- Duration of meeting/seminar

Expenditure Controls

- a person may not authorise his or her own expenditure. All expenditure must be authorised by General Managers, Chief Executive Officer or Mayor with the necessary financial delegation
- appropriate documentation must be supplied when claiming reimbursement for expenses incurred (for example, tax invoices, receipts etc.
- where there is some doubt about the validity of claiming particular expenditure, the principles of this policy should be used to make the determination

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation;

2. The related information is amended or replaced;

3. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

Unconfirmed

Central Highlands Regional Council	**POLICY** **Copyright**
POLICY NUMBER: EFFECTIVE DATE:	DEPARTMENT: Corporate Services UNIT: Governance

1.0 Purpose and Scope

Central Highlands Regional Council (council) is a large producer and user of copyright material, and it is essential that council implements the rights and responsibilities regarding copyright legislative requirements.

The ownership status of copyrighted material created by council staff is set out in the Intellectual Property Policy.

The purpose of this policy is to:

- reduce staff exposure to the risks associated with the use of third party copyright material
- assist staff to make full legal use of the materials at their disposal by clearly identifying responsibilities; and
- promote copyright compliance

This policy applies to all council staff, councillors, contractors and volunteers who are contributing to the core functions of council or producing council materials (including plans, maps and signage).

2.0 Reference

Crimes Act 1914
Copyright Act 1968
Australian Copyright Council
Intellectual Property Policy

3.0 Definitions

CEO refers to Chief Executive Officer.

Council refers to Central Highlands Regional Council.

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

The Regulation shall mean the *Local Government Regulation 2012* (as amended).

4.0 Policy Statement

The *Copyright Act 1968* (the Act) grants exclusive rights to creators and owners of copyright material. These exclusive rights include the right to reproduce or copy, publish, perform, communicate (by email or making available online), translate, adapt the material. Creators of some types of works are also granted 'moral rights'. Copyrighted material must not be used in a manner that infringes the copyright owner's exclusive rights or moral rights, without the consent of the copyright owner, or as otherwise provided in the Act.

Unconfirmed

Copyright infringements may result in civil or criminal action against council and/ or the individual responsible for the infringement.

Council supports and encourages the legitimate use of materials to enhance the communication of, knowledge and research activities. However, council does not condone any activity which infringes the copyright or moral rights of any third party.

Breaches of this policy or copyright legislation by staff, councillors, contractors and volunteers may constitute misconduct which may lead to disciplinary proceedings including termination. Copyright infringement by an individual may also result in personal liability to, or criminal prosecution of, that individual.

The use of third party materials for activities undertaken offshore is subject to the copyright laws of the country where the activity is undertaken.

Responsibilities

All staff, councillors, contractors and volunteers are responsible for:

- observing copyright legislation, and any restrictions or obligations under any licences or permissions in their use of third party material and not using council facilities or equipment in a manner that infringes copyright; and
- Notifying the Governance Department of:
  - any allegations of copyright infringement on the corporate network or mobile devices; or
  - if council's material or activity is in breach of copyright.

Council will provide information and resources to assist with understanding and complying with responsibilities in relation to copyright.

Using Third Party Materials for Educational Purposes

All staff, councillors, contractors and volunteers involved in the production, reproduction or delivery of materials must be familiar with and meet their copyright obligations as detailed in the Act or website: www.copyright.org.au/

Advice on electronic distribution of materials containing third party material or digitising of plans, maps, brochures or works may be obtained from the Australian Copyright Council at the website above.

Staff, councillors, contractors and volunteers must pay particular attention to limits that may be copied, and the labelling requirements. Where a specific licence or permission has been obtained from the copyright owner their use must comply with the terms of that licence or permission.

Dealing with Allegations of Copyright Infringements

Where a notice is received from a third party alleging that any council activity, material, or material available on council's website infringes that third party's copyright, such notice must be promptly forwarded to council's Governance Department. Where the notice relates to material that is available on council's website, the information must be immediately taken down, and legal advice sought to resolve.

Where a staff member, councillor, contractor and volunteer reasonably believes that any council material or activity infringes copyright, that matter must be promptly reported to the Governance Department.

Unconfirmed

Copyright Awareness and Management

The Governance Department will:

- provide advice to staff and titleholders on the interpretation of the Copyright Act and the policy;
- maintain update copyright information on the external website and intranet;
- raise awareness of the policy and copyright obligations; and
- ensure that new and existing staff have access to the copyright policy.

Unauthorised Copying

Unauthorised copying or communication of copyright protected material (such as music, DVD, videos and software), violates copyright, and is prohibited.

Council recognises the following principles:

- copying or use of unauthorised music, DVD, video and software is prohibited
- sufficient quantities of legitimately acquired software via the normal purchasing and approval mechanisms will be provided
- all licensing terms and conditions regulating the use of any software acquired will be complied with.
- to enforce strong controls within council to prevent the copying or use of unauthorised music, DVD, videos, and software. This includes effective measures to verify compliance with these standards and appropriate disciplinary action for any violation of these standards
- to inform all authorised users of their responsibilities in relation to music, DVD, video and software piracy
- to provide this information to all new employees, contractors, volunteers, and other authorised users, prior to providing them with a user account and password

Dealings in Copyright Protected Material for Personal Private Use

Music, videos or software purchased by users for personal private use are not to be installed on Council owned facilities.

Dealings in Copyright Protected Software

The use of software is covered by copyright law and software licensing agreements. In relation to the use of software, it is illegal to do any of the following:

- use software in any way that may contravene the software license agreement or copyright law
- copy software or its accompanying documentation, including programs, applications, data, codes and manuals, without permission or license from the copyright owner
- use a single user license copy to install a program on multiple computers
- take advantage of software upgrade offers without having a legal copy of the software to be upgraded
- authorise, encourage, allow, compel or pressure users of council's Information Services' facilities to make or distribute illegal software copies
- import software into Australia without the permission of the copyright owner
- distribute software that has been imported into Australia, without the permission of the copyright owner

Unconfirmed

Electronic Media

Electronic media must not be used to share or distribute pirated material. This includes such things as shared drives, hard drives, thumb drives, CD-ROMs, floppy disks, zip disks, fileservers, web servers, e-mail, or any other type of electronic storage mechanisms.

Non-Council Owned Information Services' Equipment

Council reserves the right to check for pirated music, DVD's, videos and software on non-council owned Information Services' equipment that is connected to the council's information service infrastructure.

Compliance Monitoring

Council will regularly scan Information Services facilities for evidence of illegal activity. Where there is evidence or suspicion of illegal activity, council reserves the right to shut down and isolate any Information Services' facilities associated with this illegal activity. The decision to shut down and isolate any Information Services' facility will be made by the Chief Executive Officer or delegate.

Compliance

Council treats misuse of its facilities seriously. Violations of the conditions of use of Information Services' facilities may result in temporary or indefinite withdrawal of access, and disciplinary action under the council's Code of Conduct. Access may also be withdrawn by Information Services in response to a suspected policy violation until an investigation can be completed.

Misuse or unauthorised use of Information Services' facilities may constitute an offence under the *Crimes Act, 1914* and/or other State or Commonwealth legislation.

Users are encouraged to report any misuse and any reports will be treated as confidential

Unconfirmed

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by legislation;
2. The related information is amended or replaced;
3. Other circumstances as determined from time to time by the Chief Executive Officer,

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

central highlands regional council	**COUNCIL POLICY** **Employee Code of Conduct**
POLICY NUMBER:	DEPARTMENT: Corporate Services
EFFECTIVE DATE:	UNIT: Organisational Development

1.0 Purpose and Scope

The Code is concerned with our conduct as public officials and behavior as individuals at work and outside the workplace where particular behavior may be directly related to our employment and Council activities.

The Code applies to all permanent, temporary, casual and part-time employees of Central Highlands Regional Council. The Code also applies to other persons who may be engaged to undertake activities or control resources on behalf of Council (e.g. consultants, contractors, agency staff, volunteers and work experience students).

The Code applies to the conduct of employees in the course of their employment with Council:

- in the workplace;
- during working activities; and
- at work related functions (on and off premises and outside normal business hours).

The Code may also apply to certain activities or behaviours undertaken by employees outside of the workplace where it may impact upon the image and reputation and activities of Council, for example, the use of social media or wearing Council identified clothing in public.

Unconfirmed

2.0 Reference

Public Sector Ethics Act 1994;
Local Government Act 2009;
Local Government Regulation 2012;
Information Privacy Act 2009;
Right to Information Act 2009;
Central Highlands Regional Council Fraud and Corruption Control Policy and Control Plan;
Central Highlands Regional Council Disciplinary Policy and Procedure;
Work Health and Safety Act 2011;
Public Interest Disclosure Act 2013; and
Copyright Act 1968.

3.0 Definitions

Council means Central Highlands Regional Council

The Act means the *Local Government Act 2009* (as amended).

The Regulation means the Local Government Regulation 2012 (as amended).

4.0 Policy Statement

4.1 The Objective

The Code of Conduct is a set of standards and behaviours supported by the way we work and how Council's image and reputation outside of work is reflected. It puts a responsibility on each of us to use sound judgment while at work.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us.

The Code of Conduct does not interfere with your rights as a private citizen or a ratepayer.
The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations it does not cover.

In particular, a 'Guide for 'ethical decision making' is included at Appendix A to help you in situations not covered by the Code.

If you act in good faith and in keeping with the Code, you can expect to be supported by Council.

4.2 Council Statement

Council conducts its business with integrity, honesty and fairness and complies with all relevant laws, regulations, codes and corporate standards.

Everyone working for Council must follow the highest standards of behaviour when dealing with customers and each other. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels.

Council actively supports, encourages and develops its employees to work safely, be customer focused, use technology and Council assets effectively, adapt to changes and improve their own capabilities and contribute to Council's Corporate and Operational Plans.

4.3 Council's Corporate Values

At Central Highlands Regional Council, our Corporate Values are:

- **Respect and Integrity**
  - Building trust, teamwork, communication and a shared understanding.
  - Actively listening to our communities.

- **Accountability and Transparency**
  - Equal opportunities, fair and open consultation and communication.
  - Accepting responsibility for our actions.

- **Providing Value**
  - Best value for money outcomes for our community.
  - Collaboration, managing expectations and working towards common goals.
  - Deliver efficiency and effectiveness in all that we do.

- **Commitment and Teamwork**
  - Continually improve on our achievements and drive innovative solutions.
  - Lead change and continuous improvement in delivering for our community.
  - Promote a positive health and safety culture.

Unconfirmed

4.4 Legislative Principles

The *Public Sector Ethics Act 1994* identifies four ethics principles fundamental to good public administration that guides our behaviour as Public Officials and form the basis for a local government Code of Conduct. The four principles are:

- integrity and impartiality;
- promoting the public good;
- commitment to the system of government; and
- accountability and transparency.

The *Local Government Act 2009* sets out the way in which a Local Government is constituted and the nature and extent of its responsibilities and powers. The Act requires that a Council's actions are consistent with the following Local Government principles:

(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.

4.5 Ethical Principles, Values and Conduct

4.5.1 The First Principle – Integrity and impartiality

Public Sector Ethics Act 1994 section 6 states:

"In recognition that public office involves a public trust, public service agencies, public sector entities and Public officials seek to promote public confidence in the integrity of the public sector and—

(a) *are committed to the highest ethical standards; and*

(b) *accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and*

(c) *show respect towards all persons, including employees, clients and the general public; and*

(d) *acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and*

(e) *are committed to honest, fair and respectful engagement with the community."*

Operationally, for you this requires the following standards of behaviour:

(f) Conflicts of interest

When making decisions, you must declare any conflicts of interest that could affect your objectivity in carrying out your duties.

A Conflict of interest involves a conflict between your official duties and responsibilities in serving the public interest and your private interests. A Conflict of interest can arise from avoiding

Unconfirmed

personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends or reprisals against others.

If you believe you have a Conflict of interest, whether real, potential or perceived, you must declare to your Coordinator/Supervisor/Manager in writing. Your Supervisor/Manager will then provide further direction on how to resolve the matter giving rise to the Conflict of interest.

Until the matter is resolved, you must make sure you are not part of any decision-making processes related to the matter.

If you feel you have a Conflict of interest between professional and corporate values, discuss it with your Coordinator/Supervisor/Manager.

You should also refer to the Queensland Crime and Corruption Commission checklist; 'Identifying Conflicts of interest in the Public Sector' and 'Managing Conflicts of interest in the Public Sector Toolkit' at www.ccc.qld.gov.au

In accordance with Section 289 of the Local Government Regulation 2012, senior executive employees, must supply details of interests to the Chief Executive Officer and is to be included in a 'Register of Interests'.

(g) Confidentiality

i. You agree to respect the confidentiality of information and documents to which you have access in the course of or arising from your employment with Central Highlands Regional Council.

ii. You must not, during your employment or after the termination of your employment, directly or indirectly use or disclose (or attempt to use or disclose) any Confidential Information for any unauthorised purpose, including any benefit to you or any other person.

iii. You must ensure secure custody of Confidential Information in your control or possession, and use your best endeavors to prevent the use or disclosure of Confidential Information by any person.

iv. These restrictions do not apply to:

(i) information that is used or disclosed in the proper course of performing your duties for Central Highlands Regional Council;

(ii) information that is used or disclosed with Central Highlands Regional Council's prior consent;

(iii) information that is required by law to be disclosed; or

(iv) information that is in the public domain, other than through your breach of this contract.

v. If you are uncertain about whether information is confidential information, you must immediately ask your Manager. Until you receive an answer, you must treat that information as Confidential Information.

vi. Confidential Information includes (but is not limited to)

(i) trade secrets of Central Highlands Regional Council;

(ii) Central Highlands Regional Council's policies, systems and protocols;

(iii) information about the business and affairs of Central Highlands Regional Council such as pricing information, marketing or strategic plans, commercial and business plans, financial information and data, and operational information and methods;

(iv) information about clients or customers of Central Highlands Regional Council, such as their specific requirements, arrangements and past dealings with Central Highlands Regional Council;

Uncontrolled

(v) client lists, customer lists, business cards and diaries, calendars or schedulers; and all other information obtained from Central Highlands Regional Council or obtained in the course of your employment with Central Highlands Regional Council that is by its nature confidential;

(vi) details of any workplace investigations including subsequent outcomes. The need for confidentiality applies as a complainant, respondent, witness or investigator.

(h) Influences on decision-making

All decisions need to be fair and transparent. This can be achieved in a number of ways, including clear record-keeping and being able to show how decisions were made when required.

You must not influence any person in an improper way with the aim to obtain personal advantage or favours.

You must not in any way misrepresent your qualifications, experience or expertise in any recruitment and selection process.

Council entrusts you with the responsibility for fair, consistent and objective appraisal of staff through the provision of performance and referee reports and the responsibility to select staff on the basis of merit. You are expected to fulfil this responsibility with impartiality and due regard for the principle of equity.

Refer to 'A guide to Ethical Decision Making' section at Appendix A for more information.

(i) Accepting Gifts and Benefits

Occasionally you may be offered gifts or benefits from people with whom you do business.

Pursuant to section 199(3) of the *Local Government Act 2009*, it is an offence for an employee to ask for, or accept, a fee or other benefit for doing something as a local government employee. However, section 199(3) does not apply to remuneration paid by Council or a benefit that has only a nominal value.

The acceptance of Gifts or Benefits of a nominal value may be permitted in limited circumstances, however as a rule you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a real, potential or perceived Conflict of interest or be seen to be receiving a bribe.

The test to apply is whether you could be (not whether you are) influenced by your private interests in carrying out your official duties, or whether people are likely to believe that you could be influenced.

In managing gifts and benefits, you must comply with Council's Personal Benefit and Gift Procedure and Section 289 of the Local Government Regulation 2012.

(j) Employment outside Council

It is not Council's intention to stop people from holding secondary employment over and above your official duties as a Council employee. However, whilst employed by Council you must have the express written consent of Council to work in any other paid capacity. Approval for secondary employment will be based upon the following requirements:

Unconfirmed

a. That no "Conflict of interest" exists or develops, between private employment and your official duties
b. That your private employment has no effect on the performance of your official duties. This includes effects from a safety/fatigue management perspective
c. That your private employment does not involve use of Council resources (physical, technological or intellectual); and
d. You must ensure that your work outside Council continues to meet the requirements of Conflicts of interest, influences on decision making and accepting gifts and benefits; and
e. Under Section 198 of the *Local Government Act 2009*, where you seek to be employed by more than one (1) Local Government at the same time, approval of each of the Local Governments is required prior to you being appointed to the second position.

Although you do not need written approval, if you undertake voluntary work or a hobby you also need to ensure that these activities meet the above requirements. If you are unsure, you should discuss this with your Coordinator/Supervisor/Manager.

(k) Public comments on Council business

Only Councillors and authorised officers can comment publicly on Council business in accordance with Council's Media policy.

If you are asked to comment on any Council matter via the media or other public relations firms, you should first refer to Council's Media policy and/or consult Council's Corporate Communications Team.

Sometimes, it may be appropriate to share information based on your personal and professional experience e.g. in seminars or training programs, social media. Make sure that if you share your experiences, you do not breach the confidentiality of Council information or privacy or other persons (this can potentially include comments made and information shared in your personal life by whatever method of communication you use).

You must also ensure that to the extent you collect, handle or give access to personal information, you comply with the Privacy Principles outlined under the *Information Privacy Act 2009*.

(l) Advice and assistance given to Councillors

Councillors may from time to time ask for advice from employees for the purpose of assisting them in carrying out the responsibilities. Where requests for advice and assistance is consistent with the Council adopted "Acceptable Requests Guidelines Policy" the employee must respond in accordance with that policy.

Council employees must give Councillors advice that is thorough, responsive, objective, independent, apolitical and impartial so that Councillors can make decisions and carry out their community responsibilities.

If you believe there is conflict between a request from a Councillor and Council policies or procedures, you must discuss this with your Coordinator/Supervisor/Manager.

(m) External activities

Council supports and is committed to ensuring all staff are free to engage in trade union, party-political, professional, interest group or charity activities of their choosing. However you must make sure that your participation in such activities does not cause either a Conflict of interest, and/or unduly restricts the performance of your official duties with Council.

Unconfirmed

You must not allow your involvement in any external organisation to intrude upon your duty, as a Council employee, to give sound advice to Council which is objective, independent, apolitical and impartial.

You are not to take part in political affairs whilst on duty. Council's IT systems, including internet access and email, Council newsletters and workplaces must not be used for political messages or circulating defamatory or disparaging remarks against individuals or groups.

If you comment publicly in connection with external activities, you must make a clear distinction between your opinion as a member of the external organisation, and your opinion as a Council employee.

You must not use your role in Council, Council information or information gained in the course of your official duties as a Council employee, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide Council information to members of other groups or related persons, except where this information is publicly available.

As a member of an external organisation you need to be aware that participating in activities in the public arena, where you may be identified as a Council employee, can give rise to a perception of Conflict of interest in some circumstances. Where such a situation arises, you must declare and manage the conflict in accordance with this Code of Conduct.

(n) Behaviour towards each other

We must all treat others with trust, respect, honesty, fairness, sensitivity and dignity. Employees who supervise or manage other employees have a responsibility to model this kind of behaviour, and to ensure there is no misuse of their managerial power as well as ensuring that the people they supervisor understand the standard of performance and behavior that is expected of them including providing constructive feedback.

Council values diversity, and expects all its employees, contractors or volunteers to accommodate and respect different opinions and perspectives, and to manage interpersonal disagreements by rational debate. You must not behave towards any other person in a way that could be perceived as intimidating, overbearing or bullying, or that may constitute unwelcome conduct of a sexual nature (refer to Council's Workplace Bullying and Harassment Policy).

Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work co-operatively with fellow employees and actively and willingly take part in team activities (e.g. meetings).

(o) Non-discriminatory workplace

Council is an equal opportunity employer and as such is proactive in ensuring that its practices do not discriminate based on and attribute, or based on a person's association with another person who maintains an attribute relating to:-

- race/ethnicity;
- gender;
- national origin;
- marital status;
- sexual preference/lawful sexual activity;
- age;
- disability/impairment, including infectious disease;
- industrial/employment activity;

Uncontrolled

- physical features;
- pregnancy;
- family responsibilities;
- religious beliefs;
- political conviction;
- breast feeding; or
- gender identity.

As an employee of Council you have a shared responsibility to ensure that discrimination is not part of our workplace or our practices in dealing with ratepayers and the public generally. If you witness discriminatory behaviour, you have a positive obligation to report such actions to your Coordinator, Supervisor or Manager or if such action involves your Coordinator, Supervisor or Manager, another senior officer. Found cases of unlawful discrimination may lead to disciplinary action taken against offending staff.

(p) Workplace Bullying and Harassment, including harassment of a sexual nature

Council is also committed to the prevention of any form of workplace bullying and harassment, including harassment of a sexual nature and victimisation at any place where work-related activities are performed, including at social functions. This commitment applies to all employees in their relationships with each other, to applicants for employment at Council and to persons who have dealings with Council.

As an employee of Council it is expected that you proactively contribute to building a workplace that is free from harassment (including sexual); victimisation and bullying. You have a joint responsibility to respect the rights of fellow employees, by not taking part in any action that may constitute harassment of any form, and in doing so supporting and promoting the achievement of equal employment opportunity.

Some examples of behaviour which may constitute either harassment, sexual harassment or workplace bullying includes:-

- Acting towards, or speaking to a person in a manner which threatens or vilifies that person
- Deliberately excluding a particular individual from relevant work related activities or functions
- Making jokes, suggestive comments or offensive gestures related to a person's race, appearance, colour, ethnic origin, disability, gender, sexual characteristics, or a personal appearance
- Distribution or display of sexually explicit material (including through email) which may be offensive, including posters, pictures or MPEGs, racist or sexist jokes or cartoons
- Persistent questions about a person's private life
- Personal comments about appearance, size, clothing
- Demands for sexual favours, either directly or by implication
- Unwanted and deliberate physical contact
- Indecent assault, rape and other criminal offences

For further information relating to clauses relating to behavior towards one another, non-discriminatory workplace and sexual and other forms of workplace harassment refer to Council's policies and procedures in relation to discrimination, workplace bullying and harassment.

4.5.2 The Second Principle – Promoting the Public Good

Public Sector Ethics Act 1994 section 7 states:

Unconfirmed

"In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and Public officials –

(a) *accept and value their duty to be responsive to both the requirements of government and to the public interest; and*

(b) *accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions; and*

(c) *accept and value their duty to manage public resources effectively, efficiently and economically; and*

(d) *value and seek to achieve excellence in service delivery; and*

(e) *value and seek to achieve enhanced integration of services to better service clients."*

Operationally, for you this requires the following standards of behaviour:

(f) Customer Service

As a Council employee it is expected that you will strive to provide excellent customer service. You must treat members of the public equitably and with honesty, fairness, sensitivity and dignity.

All Council employees serve customers, ratepayers and members of the community directly or indirectly. If your role in Council involves regular contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people.

You are expected to treat complaints from customers, ratepayers, and the community or fellow employees seriously and respond to constructive feedback as an opportunity for improvement.

Customers have a right to complain or criticise Council. Council expects its employees to show respect towards complainants. While you must make all reasonable efforts to help customers lodge complaints, if you think a situation is threatening or intimidating, you are entitled to withdraw. If in doubt, ask for help from a more experienced colleague, or a Coordinator/Supervisor/Manager. Council will support any employee who believes they are under threat from a member of the public

Council's image can be impacted by the presentation of staff. Council's uniform forms part of Council's broader Corporate Branding Strategy and is an important element of Council's Corporate Image. The 'Corporate Uniform and Dress Policy' establishes guidelines for the provision and mandatory wearing of Council's Corporate Uniform. All employees of Council are required to wear all components of the uniform without alteration and ensure that uniforms are clean and tidy. This applies to both indoor and outdoor employees. If you are a Manager you are expected to ensure that staff are appropriately presented at all times.

(g) Fairness to suppliers

Council's contracting activities are regulated in the Local Government Regulation 2012. The *Local Government Act 2009* sets out the five (5) sound contracting principles.
The sound contracting principles are—

(a) value for money; and
(b) open and effective competition; and
(c) the development of competitive local business and industry; and
(d) environmental protection; and
(e) ethical behaviour and fair dealing.

Unconfirmed

Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect the content of the Act and Regulation. Employees must comply with the legislated requirements and Council's Procurement policy and procedures when seeking suppliers for goods or services.

Employees that have been approved to be involved in offering contracts or buying goods and services from outside Council, must be sure to have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work.

Employees also need to ensure that they do not incur any liability or enter into any contract on behalf of Council, or alter the terms or conditions of any contract which Council has already entered, unless they are authorised in Council's delegation registers to do so.

(h) Public money

You must maintain high standards of accountability if you collect and use public money.

You are not to borrow or use Council money for private purposes. This also applies to items such as taxi vouchers or other vouchers. Officers using Council monies for the purpose of entertainment and/or hospitality expenditure on Council's behalf must do so strictly in accordance with Councils policies and procedures covering entertainment and hospitality.

(i) Intellectual property

Council expects its employees to ensure that their actions do not breach or infringe the *Copyright Act 1968*, by unlawfully using the intellectual property of any individual or organisation.

You must respect the copyrights, trademarks and patents of suppliers and other organisations outside Council and which includes that you do not reproduce or quote suppliers' material unless your license specifically allows it. Similarly, you must not store or copy audio, video or image files, printed media and software on Council assets without an appropriate license or approval. Where this is unclear you must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of your official duties.

Any original work, invention or product you have contributed to in association with your official duties as a Council employee remains the property of Council. Similarly, you must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. This does not stop you from sharing with other organisations information relating to your official duties. However, if you do, and if you are unaware of whether such action may breach this Code, you must first seek clarification from your Supervisor/Manager.

(j) Concern for the environment

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions (e.g. taking care in disposing of waste and using and storing chemicals, reducing energy consumption and waste in our work spaces where we can and applying high standards of environmental protection across the region).
In performing your duties at Council, you must ensure that you comply with your general environmental duty and where applicable, your duty to notify of environmental harm. Refer to the *Environmental Protection Act 1994*.

4.4.3 The Third Principle – Commitment to the system of government

Public Sector Ethics Act 1994 section 8 states:

Unconfirmed

(a) *In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and Public Officials -*

(i) *accept and value their duty to uphold the system of government and the laws of the state, the Commonwealth and local government; and*

(ii) are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and

(iii) accept and value the duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

(b) *Subsection (1) does not limit the responsibility of a public service agency, public sector entity or Public Official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official*

Operationally, for you this requires the following standards of behaviour:

(c) Acting within the law

As an employee of Council, you are expected to comply with applicable legislation, awards, certified agreements, Council policies, procedures and local laws.

You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or there is a better way of doing something, or if you think that a direction may be in breach of the law. When you have recorded your suggestion or concern you are required to work as directed by your Coordinator/Supervisor/Manager, except where there is an imminent risk to safety. If the matter cannot be resolved within the workgroup, it should be immediately referred to your Manager.

You must notify the Chief Executive Officer or your Manager of any current charges for indictable offences (e.g. including offences tried before a judge and jury) and findings of guilt for all offences. Such disclosures shall be treated as confidential.

The outcome of the notification will be dependent on the individual circumstances of the case and on the nature of the charge or conviction and its relevance to the inherent requirements of your position.

(d) Acting in accordance with delegations and signing documents on behalf of Council

If you are requested to undertake an action on behalf of the Chief Executive Officer or Council, prior to exercising any power on behalf of the Chief Executive Officer you must ensure there exists an appropriate legislated delegation that allows you to exercise the power. Refer to Council's Delegations Register.

The following persons are the only persons who may sign a document on behalf of Council:-

- Mayor;
- Chief Executive Officer
- Delegate of Council; or
- Councillor or Council employee who is authorised, in writing, by the Mayor or CEO under an approved delegation.

(e) Raising concerns

You have the right to comment on or raise concerns about Council policies or practices where they impact on your employment. However, you must do this in a reasonable and constructive

Unconfirmed

way and take responsibility for your comments and views. Further, you must accept that Council has the right to determine its policy, procedures, practices and priorities and that you must comply with all reasonable and lawful instructions, whether or not you personally agree with a given policy direction.
When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with the Council's policies and procedures for handling conduct and discipline.

(f) Fraud and Corruption

Fraud includes unethical and illegal acts which are characterised by the intent to deceive. Corruption is a dishonest activity in which an employee of an entity acts contrary to the interests of the entity.

Fraud and corruption includes but is not limited to, the following activities and standards of conduct:

a. Gaining benefit by dishonesty such as drawing an allowance or payment (e.g. travelling and living expenses) where no such entitlement exits.
b. Accepting gifts, money or entertainment in response to, or in the expectation of favourable tender outcome or other decision.
c. Knowing or accepting collusive tendering by outside bodies.
d. Making false statements about your qualifications, professional experience or competence for the purpose of obtaining a promotion or the like; and
e. Misusing or deliberately misallocating Council resources.

It is the responsibility of all employees to prevent fraud and corruption. Such prevention can be enhanced by ensuring that fraud and corruption prevention controls are established and maintained and that all employees are aware of their obligations in relation to Council property.

All employees should be vigilant in detecting fraud and corruption and be aware of their obligations in that regard.

Employees have an obligation to detect and prevent fraud and corruption and all employees have a duty to report suspected fraud and corruption.

Employees must report any evidence of fraud and corruption in accordance with Council's Fraud and Corruption Control Policy and Fraud and Corruption Plan and as soon as practical.

Any employee who suspects, or becomes aware of, breaches of the Code of Conduct, including fraud and corruption, should report the matter without delay to a coordinator, supervisor or manager.

A number of reporting options are available, including reporting the incident to:

- Employee's supervisor or manager
- Chief Executive Officer;
- General Manager;
- Confidential Fraud Hotline (details on Council's intranet) or;
- Making a Public Interest Disclosure under the *Public Interest Disclosure Act 2013*.

Unconfirmed

The *Public Interest Disclosure Act 2013*, provides disclosers with protections. You may make a public interest disclosure in person, by telephone, or electronically via email or the internet. Employees should provide information on the alleged fraud using the Fraud Allegation Report Form available on Council's intranet. This form may be used by Councillors and employees to report suspected/actual fraud or corruption.

You do not have to identify yourself when making a disclosure.

Any person who is involved in receiving, handling, or investigating a public interest disclosure, must not disclose that information, intentionally or recklessly, to any unauthorised person.
Please refer to the Fraud and Corruption Control Policy and the Fraud and Corruption Control Plan for further information.

(g) Privacy

Council maintains information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful to a person's interest if released. Employees should only access personal information and records they require to perform their official Council duties.

Employees must ensure that the collection, storage and use of personal information are done so in accordance with the Privacy Principles outlined in the *Information Privacy Act 2009*.
As a general rule you can maintain privacy by:

- not discussing work matters with persons not entitled to know such information; and
- taking responsibility to safeguard confidential files and information; and
- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected; and
- ensuring that you complying with Council policy in relation maintaining privacy of personal information.

It may be appropriate to share information based on your personal and professional experience (e.g. in seminars or training programs). However in sharing your experiences, you must ensure that where personal information is involved, you don't breach Council's privacy obligations. You may breach this obligation even if comments are made or personal information other than your own is shared in your personal life, including via social media outlets such as Face Book, MySpace, YouTube, Twitter and Instagram.

In addition to the *Information Privacy Act 2009*, section 200 of the *Local Government Act 2009* makes it an offence for a person who is, or has been, a Council employee to release information that the person knows, or should reasonably know, is information that:-

- is confidential to Council; and
- Council wishes to keep confidential.

Personal and other information may on occasion be sought from Council by an employee or other members of the public under the *Right to Information Act 2009*. If such a request is made of you, you must ensure that you refer such requests to the Council officer nominated to handle these requests.

4.5.4 The Fourth Principle – Accountability and transparency

Public Sector Ethics Act 1994 section 9 states:

Unconfirmed

In recognition that public trust in public office requires high standard of public administration, public service agencies, public sector entitles and Public officials -

(a) *are committed to exercising proper diligence, care and attention; and*

(b) *are committed to using public resources in an effective and accountable way; and*

(c) *are committed to managing information as openly as practicable within the legal framework; and*

(d) *value and seek to achieve high standards of public administration; and*

(e) *value and seek to innovate and continuously improve performance; and*

(f) *value and seek to operate within a framework of mutual obligation and shared responsibility between public services agencies, public sector entities and Public officials.*

Operationally, for you this requires the following standards of behaviour:

(g) Using Council assets

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and/or valuables (this includes surplus material, waste material and off-cuts). All employees share the responsibility for looking after them.

If you are in charge of assets you must take good care of them while they are in your possession or use, and ensure they are used economically and efficiently. It is an offence to misuse or allow anyone else to misuse Council assets. You must make sure assets are secured against theft and fraud and are properly stored, maintained and repaired.

You must ensure that you use Council assets only for official Council business, unless written approval has been granted by your General Manager or the employee with a delegation to authorise such use.

You must not store personal files on Council's IT assets. Any files stored on, or information accessed using Council assets, are discoverable by Council.

You can use telephones on a limited basis for local calls that you cannot make conveniently outside working hours. Your first preference is to use your personal phone during your non-paid time.

If you use Council vehicles or a Council issued mobile telephone for non-official purposes, you must ensure that your use is in accordance with the Motor Vehicle policy and procedure and the Employee Use of Electronic Communications, Systems and Devices Policy.

Council allows limited personal use of electronic mail and web browsing, subject to and in accordance with this policy. Limited personal use means use that is infrequent and brief, and is performed during your non-paid time, that is, before and after work or during meal breaks. Use is subject to Council's policy covering the use of the internet, email, phones, computers, tablets and other communication devices.

Council reserves the right to review the usage of all its assets at any point in time.

Upon your employment terminating with Council, you must return all Council property and work-related documents immediately.

Unconfirmed

(h) Using personal devices

Council allows limited use of personal phone and tablets during working hours, subject to and in accordance with this policy.

(i) Diligence, care and attention

Council aims to conduct its business with integrity, honesty and fairness and to achieve the highest standards in service delivery. You contribute to this aim by carrying out your duties honestly, responsibly, in a conscientious manner and to the best of your ability. This includes:

- maintaining punctuality and not being absent from your work station/location during work time without reason;
- giving priority to official duties over personal activities during work time;
- ensuring you do not undertake personal work during work time;
- not wasting time chatting about personal matters and interrupting other staff;
- not participating in workplace gossip;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting yourself in a way so others gain confidence and trust in the way Council does business;
- not allowing your conduct to distract or prevent others from working; and
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy.

If you are responsible for managing or supervising others, you must also ensure that:

- you model the Council values as outlined in the Central Highlands Regional Council Corporate Plan and ensure that employees within your area of responsibility understand and model these values;
- you model the values and principles outlined in this Code and ensure that employees within your area of responsibility understand and comply with the Code;
- you do not come under a financial obligation to any employee you supervise or manage
- you manage and are alert to any instances of fraud;
- your work and the work of those you supervise contributes to the achievement of Council's goals;
- employee performance is monitored and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, employees are given training opportunities to assist them in developing their careers;
- employees are provided with information that is vital for effective work performance;
- the opinions of employees are respected and considered;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on time/flex sheets and pay summary reports; and
- appropriate action is taken if breaches of this Code occur.

(j) Lawful and reasonable directions

While on duty, you are expected to carry out all lawful and reasonable directions given by a Council employee having the authority to give such directions. Any concerns regarding an unreasonable direction or directions which result in conflicts with professional ethics codes should be raised with the supervisor, coordinator or manager.

Unconfirmed

(k) Attendance at and absence from duty

You are expected to follow Council employment and working arrangements, agreements and rulings on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods.

Council's operational efficiency depends on your punctuality and attendance at your work station/location. If you are unavoidably detained please advise your Coordinator/Supervisor/Manager as soon as reasonably possible before your expected start time.

Absence without approval and without reasonable excuse can create concerns for your safety and lead to unproductive time for others. All employees have an obligation to ensure that they promptly notify Council as soon as practicably upon becoming aware that they are going to be absent from work. Failure to promptly notify Council may result in the non-payment of salary/wages for the period of absence and/or may result in Council taking disciplinary action.

(l) Self-development

All Local Government employees have an obligation to be proactive in the continual improvement of all aspects of their work performance. Refer to Section 13 of the *Local Government Act 2009*. You should aim to maintain and improve your work performance and that of your work unit in the delivery of customer service. You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work.

Council will assist you by providing equitable access to training and development opportunities. This may include accessing the study assistance program, learning new work duties, participating in project work or undertaking internal or external training.

(m) Work Health and Safety

As Council employees we are all committed to zero harm in the way we conduct our business and Council activities.

Council will endeavour to ensure that persons are free from:

- death, injury or illness caused by work, relevant work area, work activities, or plant or substances for use at work; and
- the risk of death, injury or illness caused by the workplace, relevant work area, work activities, or plant or substances for use at work.
- You must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow employees and members of the public. As a worker you have the following obligations at the workplace:-
    - to comply with the instructions given for work health and safety at the workplace by Council;
    - to use personal protective equipment provided by Council for your use if you have been properly instructed in its use;
    - not to wilfully or recklessly interfere with or misuse anything provided for work health and safety at the workplace;
    - not to wilfully place at risk the work health and safety of any person at the workplace;
    - not to willfully injure yourself;
    - ensure personal or Council communication devices (UHF radio excepted) are not accessed while driving or operating Council vehicles and equipment.

You also have a duty to:

- identify hazards and manage risks to health and safety;

Unconfirmed

- perform all work safely and follow safe work practices;
- report any incidents or hazards immediately and support investigations;
- take corrective action to 'make safe' the workplace, relevant workplace area or work activities and implement improvements; and
- participate in rehabilitation and return to work programs if required.

We must keep our workplace drug and alcohol free if we are to maintain the trust and confidence of the broader public, and ensure the health and safety of all employees. The use of drugs or alcohol can adversely affect productivity, attendance and on-the-job safety.

As such you must not:

- use, possess or be impaired by the effects of illegal drugs whilst on duty;
- come to work impaired by the effects of alcohol or drugs;
- consume alcohol while on duty or in the workplace other than strictly in accordance with Council policy;
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions);
- undermine Council's service to customers by leaving your work station/location in order to smoke. Smoking is only permissible during meal breaks; and
- smoke anywhere within Council's buildings, in Council vehicles, in any enclosed spaces whilst on site or within 4m of any part of an entrance to an enclosed place.

For more information refer to Council's policies and procedures in relation to smoking, alcohol and drugs.

5.0 Breaches of the Code

Council expects all employees whilst engaged in official duties, to ensure they demonstrate the basic standards of acceptable conduct as enshrined in this Code. All employees have the responsibility to comply with this Code of Conduct and all other policies and procedures which Council implements and/or varies from time to time.

A breach of the Code of Conduct damages business effectiveness, public perception of Council and interpersonal work relationships. Any act or lack of action by an employee of Council that contravenes this Code may result in Council taking disciplinary action against that employee, and which may include dismissal. All suspected breaches will be dealt with on a case by case basis.

Suspected official misconduct must be referred to Council's Chief Executive Officer, and the Chief Executive Officer has a duty to notify the Crime and Corruption Commission of the suspected official misconduct.

In cases where a suspected breach of this Code is under investigation, and if the Chief Executive Officer deems it appropriate, any employee suspected of a breach of this Code may be suspended from duty on full pay until such time as the investigation has been completed.

All disciplinary action taken by Council against an employee for found breaches of this Code will be in accordance with Council's Disciplinary Policy and Procedure and in compliance with Council's obligations under the Local Government Regulation 2012.

6.0 If You Have a Concern

The *Public Interest Disclosure Act 2013* and the *Public Sector Ethics Act 1994* aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct.

Unconfirmed

Where you honestly believe on reasonable grounds that you possess information about another Council Officer's conduct that relates to:

Official Misconduct; or

- maladministration that adversely affects a person's interests; or
- a substantial misuse of public resources, other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure; or
- fraud; or
- a substantial and specific danger to public health or safety; or
- a substantial and specific danger to the environment.

Should you wish to make such a disclosure please contact:

- internal channels: Chief Executive Officer, other external channels (e.g. Crime and Corruption Commission, Anti-Discrimination Commission, Queensland Ombudsman's Office etc.).

7.0 Publication

In accordance with the requirements of Section 20 of the *Public Sector Ethics Act 1994*, the Chief Executive Officer will keep a printed copy of the Code available for inspection in the Executive Office and Council will publish the Code on its Intranet site for all employees to access.

8.0 Training

Education and training about public sector ethics will be offered at induction and as frequently as the Chief Executive Officer determines.

9.0 Authority

In accordance with Section 16 of the *Public Sector Ethics Act 1994*, the following consultation process was followed in development of this Code:

- The Code was discussed with the peak association (LGAQ) in meetings with local government unions regarding this Code and the content of the Code was discussed with local union delegates and Council Executive.
- This Code was approved by the Chief Executive Officer in accordance with Section 17 of the *Public Sector Ethics Act 1994*.

10.0 Further Assistance

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your Manager, Coordinator or Supervisor. In most cases, they will be able to answer your enquiries.

If you have concerns about approaching any of these people, contact the next most senior person in your area.

Alternatively you might wish to contact one of the following:

- Manager Organisational Development; or
- Coordinator Organisational Development and Payroll.

Unconfirmed

11.0 Review

All policies will be reviewed annually or when any of the following evaluations occur:

- Relevant legislation, regulations, standards and policies are amended or replaced; and
- Other circumstances as determined from time to time by the Chief Executive Officer / Executive Leadership Team / Managers.

Unconfirmed

Appendix A – A Guide to Ethical Decision-Making

The following guide is designed to help you reach an ethical decision based on the relevant facts and circumstances of a situation.

Step 1: Assess the situation.

What is your aim?

What are the facts and circumstances?

Does it break the law (e.g. Local Government principles) or go against a relevant Council policy? Is it in line with the Code's principles?

What principles does it relate to? Why?

Who is affected? What rights do they have? What are your obligations or responsibilities?

Step 2: Look at the situation from Council's viewpoint.

As a public official, what should you do?

Is it in line with Council's corporate values?

What are the relevant laws, rules and guidelines? Who else should you consult?

Step 3: How would others see your actions?

Would a reasonable person think you used your powers or position improperly? Would the public see your action or decision as honest and impartial?

Do you face a conflict of interest?

Step 4: Consider the options.

Ask your Supervisor, Manager or any person who is able to give sound, relevant advice.

What options and consequences are consistent with Council's values, the four principles and your obligations under the Code?

What are the costs and long-term consequences?

How would the public view each option?

Unconfirmed

Step 5: Choose your course of action.

Make sure your actions are:

- Within your power to take, legal and in line with policy and this Code.
- Fair and able to be justified to your manager and the public.
- Documented and saved to Council's record system, so a statement of reasons can be supplied.
- Consistent with Council's mission, goals and values.
- Backed by advice from Council specialists, if this is appropriate.

Remember if in doubt, always consult and disclose up-front before taking the action or making the decision, with your Coordinator, Supervisor or other relevant senior officer.

Unconfirmed

CHIEF EXECUTIVE OFFICER

13.1 Local Government of Queensland - 6th Local Government Financial Sustainability Summit

Executive Summary:
The Local Government of Queensland (LGAQ) Financial Sustainability Summit was held on the Gold Coast from 8 to 9 May 2018.

This report provides to Council a summary of notes with the key learnings and discussions from the Summit.

Considered by Council

13.2 82nd Western Queensland Local Government Association Conference 2018

Executive Summary:
The 82nd Western Queensland Local Government Association conference was held from 17 to 19 May 2018 in Emerald.

Considered by Council

GENERAL BUSINESS

(Verbal matters raised by Councillors either as a question, acknowledgement and or additional follow-up by officers)

CLOSED SESSION

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

LGSC 2018 / 01 / 23 / 003 Carried (6-0)

The meeting was closed at 12.50pm.

Attendance
Manager Human Resources T. Rouse attended the meeting at 12.50pm

16.1 Workforce Statistics - Bi-Monthly Report

Attendance
T. Rouse left the meeting at 1.11pm

16.2 Local Government Association of Queensland Civic Leaders Summit

16.3 Departmental Updates

Unconfirmed

Out of Closed Session
Resolution:
Cr Nixon moved and seconded by Cr Sypher "That the meeting now be re-opened to the public."

LGSC 2018 / 01 / 23 / 004 Carried (6-0)

The meeting was opened at 1.16pm.

Workforce Statistics - Bi-Monthly Report

Executive Summary:
This report provides a basic overview of our current workforce metrics as at 31 May 2018.

Local Government Association of Queensland Civic Leaders Summit

Executive Summary:
This report sets out the discussions of the Local Government Association of Queensland's (LGAQ) Civic Leaders Summit of 10 to 11 May 2018.

Departmental Updates
Executive Summary:
The following information provides an update on key activities for the Commercial Services Department.

Resolution:
Cr Nixon moved and seconded by Cr Sypher "That the reports presented during closed session be received."

LGSC 2018 / 01 / 23 / 005 Carried (6-0)

CLOSURE OF MEETING

There being no further business, the Chair closed the meeting at 1.16pm.

CONFIRMED

CHAIR

DATE

Unconfirmed

5 BUSINESS ARISING OUT OF MINUTES

6 REVIEW OF OUTSTANDING MEETING ACTIONS

7 REVIEW OF UPCOMING AGENDA ITEMS

8 PETITION

8.1 To be tabled (if any)

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

10 CORPORATE SERVICES

10.1 Procurement Policy - Local Preference Amendment

DECISION REPORT

Date: 2 July 2018

To: General Council Meeting

Author: Denis Glacken, Coordinator Procurement

Authorising Officer**:** Jason Bradshaw, General Manager Corporate Services

File Reference: ECM Document ID # 1108404

EXECUTIVE SUMMARY:

Following discussion at a recent Strategic and Briefing Forum 29 May 2018, the Local Preference Policy has now been amended to provide improved clarity on the application of the locality and it is presented for adoption.

OFFICER RECOMMENDATION:

That Central Highlands Regional Council adopt the amendments made to the existing Local Preference Policy CHRC0028 to include additional definitions and wording for consistency and clarity.

REPORT:

This report seeks to engage with Council on confirming changes in the current policy framework that allow for practical consideration of procurement decisions where these are impacted by the geographical constraints of such a large Council area. The previous focus has been on ensuring that the supplier within the Council boundaries are receiving open access to all works required across the region and the current policy position supports this stance.

There have been recent requests for clarification of procurement practices, particularly in regard to purchasing goods and services from areas close to the border of other council areas. This has highlighted the need to review the Local Preference Policy further to include acceptable options for going outside the local Central Highlands Regional Council for procurement, where it may be more practical and efficient to do so in the overall decision to purchase.

This most relevant examples have been reviewed in areas to the east and south, where access to both Rockhampton and Moura may provide more immediate and efficient responses for procurement than within the overall regional council area.

The existing Local Preference Policy currently includes a provision to go outside the local area if it meets the following 5 (five) sound contracting principles, however these are not clearly defined within the policy:

- Value for money
- Open and effective competition
- The development of competitive local business and industry
- Environment protection and
- Ethical behaviour and fair dealing

Therefore, it is recommended that the Local Preference Policy is amended* to provide clarity, and that further training in appropriate procurement processes be provided to council staff and the stakeholder/supplier community in the coming months.

Amended Local Preference Policy to include the wording:

**Certain circumstances may require appropriate procurement of goods and services outside the Central Highlands Regional Council area but remains within the Central Queensland broader region.*

Further amendments include the addition of the following definitions for consistency:

- **CEO** shall mean Chief Executive Officer - a person who holds an appointment under section 194 of the *Local Government Act 2009*. This includes a person acting in this position.

- **Employee** shall mean a Local Government Employee, including:
    a. the Chief Executive Officer; or
    b. a person holding an appointment under section 196 of the *Local Government Act 2009*

- **The Act** shall mean the Local Government Act 2009 (as amended)

- **The Regulation** shall mean the Local Government Regulation 2012 (as amended)

- **Whole of Life Cost (WoL)** shall mean the total of all costs over the life of the good/service/work (i.e. acquisition, maintenance and disposal costs)

CONSIDERATIONS / IMPLICATIONS:

Corporate/Operational Plan Reference:
3. Supporting our Local Economy;
3.2.2 - Continue a 'local buy' strategy for council business to sustain local communities.

Budget/Financial/Resourcing:
The current policy draws on the application of the value for money principle based on geographic areas and the source of supplies, relative to the work location. In some instances, it will be more efficient to procure from outside of the region, having regard to freight and other logistics. There is deemed to be no significant financial impact as a result of improved efficiency in the overall procurement. With a strong commitment to local spend, the impacts of the policy change will assist in managing the overall organisational efficiency.

Legal/Policy/Delegations:
Council's procurement practices must comply with the sound contracting principles set out in Section 104 of the Local Government Act 2009. The sound contracting principles are:

(a) Value for money
(b) Open and effective competition
(c) The development of competitive local business and industry
(d) Environmental protection
(e) Ethical behaviour and fair dealing

The local preference policy sets out Council's approach to the development of a competitive local business and industry, while giving proper regard to all the principles and in particular, value for money and open and effective competition.

The Local Preference Policy will support the content of Council's adopted Procurement Policy.

Communication/Engagement:
Consultation has been undertaken with officers across Council and the region to ensure the Local Preference Policy as tabled is expected to provide the intended outcome of encouraging local

business as well providing value for money for ratepayers. Communication of changes to the policy will be undertaken across the council and other relevant stakeholders.

Risk Assessment:
The risks can be managed within the existing framework and will not present any additional mitigation measures. The policy application will continue to be measured and reported to Council through the local spend analysis on a monthly basis.

Timings/Deadlines:
The changes to the policy will be affected at the time of resolution and the application of the policy will be implemented through communications to employees involved in procurement.

Alternatives considered:
The policy has been reviewed on an almost annual basis following feedback through both suppliers and employees involved in local procurement. Previous consideration has been given to addressing alternatives and these were highlighted through the strategy and briefing discussion.

SUMMARY:

The proposed amendment is to provide clarity on the application of the policy for local preference, taking into account the practicalities of supply around the Council's external boundaries and their proximity to regional supply chains.

ATTACHMENTS:

1. CHR C 0028 Local Preference Policy **[10.1.1]**

– END OF REPORT –

Central Highlands Regional Council	**POLICY**	
	Local Preference	
POLICY NUMBER: CHRC0028	DEPARTMENT:	Corporate Services
EFFECTIVE DATE: 1 January 2018	UNIT:	Finance

1.0 Purpose and Scope

The policy's purpose and scope is to provide consistent direction and guidance to all officers when undertaking procurement activities in line with the sound contracting principles included in the *Local Government Act 2009*:

- value for money;
- open and effective competition;
- the development of competitive local business and industry;
- environmental protection; and
- ethical behavior and fair dealing

2.0 Reference

Local Government Act 2009
Local Government Regulation 2012
Trade Practices Act 1974
Competition and Consumer Act 2010
Employee Code of Conduct
CHRC Procurement Guideline
CHRC Procurement Manual

3.0 Definitions

CEO shall mean Chief Executive Officer - a person who holds an appointment under section 194 of the *Local Government Act 2009*. This includes a person acting in this position.

CHRC shall mean *Central Highlands Regional Council.*

Council shall mean Central Highlands Regional Council.

Employee shall mean a Local Government Employee, including:

a. the Chief Executive Officer; or
b. a person holding an appointment under section 196 of the *Local Government Act 2009.*

Local shall mean an entity or individual physically located within the Central Highlands Regional Council boundaries.

Registered Business shall mean a company or entity as defined by the Australian Securities and Investment Commission (ASIC) and that also appears as “Active” in the ASIC Business Name Register and as amended from time to time.

Central/West Queensland shall mean the broader region outside of the Central Highlands Regional Council boundaries. Councils which fall under this region are Banana Shire Council, Barcaldine Regional Council, Blackall-Tambo Regional Council, Gladstone Regional Council, Isaac Regional Council, Livingstone Regional Council, Mackay Regional Council, Maranoa Regional Council, Murweh Regional Council, and Rockhampton Regional Council.

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

The Regulation shall mean the *Local Government Regulation 2012* (as amended).

Whole of Life Cost (WoL) shall mean the total of all costs over the life of the good/service/work (i.e. acquisition, maintenance and disposal costs).

4.0 Policy Statement

Council is committed to the principle of the development of competitive local business and industry when entering into:

- contracts for the supply of goods or services;
- contracts for the carrying out of works; and
- the disposal of assets.

For this purpose, if an expression of interest, tender or quotation is evaluated and all things being equal it is council's preference to purchase locally. That is, a local preference evaluation/selection criteria with a weighting of not more than 20% (of the evaluation/selection criteria total) will be utilised in the evaluation process, and where other selection criteria are evaluated equally then;

Council may accept a tender submission or offer from a local supplier in preference to a comparable tender submission or offer from a non-local supplier even if the tender submission or offer from the non-local supplier has been assessed as more favourable in terms of one or more of the assessment criteria applied (including, but not limited to, price), so long as the overall differences are not substantial, and so long as it is clear that the selected local supplier can meet council's requirements at an acceptably high standard which is generally comparable to that of other offers.

4.1 Local Preference/Content Evaluation and Weighting Criteria

Local preference is not simply a price benefit to a local supplier, (e.g. where their price is 20% higher than a competitor's price), but rather a quantitative measurement that can be utilised in recognition of the physical presence of the supplier in the Central Highlands Council area, as well as the demonstrated and/or actual accompanying social and economic benefits that this provides to council, such as:

- creation of new and/or maintenance of existing local employment opportunities;
- more responsive and readily available servicing support;
- closer and more convenient communication regarding progress, performance and measurement to enable effective and efficient contract administration and management;
- encouragement for the relocation of established businesses from outside the region to physically enter, establish and maintain a physical presence ongoing in the region;
- to assist businesses to become sustainable and ongoing;
- to assist local businesses to remain competitive;
- support for economic growth within the local area; and
- returning value-added benefits to Council and its ratepayers from the associated local commercial transactions.

Therefore, in this policy statement, a “local supplier” is a supplier that:

- is beneficially owned and operated by persons who are residents of the local government area of council and pay rates; or
- is a registered business or individual that has its principal place of business within the local government area of council; or otherwise
- has a place of business within the Local Government area of Council which solely or primarily employs persons who are residents or ratepayers of the Local Government area of Council.

Council’s preference is to purchase locally and as such will apply up to a 20% weighting to all offers received in response to its expressions of interest, quotations and tenders where the offer is able to demonstrate some form of “local” economic benefit.

Where the total contract value is between $1 and less than $15,000 in a financial year, all offers shall have a 15% weighting applied to the relevant qualitative criteria when undertaking a comparative analysis of the offers.

Where the total contract value is between $15,001 and less than $100,000 in a financial year, all offers shall have a 15% weighting applied to the relevant qualitative criteria when undertaking a comparative analysis of the offers.

Where the total contract value is between $100,001 and less than $200,000 in a financial year, all offers shall have a 15% weighting applied to the relevant qualitative criteria when undertaking a comparative analysis of the offers.

Where the total contract value will be in excess of $200,000 in a financial year, all offers will be treated in accordance with the identified evaluation criteria and weighting detailed in council’s published invitation document taking into consideration the procurement context, although the weighting should not exceed a maximum of 5%.

Tenders greater than $200,000 will where practical, have a demonstrated local content of 30% by the tenderer in their submission.

To facilitate council’s desire to distribute work across the region, council will assign a higher weighting to those contractors/suppliers registered in the vicinity in which the work is being performed.

Certain circumstances may require appropriate procurement of goods and services outside the Central Highlands Regional Council area but remains within the Central Queensland broader region.

When evaluating offers the following ratings are to be applied:

Definition	Scoring	Supporting Business
Business is registered and operated in the locality the work is being performed, pays rates or leases a business premises and employs locals within that locality of Central Highlands Region.	100%	Economic and social benefits remain within the specific locality of the Central Highlands Region.
Business is registered and operated in the Central Highlands Regional Council area, however outside of the locality the work is being performed, pays rates or leases a business premises and employs locals within Central Highlands Regional Council boundaries.	50%	Economic and social benefits remain within the Central Highlands Regional Council area.
Business is registered outside Central Highlands Regional Council boundaries and employs greater than 50% of its workforce in Central Highlands Regional Council boundaries.	40%	Significant contribution and commitment being demonstrated and being realised in the Central Highlands Regional Council area.
Business is registered outside Central Highlands Regional Council boundaries and employs between 50% and 20% of its workforce in Central Highlands Regional Council boundaries.	30%	Economic and social benefits realised through the employment of locally based staff.
Business is registered outside Central Highlands Regional Council boundaries and employs a locally based workforce from within the Central Highlands Regional Council boundaries of less than 20%.	20%	Economic and social benefits realised through the employment of locally based staff.
Business is registered outside Central Highlands Regional Council boundaries and is within the Central/West Queensland Region. The business employs a locally based workforce from within the greater Central Highlands Regional Council and/or Central/West Queensland region.	10%	Significant contribution and commitment being demonstrated across the broader Central/West Queensland area.
Other	0%	External to Central Queensland Region

5.0 Policy Review

This policy will be reviewed when any of the following occur:

1. As required by Legislation.

2. The related documents are amended or replaced.

3. Other circumstances as determined from time to time by a resolution of Council

Notwithstanding the above, this policy is to be reviewed at intervals of no more than four (4) years.

11 CHIEF EXECUTIVE OFFICER

11.1 WHS Bi-Monthly Information Report

INFORMATION REPORT

Date: 02 July 2018

To: Leadership and Governance Standing Committee Meeting

Author: Sandie Schofield, Manager Safety and Wellness

Authorising Officer**:** Scott Mason, Chief Executive Officer

File Reference: N/A

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.

OFFICER RECOMMENDATION:

That Central Highlands Regional Council receive the WHS Bi-Monthly Report for the months of May and June 2018.

REPORT:

Unfortunately, council experienced an increase in all incident types during the past two months.

WHS incidents which occurred in May and June 2018 have been summarised below:

- 6 near miss incidents
- 6 first aid incidents
- 6 recordable injuries
- 1 notifiable incident to the regulator
- 2 contractor incidents notifiable to the regulator

Total reported WHS incidents year-to-date:

- Infrastructure & Utilities department: 11 first aid cases, 17 recordable injuries and 3 notifiable incidents
- Communities department: 8 first aid cases, 14 recordable injuries and 1 notifiable incident
- Commercial services: 1 first aid case and 1 notifiable incident
- Corporate services: 1 notifiable incident

Department	May			June			FYTD		
	FAC	RI	Notif. Inc	FAC	RI	Notif. Inc	FAC	RI	Notif. Inc
Infrastructure & Utilities	2	1	0	1	2	0	11	17	3
Communities	1	0	0	2	2	0	8	14	1
Commercial Services	0	0	0	0	0	0	1	0	1
Corporate Services	0	0	0	0	0	1	0	0	1
Totals	3	1	0	3	4	1	20	31	6

Table 1 – Summary of incident reports

The last quarter has seen an increase in occupational injuries and illness incidents.

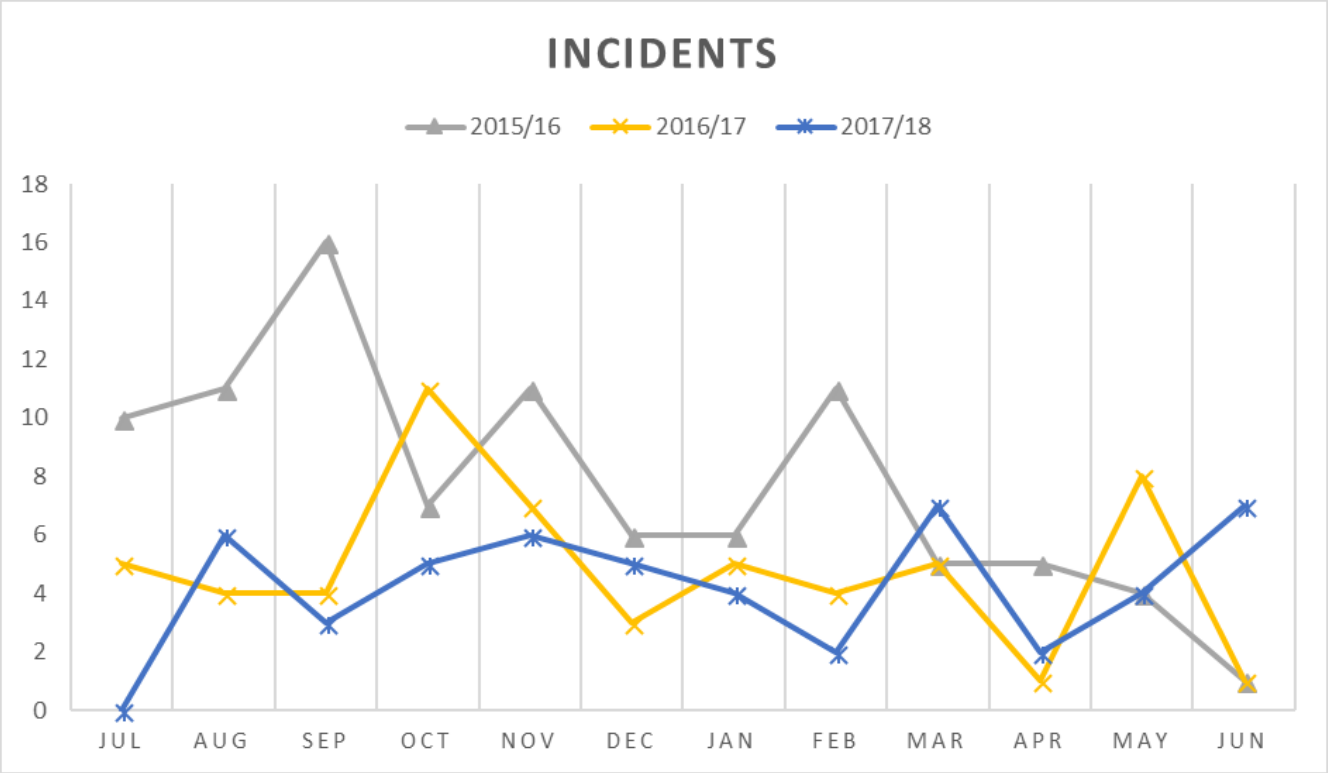

Figure 1 – Occupational incidents trends modelled against previous years

A total of 51 occupational injuries or illnesses were recorded for financial year 2018. The target for incident occurrence for FY18 was set at a 10% reduction on the previous year at 52 incidents. Incident trends were just below target.

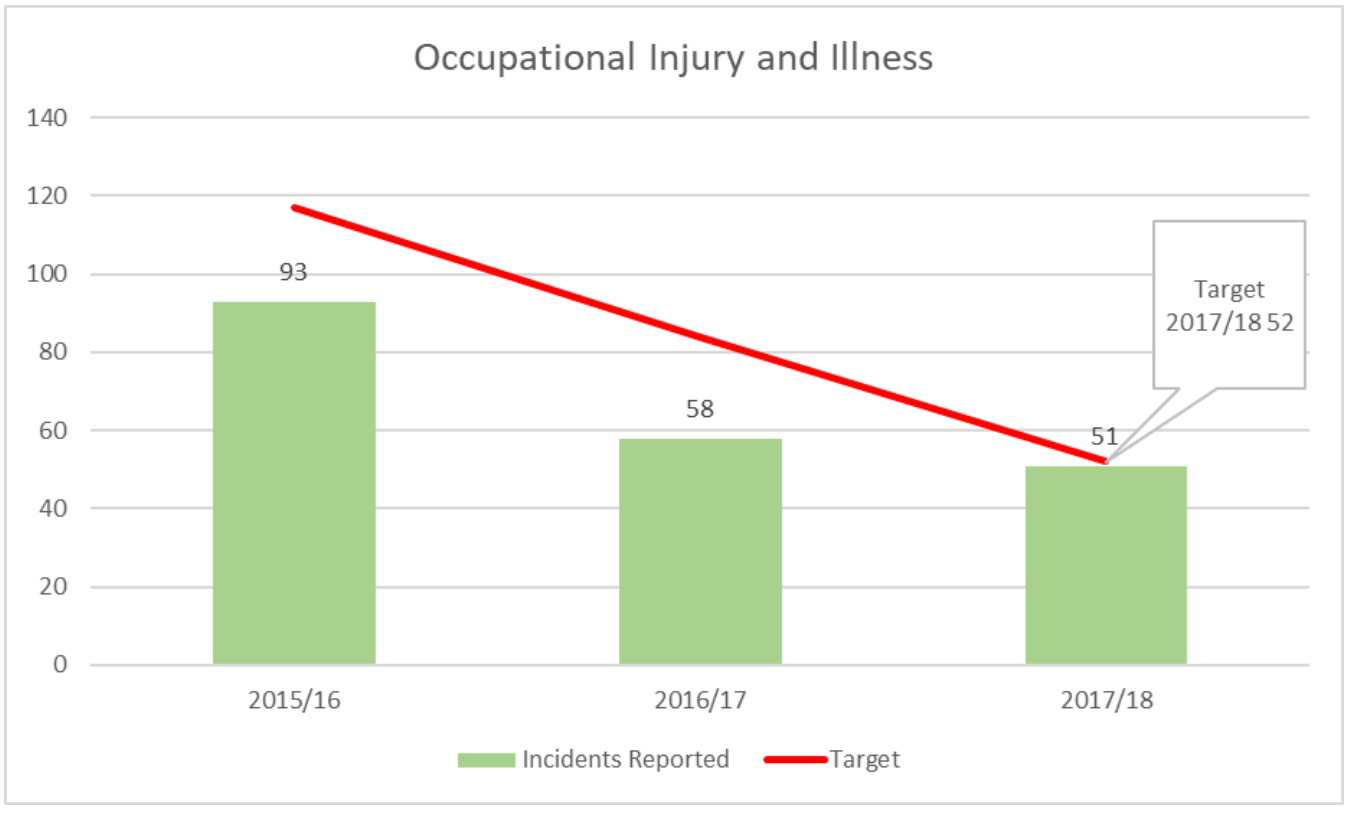

Figure 2 – Occupational incidents against targeted key performance indicators

Incident rate is the number of lost time injuries and illnesses for every one-hundred (100) workers employed. Council benchmarks performance against other councils in the same group within the Local Government Workcare Scheme.

The increase in incidents in the last quarter has correlated in an increase to the lost time incident rate which is 2.91 days compared to the group average of 1.74 days.

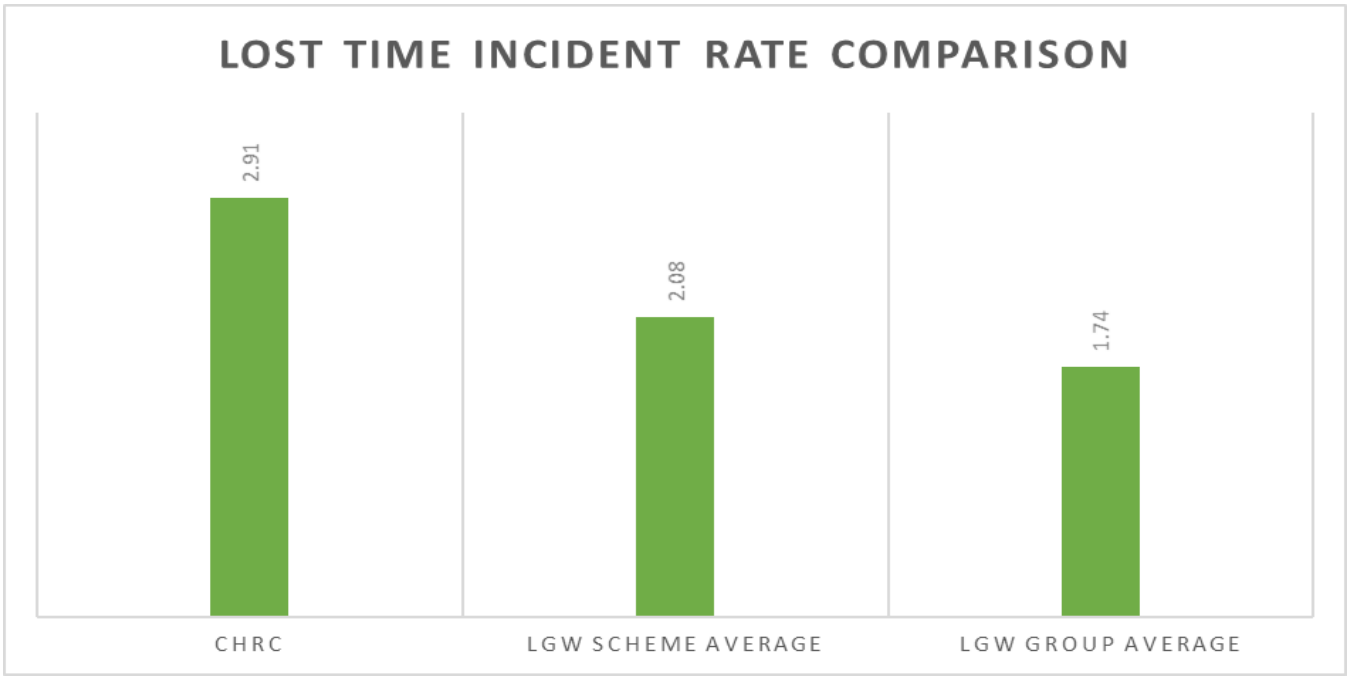

Figure 3 – Lost Time Incident rate compared with LGW Scheme

The lost time injury frequency rate as at 31 May 2018 was 10.88 compared to the LGW Group average of 11.62. LTIFR for FY18 was below target of 13.32.

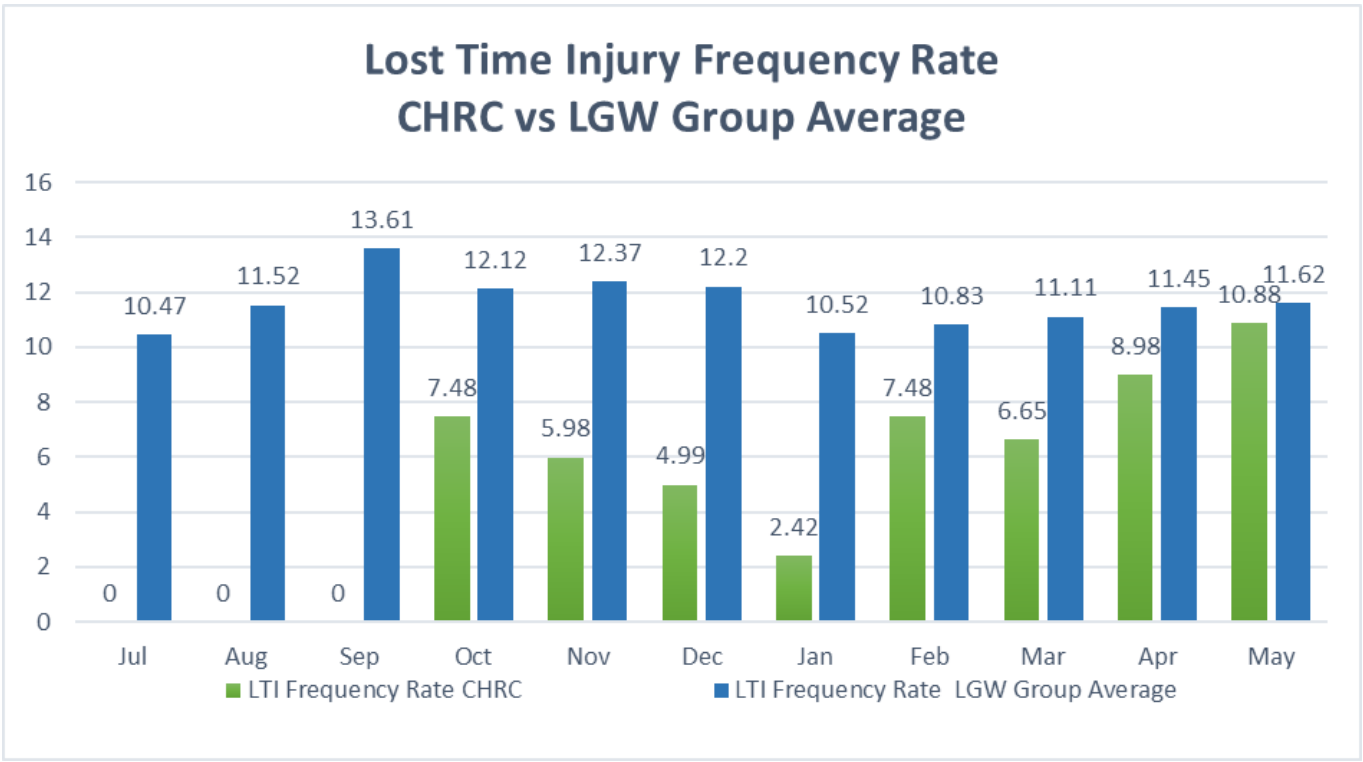

Figure 4 – LTI Frequency Rates comparison against Local Government Workcare Scheme
Lost Time Frequency Rate = LTI Claims/ (Hours Worked)*1,000,000

The lost time injury duration rate as at 31 May 2018 was 34.62 compared to the LGW Group average of 25.74. The lost time duration rate exceeded the FY18 target of 19.24 days.

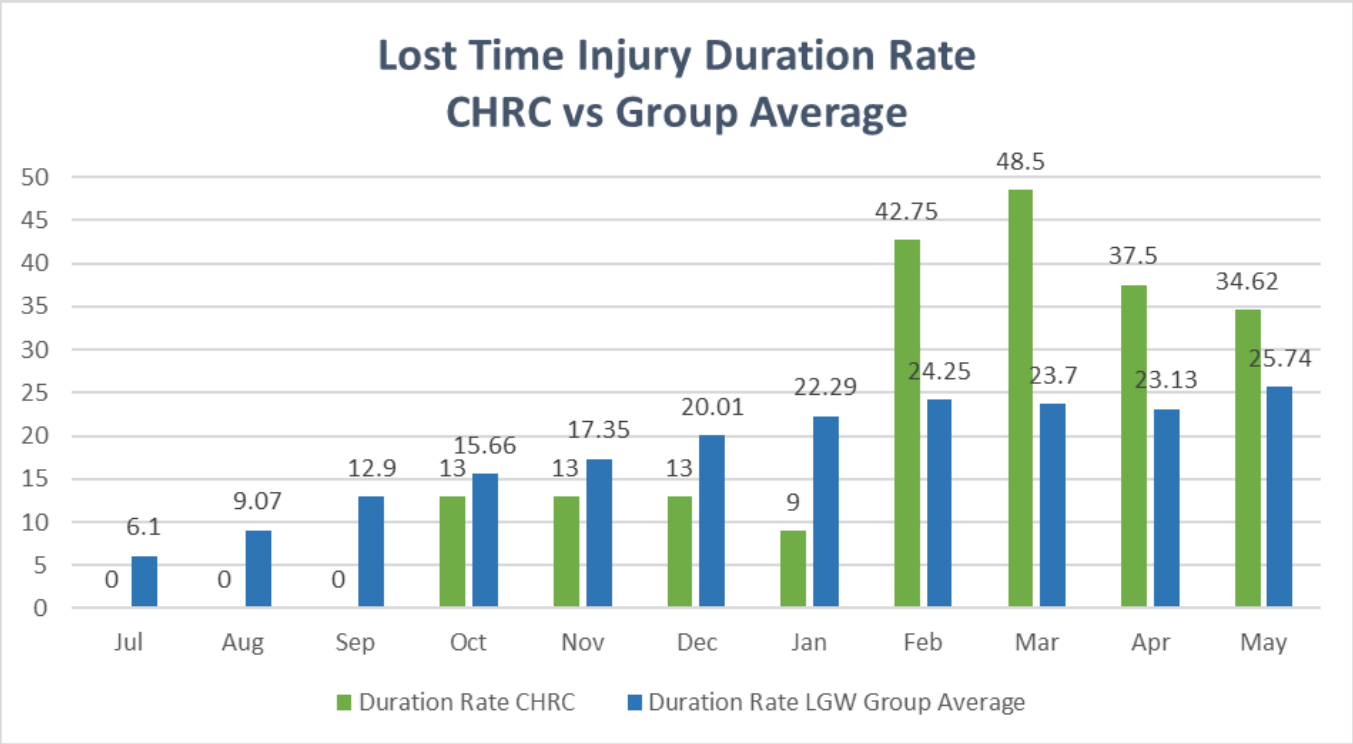

Figure 5 - LTI Duration Rates comparison against Local Government Workcare Scheme
Lost Time Duration Rate is defined as the average days lost per lost time injury

12 DEPARTMENTAL UPDATES

12.1 Corporate Services

DEPARTMENTAL UPDATE REPORT

Date: 29 June 2018

To: Leadership and Governance Standing Committee Meeting

Author: Jason Bradshaw, General Manager Corporate Services

File Reference: N/A

EXECUTIVE SUMMARY:

The following report provides an update on key activities for the Corporate Services department.

OFFICER RECOMMENDATION:

That Central Highlands Regional Council receive the departmental update from the Corporate Services department.

REPORT:

Key Activities Summary

1. Statutory Requirements Checklists

   - The Departments of Local Government, Racing and Multicultural Affairs (as it is now) provides a series of checklists to local governments in Queensland to aid in providing assurance that the base statutory requirements are being satisfied.

     Coupled with other assurance mechanisms (internal and external audit, legislative compliance service etc.) and periodic reporting of this Statutory Requirements Checklist should provide confidence to councillors and senior staff that Council's compliance regime is in order.

ATTACHMENTS:

1. DLGRMA - legislative compliance checklist **[12.1.1]**

– END OF REPORT –

Planning, financial management and accountability-statutory requirements checklist and calendar

Local Government Act 2009 (LGA09)*;* Local Government Regulation 2012 (LGR12)

Item	Legislative reference	Requirement	Mandatory elements	Calendar action	Status / Comments responsible officer
Planning and accountability documents					
Five year corporate plan	s104 LGA09 ss165-166 LGR12	The local government must prepare and adopt a five year corporate plan. It must adopt the corporate plan in sufficient time to allow a budget and annual operational plan consistent with the corporate plan to be adopted for the 1st financial year that is covered by the plan.	The corporate plan must : • outline the strategic direction of the local government • state performance indicators for measuring progress in achieving the local government's vision • outline the objectives of each commercial business unit and the nature and extent of the significant business activity conducted by each commercial business unit.	Every five years	Officer …….. Completed : Yes ☒ No ☐ 13/06/2017
Long-term asset management plan	s104 LGA09 ss167-168 LGR12	The local government must prepare and adopt a long-term asset management plan (AMP) for a period of at least 10 years. The AMP outlines the local government's policies and strategies for ensuring sustainable management of assets and infrastructure during the period of the plan.	The long-term asset management plan must: • provide strategies to make sure sustainable management of local government assets and infrastructure • state the estimated capital expenditure for renewing, upgrading and extending the assets for the period of the plan • be part of, and consistent with, the long-term financial forecast.	Every 10 years	Officer …….. Completed : Yes ☒ No ☐ 14/06/2016

Item	Legislative reference	Requirement	Mandatory elements	Calendar action	Status / Comments responsible officer
Annual operational plan	s104 LGA09 ss174-175 LGR12	The local government: • must prepare and adopt an annual operational plan consistent with its budget • may, but need not, adopt the annual operation plan at the same time it adopts its budget.	The operational plan must state how the local government will: • progress implementation of the five year corporate plan during the period of the operational plan • manage operational risks It must also include an annual performance plan for each commercial business unit.	Annual	Officer …….. Completed : Yes ☒ No ☐ 26/06/2018
Report on operational plan	s174 LGR12	The CEO must present the local government with a written assessment of the local government's progress toward implementing its annual operational plan.	The CEO must present a report on progress at regular intervals of not more than three months.	Four reports per year. Minimum three month interval.	Officer …….. Completed : Yes ☒ No ☐ Q3 24/04/2018 Q4 07/08/2018
Annual report	s104 and s201 LGA09 ss182 - 190 LGR12	The local government must: • Prepare an annual report for each financial year, and • Adopt this report within one month after the Auditor-General signs off on the audit of council's general purpose financial statements. • The annual report must be published on the council's website within two weeks of adoption.	Refer to Annual Report checklist.	Within one month of Auditor-General sign off of the council's general purpose financial statements.	Officer …….. Completed : Yes ☒ No ☐ 2016/2017 14/11/2017 2017/2018 IN PROGRESS
Review and report on the progress of the operational plan and corporate plan	s104 LGA09 s190 LGR12	The local government must undertake an annual review and deliver a report on implementation of the annual operational plan and corporate plan.		To be included in annual report.	Officer …….. Completed : Yes ☒ No ☐ 2016/2017 14/11/2017

Item	Legislative reference	Requirement	Mandatory elements	Calendar action	Status / Comments responsible officer
Financial management documents					
Annual budget	s104 LGA09 ss169-170 LGR12	The local government must prepare a budget (on an accrual basis) for its operating fund for each financial year. The budget must be consistent with the local government's: • five year corporate plan • annual operational plan.	The budget must include all elements as set out in s169 LGR12.	Must be adopted after 31 May and before 1 August.	Officer …….. Completed : Yes ☒ No ☐ 26/06/2018
Long-term financial forecast	s104 LGA09 s171 LGR12	The local government must: • prepare a financial forecast covering a period of at least 10 years • review the forecast annually.	The long-term financial forecast must contain, for each year during the period of the forecast, a forecast of income, expenditure and the value of assets, liabilities and equity.	Must be adopted after 31 May and before 1 August.	Officer …….. Completed : Yes ☒ No ☐ 26/06/2018
Revenue statement	s104 LGA09 s172 LGR12	The local government must: • prepare a revenue statement each financial year • include the revenue statement in the annual budget (s169 LGR 2012).	The revenue statement must include information for the financial year covering: • lists and descriptions of rating categories • special rates and charges for any joint government activity • criteria for deciding the amount of cost-recovery fees • criteria for deciding the amount of charges for goods and services supplied by any business activity conducted by the local government • an outline and explanation of the measures adopted for raising revenue including rates and charges to be levied and concessions for rates and charges to be granted • whether the local government has made a resolution limiting an increase to rates and charges.	Must be adopted in annual budget.	Officer …….. Completed : Yes ☒ No ☐ 26/06/2018

Item	Legislative reference	Requirement	Mandatory elements	Calendar action	Status / Comments responsible officer
General purpose financial statement	s104 LGA09 s176 and s177 LGR12 s212 LGR12	The local government must prepare a general purpose financial statement for each financial year.	The general purpose financial statement must be prepared in compliance with the following documents published by the Australian Accounting Standards Board: • Australian Accounting Standards • Statements of Accounting Concepts • Interpretations • Framework for the Preparation and Presentation of Financial Statements.	Within four months after the end of the financial year. ie by the 31 October it must be signed by the Auditor-General.	Officer …….. Completed : Yes ☒ No ☐ 19/10/2017
Current year financial sustainability statement	s176 and s178 LGR12	The local government must prepare a current year financial sustainability statement.	The current year financial sustainability statement must state the relevant measures of financial sustainability for the financial year to which the statement relates.	Within four months after the end of the financial year. ie by the 31 October it must be signed by the Auditor-General.	Officer …….. Completed : Yes ☒ No ☐ 19/10/2017
Long-term financial sustainability statement	s176 and s178 LGR12	The local government must prepare a long-term financial sustainability statement.	The long-term financial sustainability statement must state: • the relevant measures of financial sustainability for the nine years following the year the statement relates to • an explanation of the local government's financial management strategy that is consistent with the long-term financial forecast.	Within four months after the end of the financial year. ie by the 31 October it must be signed by the Auditor-General.	Officer …….. Completed : Yes ☒ No ☐ 19/10/2017

Item	Legislative reference	Requirement	Mandatory elements	Calendar action	Status / Comments responsible officer
Presentation of Auditor-General's observation report by mayor	s213 LGR12	If the Auditor-General gives the mayor a copy of the Auditor-General's observation report, the report must be presented to the full Council.	The Mayor must present a copy of the Auditor-General's observation report at the next ordinary meeting of the local government after receiving the report.	Meeting following receipt of report.	Officer ……. Completed : Yes ☒ No ☐ 14/11/2017
Community financial report	s179 LGR2	The local government must prepare a community financial report for each financial year.	The report must: • contain a summary and analysis of the local government's financial performance and position • be consistent with the general purpose financial statement • include the relevant measures of financial sustainability (as in the budget) • be written in a way that can be easily understood by the community.	To be included in annual report.	Officer …….. Completed : Yes ☒ No ☐ 14/11/2017
Financial report	s204 LGR12	The local government must prepare a financial report. The CEO must present the financial report to a meeting of the local government at least once a month.	The financial report must state progress that has been made in relation to the local government's budget for the period of the financial year as near as practicable to the end of the month before the meeting is held.	At least once a month.	Officer …….. Completed : Yes ☒ No ☐ Ongoing - MONTHLY
Statement of estimated financial position	s205 LGR12	The CEO must present the local government's annual budget meeting with a statement of estimated financial position.	The statement of estimated financial position is a document stating the financial operations and financial position of the local government for the previous financial year.	At the meeting to adopt annual budget.	Officer …….. Completed : Yes ☒ No ☐ 26/06/2018
Notice local government has paid notional GST	s215 LGR12	The local government must give notice to the Director-General, Department of Infrastructure, Local Government and Planning, about payment of GST.	The local government must give the Director-General written notice stating it has paid notional GST for the previous financial year.	By 15 September	Officer …….. Completed : Yes ☒ No ☐ 25/07/2017

Item	Legislative reference	Requirement	Mandatory elements	Calendar action	Status / Comments responsible officer
Public access to relevant financial and planning documents					
Public access to relevant financial and planning documents	s199 LGR12	The local government must allow the public to inspect particular local government documents: • at the local government's public office • on the local government's website. Copies of these documents must also be available for purchase.	Documents that must be available to the public: • five year corporate plan • annual budget • general purpose financial statement • community financial report • annual report • investment policy • debt policy • community grants policy • procurement policy.	Ongoing, following adoption	Officer …….. Completed : Yes ☒ No ☐ ALL AVAILABLE ON WEBSITE (purchase price included in fees & charges)
Audit—internal					
Establish internal audit function	s105 LGA09 s207 LGR12	All local governments must establish an efficient and effective internal audit function.	Each financial year, the local government must: • prepare an internal audit plan • carry out an internal audit • prepare a progress report for the internal audit • assess compliance with the internal audit plan.	For each financial year	Officer …….. Completed : Yes ☒ No ☐ SERVICE EXTENDED ON 15/05/2018 TO 31/07/2019
Establish audit committee	s105 LGA09 ss208 - 211 LGR12	Each 'large' local government must establish an audit committee. A large local government is a local government with a remuneration category of three or higher.	The role of the audit committee is to monitor and review the: • integrity of financial documents • internal audit function • effectiveness and objectivity of the local government's internal auditors. The committee must give a written report to the local government about the matters reviewed	The audit committee must meet at least twice each financial year.	Officer …….. Completed : Yes ☒ No ☐ 10/07/2018

Item	Legislative reference	Requirement	Mandatory elements	Calendar action	Status / Comments responsible officer
			and its recommendations as soon as practicable after each meeting of the committee. The CEO must present the committee's report to the next meeting of the local government.		
Loan borrowings					
Borrowings application lodgement with the department	s34 of *Statutory Bodies Financial Arrangements Act 1982*	All local government borrowings must be approved by the Director-General, Department of Infrastructure, Local Government and Planning under delegation from the Treasurer.		Annual - department will advise date at the start of each financial year.	Officer: Manager Finance Completed : Yes ☒ No ☐ 27/10/2017
Drawing down approved borrowings		All approved borrowings must be drawn down from the Queensland Treasury Corporation in the financial year approved.		Annual by 30 June	Officer: Coordinator Financial Accounting. Completed : Yes ☒ No ☐ 26/06/2018

13 GENERAL BUSINESS

14 CLOSED SESSION

14.1 Departmental Update - Commercial Services

CLOSED SESSION REPORT

This report is CONFIDENTIAL under Section 275 (1) (h) of the Local Government Regulation 2012 which permits the Council meeting to be closed to the public to discuss:

(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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15 CLOSURE OF MEETING