

MINUTES

BANANA SHIRE COUNCIL ORDINARY MEETING

Meeting Date: Wednesday 22 March 2023
Venue: Council Chambers, 62 Valentine Plains Road, Biloela
Time: 9.00 am

1.0 Opening of Meeting

“Council recognises that this meeting is held on the Land of the Gaangalu Nation and that the Banana Shire also includes land of the Iman People, Wulli Wulli People, Wadja People, Wakka Wakka People and Darumbal People.”

2.0 Attendance including Apologies & Leave of Absence

3.0 National Anthem & Prayer

4.0 Confirmation of Minutes

4.0.1 Ordinary Meeting held 22 February 2023

5.0 Mayor's Report / Minute

6.0 Business Outstanding

6.0.1 Business Arising from Previous Meetings & Matters Lying on the Table

7.0 Declaration of Interest on Matters on the Agenda

8.0 Financial Management

8.1.1 Budget Management Report – 28 February 2023

8.1.2 Financial Report – 28 February 2023

8.1.3 Major Capital Projects – Corporate & Community Services - Monthly Actual Expenditure as at 28 February 2023

8.1.4 Major Capital Projects – Infrastructure Services - Monthly Actual Expenditure as at 28 February 2023

8.1.5 Major Capital Projects – Council Services - Monthly Actual Expenditure as at 28 February 2023

8.1.6 Funding Projects – Monthly Actual Expenditure as at 28 February 2023

9.0 Corporate & Community Services

9.1 Corporate Services

- 9.1.1 Resolutions Actions Report
- 9.1.2 Unconfirmed Minutes of Audit Committee Meeting held 22 February 2023
- 9.1.3 Replacement of Landfill Compactor

9.2 Community

- 9.2.1 RACQ Capricorn Rescue Helicopter Service – Request for Annual Donation
- 9.2.2 Biloela Splash Park Community Engagement Results
- 9.2.3 Options for Brigalow Arts Festival 2023
- 9.2.4 CRC Advisory Committee – Minutes of Meeting held 23 February 2023

10.0 Infrastructure Services

10.1 Infrastructure Services

- 10.1.1 Infrastructure Monthly Report
- 10.1.2 Resolutions Actions Report
- 10.1.3 Closure of Road Reserve between Dee River and Dee River Road, Wowan

11.0 Council Services

11.1 Council Services

- 11.1.1 Resolutions Actions Report
- 11.1.2 Biloela Civic Centre Air Conditioning

12.0 Executive Services

12.1 Executive Services

- 12.1.1 Resolutions Actions Report
- 12.1.2 Register of Contact with a Lobbyist as at 31 December 2022
- 12.1.3 Review of Privacy Policy
- 12.1.4 Review of Confidential Information Policy
- 12.1.5 Review of Damages Claims on Council Policy
- 12.1.6 2023/24 Operational Plan
- 12.1.7 Local Government Association of Queensland Inc. – 2023 Bush Councils Convention
- 12.1.8 Administrative Action Complaints Management Report – 1 October 2022 to 31 December 2022
- 12.1.9 Staff Cost of Living Adjustment

13.0 Close of Meeting

Opening of Meeting

The meeting commenced at 9.00am.

2.0 Attendance including Apologies & Leave of Absence

Councillors – Mayor Nev Ferrier and Crs Semple, Boyce, Pender, Leo, Casey and Ramsey.

Officers - Chief Executive Officer, Director Corporate & Community Services, Acting Director Council Services.

3.0 National Anthem & Prayer

Following the National Anthem, Reverend Andrew Purcell from the Presbyterian Church led Council in prayer.

4.0 Confirmation of Minutes

Minute No: OM005551

Resolution:

That the minutes of the Ordinary Meeting held on 22 February 2023 be taken as read and confirmed.

Moved: Cr Pender

Seconded: Cr Boyce

Carried

5.0 Mayor's Report / Minute

The Mayor advised he attended:

- The International Legends of League Sponsors Dinner in Baralaba on Friday 24 February 2023 and event on Saturday 25 February 2023 in Woorabinda.
 - A meeting with the Japan Clean Ammonia Association Delegation in Gladstone on Thursday 8 March 2023.
 - A Central Queensland Industry Collaborative – Central Queensland Infrastructure Pipeline Workshop in Rockhampton on Friday 10 March 2023.
 - A meeting with the Department of State Development, Infrastructure, Local Government and Planning, Department of Energy and Public Works, Department of Regional Development, Manufacturing and Water, Department of Transport and Mains Road, Local Government Association of Queensland and other local Councils regarding transport implications and the social impact of Queensland Renewable Energy Zones via Teams on Thursday 14 March 2023.
 - The Twin Valleys Motorcycle Club 40 Year Anniversary celebrations on Saturday 18 March 2023.
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6.0 Business Outstanding

It was noted the following matter laying on the table from the 25 January 2023 Ordinary Meeting will be addressed in Agenda Item 10.1.3 – Closure of Road Reserve between Dee River and Dee River Road, Wowan:

- Closure of Road Reserve East of Dee River Road, Wowan – Minute Number: OM005519.
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7.0 Declaration of Interest on Matters on the Agenda

It was noted there are no declaration of interest on matters on the agenda.

8.0 Financial Management

8.1.1 BUDGET MANAGEMENT REPORT AS AT 28 FEBRUARY 2023

Date: 2 March 2023
Author: Financial Accountant - Cecilia White
File ID:
Letter ID:
Attachment: 1. February 2023 Budget Vs Actuals – Report from Practical
2. Summary of explanations
Minute No: OM005552

Resolution:

That Council receives the Budget Management Report for February 2023.

Moved: Cr Casey

Seconded: Cr Pender

Carried

Report

Detailed income and expenditure report for financials is provided for Council consideration. A report explaining the variances was also provided.

This report ensures the Council have visibility of detailed income and expenditure on a monthly basis.

The expenditure and Income were profiled equally between 12 months, and officers explain variances on a monthly basis. Officers are also working on profiling budgets as per forecasted income and expenditure profiles.

Acting Director Infrastructure Services attended the meeting at 9.14am.

8.1.2 FINANCIAL REPORT– PERIOD ENDING 28 FEBRUARY 2023

Date: 2 March 2023
Author: Financial Accountant – Cecilia White
File ID: 2306
Letter ID:
Attachment: Statement of Comprehensive Income - Actual v Budget to 28 February 2023
Statement of Financial Position – Actual v Budget to 28 February 2023
Statement of Cash Flows - Actual v Budget to 28 February 2023
Statement of Changes in Equity - Actual v Budget to 28 February 2023
Cash and Restricted Cash report for the period ending 28 February 2023
Minute No: OM005553

Resolution:

That Council receive the Financial Report as tabled for the period ending 28 February 2023.

Moved: Cr Ramsey

Seconded: Cr Boyce

Carried

This report is a legislative requirement.

Report

1. Introduction

The purpose of the Financial Report is to give Management and Council an overview of the organisation's financial performance for the period ending 28 February 2023.

It is presented in a format which compares the year to date to the 2022/2023 budget. The year-to-date budget is 67% of the budget. The financial analysis contained in this report compares, either year to date expenditure with an equivalent budget to date expenditure or, in the case of rates, year to date expenditure with an appropriate cash flow position. In addition to this report Council was also provided with a management report to provide explanations on variances from budget to actual at account level.

2. Report

Comprehensive Income Statement:

Council recorded an operating surplus of \$14.9M at the end of February 2023. At the same time last year, the Council had an operating surplus of \$15.2M. The change from last year to this year is attributed to an increase in materials and services expenditure.

On 28 February 2023, the Cash balance was \$49.57M. At the same time last year, the cash balance was at \$26.42M. This represents an increase of \$23.15M compared with the previous year's cash balance. Our cash balance is higher due to cash received in excess of budgeted in the 2021-22 financial year. While the cash balance is high, Council should note that \$36 million is either internally or externally restricted and must be retained.

Capital Expenditure: Capital expenditure – see separate report.

8.1.3 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – CORPORATE & COMMUNITY SERVICES

Date: 15 March 2023
Author: Director Corporate & Community Services - Venkata Peteti
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM005554

Resolution:

That Council note and receive the Major Capital Expenditure Report as at 28 February 2023 for Corporate & Community Services.

Moved: Cr Semple

Seconded: Cr Boyce

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 28 February 2023 for Corporate & Community Services.

Refer attachment.

Mayor Ferrier asked the Director Corporate and Community Services if Council should investigate if the Baralaba Airstrip complies with the requirements of the Royal Flying Doctor Service aircraft. The Director Corporate and Community Services advised he will investigate the relevant pavement concessions associated with the airstrip.

The Chief Executive Officer advised Council will place \$750,000.00 in the 2023/24 budget to repair the Moura Airstrip pavement should there be any impact from the Royal Flying Doctor Service aircraft.

It was noted the Moura & District Health Care Association Inc. and Moura MHPS have been advised of this allocation, however information received subsequent to sending these letters suggest pavement strength rather than runway length is the challenge for landing the larger aircraft. These funds should be directed towards a review of the impact of larger planes and rectification work if required after operational arrangements are in place.

Cr Casey asked if a 16000L water truck is large enough to service a Council grader all day. **Mayor Ferrier** and the Chief Executive Officer confirmed yes.

8.1.4 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – INFRASTRUCTURE SERVICES

Date: 15 March 2023
Author: Acting Director Infrastructure Services – Paul Meredith
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM005555

Resolution:

That Council note and receive the Major Capital Expenditure Report for Infrastructure Services as at 28 February 2023.

Moved: Cr Ramsey

Seconded: Cr Semple

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 28 February 2023 for Infrastructure Services.

Refer attachment.

The Acting Director Infrastructure Services advised the Department of Main Roads have instructed Council to cease gravelling works on the Fitzroy Developmental Road and make the site safe before leaving site. As a duty of care, the Acting Director Infrastructure Services will inspect the condition of the road surface and provide a report to Council's April Workshop.

Cr Boyce expressed safety concerns for users of the Fitzroy Developmental Road, in particular school bus operators.

Cr Semple asked if Central Highlands Regional Council have also been instructed to cease work on the Fitzroy Developmental Road. The Acting Director Infrastructure Services advised he believes so.

The Acting Director Infrastructure Services advised he will be commencing discussions with contractors to recommence work on The Bend Road. The Chief Executive Officer advised he has instructed staff to reconstruct the side track to six metres wide.

In response to **Cr Boyce's** question relating to federal funding for work on the Cracow Road, the Acting Director Infrastructure Services advised the job is currently at the design stage.

The Acting Director Infrastructure Services provided an update on discussions held with Anglo Coal regarding damage on the Theodore Moura Road.

8.1.5 MAJOR CAPITAL PROJECTS – MONTHLY ACTUAL EXPENDITURE – COUNCIL SERVICES

Date: 15 March 2023
Author: Director Council Services - Chris Welch
File No:
Letter No:
Attachment: Capital Expenditure Report
Minute No: OM005556

Resolution:

That Council note and receive the Major Capital Expenditure Report for Council Services as at 28 February 2023.

Moved: Cr Boyce

Seconded: Cr Pender

Carried

Report

Providing a report on Council's Major Capital Expenditure as at 28 February 2023 for Council Services.

Refer attachment.

Cr Leo queried the budget for the Dawson North project. The Chief Executive Officer confirmed that Council was receiving full cooperation from Anglo Coal in respect to the provision of information for the proposed waste facility.

8.1.6 FUNDING PROJECTS – MONTHLY ACTUAL EXPENDITURE

Date: 15 March 2023
Author: Chief Executive Officer – Tom Upton
File No:
Letter No:
Attachment: Capital Expenditure Report Funding Projects
Minute No: OM005557

Resolution:

That Council note and receive the Major Capital Expenditure Report for funding projects as at 28 February 2023.

Moved: Cr Ramsey

Seconded: Cr Casey

Carried

Report

Providing a report on Major Capital Expenditure for funding projects as at 28 February 2023.

Refer attachment.

Cr Boyce asked if the funds allocated to the Biloela Centenary Destination Playground and Artwork project could be used for the construction of the Taroom SES Building. The Chief Executive Officer advised options will be discussed at the April Council Workshop.

Cr Pender asked when will the design for the Biloela Splash Park be made available. The Chief Executive Officer advised the design will be made available once finalised.

9.0 Corporate & Community Services

9.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – CORPORATE & COMMUNITY SERVICES

Date: 15 March 2023
Author: Director Corporate & Community Services - Venkata Peteti
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM005558

Resolution:

That the Resolutions Action Report for Corporate & Community Services as presented be noted and received.

Moved: Cr Casey

Seconded: Cr Pender

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the organisation.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
4. **Risk Assessment**
N/A

9.1.2 UNCONFIRMED MINUTES OF AUDIT COMMITTEE MEETING HELD 22 FEBRUARY 2023

Date: 8 March 2023
Author: Finance Manager – Peter Rudder
File No:
Letter No: 1780983, 1782219
Attachment: Unconfirmed Minutes of Audit Committee Meeting held 22 February 2023
Quarterly Risk Report – Quarter Ending December 2022
Minute No: OM005559

Resolution:

That Council:

- 1. Receive the Unconfirmed Minutes of the Audit Committee Meeting held on 22 February 2023.***
- 2. Adopt the following policies which are attached to and form part of these Unconfirmed Minutes:***
 - 2023/2024 Debt Policy***
 - 2023/2024 Investment Policy***
 - 2023/2024 Procurement Policy***
 - 2023/2024 Revenue Policy***
- 3. Receive the Quarterly Risk Report – Quarter Ending December 2022.***

Moved: Cr Pender

Seconded: Cr Semple

Carried

Report

The Unconfirmed Minutes of the Audit Committee Meeting held on 22 February 2023 are to be presented to Council. Refer to Document Number 1780983 for the Unconfirmed Minutes of the Audit Committee meeting.

9.1.3 REPLACEMENT OF LANDFILL COMPACTOR

Date: 9 March 2023
Author: Director Corporate & Community Services - Venkata Peteti
File ID:
Letter ID:
Attachment:
Minute No: OM005560

Resolution:

Council approves the replacement of a Bomag compactor with a refurbished Bomag compactor and allocates the budget in the 2023-24 budget.

Moved: Cr Ramsey

Seconded: Cr Leo

Carried

Report

This report provides options for the Council on replacing the Bomag compactor at the Trap Gully landfill site and seeks approval for a suitable replacement.

Background

The Bomag compactor is used to compact the rubbish in the landfill sites, which is a daily activity. If the compactor is not functional, the garbage will pile up at landfills which is a significant fire risk for Council.

The Bomag compactor is a heavy-duty complex machine. Council acquired the current Bomag Compactor 10+ years ago as a second-hand machine. Council officers investigated the frequent repair issues with the Bomag and explored options as detailed below.

Options for Bomag compactor

#	Option	Cost (estimated)	Positives	Issues
1	Undertake the complete repair of the Bomag	\$130,000 for repair \$50,000 for hire for a replacement during the repair (total of \$180,000)	Low-cost option	It could have recurring issues in the future. The remaining life depends on the uncertain engine life
2	Replace the Bomag with the refurbished Bomag	\$320,000 to \$360,000	New engine with the refurb option 1-year warranty. Expected to have a life of seven years. Quick turnaround time (before September 2023) Expenses could be capitalised	may not be as good as a new one
3	Buy a brand-new Bomag	\$1.7 million to \$2 million	Brand new machine with all the latest features 10+ years life	12 months turnaround time
4	Buy a similar size CAT compactor	\$2.0 million to \$2.3 million	Brand new machine with all the latest features 10+ years life	12 months turnaround time

Due to the complexity of the machine, it is not always possible for our workshop crew to fix the Bomag when it breaks down, which makes the compact non-operational for more days and leaves Council exposed to fire risks due to non-compacting.

The Council's capital budget for 2022-23 has no allocation for a Bomag replacement. Although option one could be met by using the operating budget, option one is not value for money to provide consistent functionality.

Purchasing a new machine may be beneficial. However, it is costly and has a long waiting time. The hire cost of a Bomag is \$16,000 per month. So, a hire cost of a Bomag is \$192,000 per year.

After considering all the options, the officers recommend Council to purchase a refurbished model. As it is an option involving the purchase of second-hand machinery Council would be exempt from the tender and request for quotation arrangements as per 235 (e) of Local Government Regulation 2012. If Council approves the option 2, the Bomag could be replaced before the 2022-23 financial year.

9.2.1 RACQ CAPRICORN HELICOPTER RESCUE SERVICE – REQUEST FOR INCREASED ANNUAL DONATION

Date: 6 March 2023
Author: Community Development Advisor – Melinda Petty
File ID:
Letter ID: 1781278
Attachment:
Minute No: OM005561

Resolution:

That with respect to the correspondence received from RACQ Capricorn Helicopter Rescue Service requesting an increased annual contribution, Council resolves to:

1. Commit to an annual contribution as follows:

- a. \$10,000 (2022/2023 FY)**
- b. \$10,000 (2023/2024 FY)**
- c. \$10,000 (2024/2025 FY)**

2. Allocate sufficient funds annually in the Community Grants budget.

Moved: Cr Leo

Seconded: Cr Pender

Carried

Report

RACQ Capricorn Helicopter Rescue Service (CapRescue) is a vital life-saving service which provides the fastest and most efficient means of rapid response to medical and rescue teams to major road accidents, workplace incidents and inter hospital transfers. The service also provides counter disaster and search and rescue missions to the communities of Central Queensland.

The resources and passion of CapRescue cannot be duplicated by any other service in the region. Banana Shire residents and businesses benefit from the resources, capability, and proximity when aerial ambulance and rescue services are needed. The ability to transfer patients directly to Brisbane or Rockhampton hospitals quickly, professionally and in emergency conditions results in lives saved. CapRescue as a charity provides these services to the people of Central Queensland for free.

CapRescue operates two aerial ambulance helicopters to care for a region of 350,000km². In 2022, CapRescue was tasked 492 times with rescue costs exceeding \$10.95 million dollars. While they receive approximately 60% of their funding from the Queensland Government the residual 40% is to be raised from the community they serve. This vital service continues to operate as a result of the support and generosity of Central Queensland communities and businesses. The community values the service and recognises the need to keep it operational. Contributions are received by many in various ways and yet more funding is needed as costs continue to escalate and demand for the service continues to grow.

CapRescue is seeking financial support from Local Governments in the areas it services to enable them to keep the service operational.

Banana Shire is one of the seven Council areas that benefit from the services of CapRescue. In 2022, 114 tasks were conducted in the Banana area with a cost of around \$2.4 million dollars.

Banana Shire Council has supported CapRescue financially since 2007 with contributions totalling \$86,500 (GST inc).

- 2017 – 2019 – \$5,500 (GST inc) per year
- 2020 – 2021 – \$7,500 (GST inc) per year

CapRescue are requesting Council's continued support with consideration for increased funding due to increased tasking in the area and increasing operation costs. The requested annual contribution (GST inc) is detailed as:

- 2023 \$10,000 (2022/2023 FY)
- 2024 \$10,000 (2023/2024 FY)
- 2025 \$10,000 (2024/2025 FY)

Relevant financial implications are that only \$7,500 has been budgeted for the 2022/2023 financial year for this contribution and any contributions in excess of this will require a budget amendment.

Cr Leo requested Council's Media team publish a Facebook Post advising of Council's commitment to the RACQ Capricorn Helicopter Rescue Service.

9.2.2 BILOELA SPLASH PARK LOCATION COMMUNITY ENGAGEMENT RESULTS

Date: 8 March 2023
Author: Director Corporate & Community Services – Venkata Peteti
Community Development Advisor – Melinda Petty
File ID:
Letter ID:
Attachment:
Minute No: OM005562

Recommendation:

That Council receive and note the community engagement results as detailed in the report.

Resolution:

That Council:

- 1. Receive and note the community engagement results as detailed in the report.*
- 2. Endorse Lions Park as the preferred location.*

Moved: Cr Ramsey

Seconded: Cr Pender

Carried

Report

A community engagement plan was developed to seek input from the community regarding the best site for the proposed splash park in Biloela.

An initial assessment was completed by relevant Council representatives to determine the following star rating for seven potential sites with each considered according to the level of:

- Access to local families (Access by foot, access for prams, all abilities access friendly)
- Support to local business (Flow on foot traffic to the retail precinct)
- Support to visitors (Parking for caravans, visibility, and easy access)
- Ease to construct and maintain (Flood risk, security considerations, cost-effectiveness)
- Opportunity to grow the facility (Space available to expand the facility)

The above ratings along with descriptive reasons for how these ratings were determined were provided to the public as part of the following engagement plan:

Engagement process and details of the results

The community engagement plan included making the physical copies available in Council offices and libraries, regular social media posts, a page in the Focus newsletter and a webpage in the Council website.

Responses were open over a four-week period from 2 February 2023 until 5 March 2023 and voting was made available either online or in paper form at any of Council's Customer Service Centres or Libraries.

Council received 858 responses in total, with the respondents having the ability to choose between 1-3 options. After removing all the duplicates there were 811 valid responses which were summarised in the below table

Table A: Summary of results from the engagement survey

Option	Location 1	Location 2	Location3	Total	%
Lions Park	254	196	77	527	31.2%
QLD Rail Reserve (Callide Street)	81	57	166	304	18.0%
Melton Park	61	113	82	256	15.1%
Civic Centre Precinct (Rainbow Street)	151	61	12	224	13.2%
Biloela Visitor Information Centre (Valentine Plains Road)	101	35	7	143	8.5%
Biloela PCYC (Valentine Plains Road)	118	8	8	134	7.9%
Lake Callide Retreat/Callide Dam	45	41	17	103	6.1%
Total	811	511	369	1691	

Based on the results above, the community provided 31.2% votes to the Lions Park option, 18% to the QLD Rail Reserve (Callide Street) option and 15.1% to the Melton Park option.

Cr Pender asked if the Biloela Splash Park will impact on any functions held at the Lions Park. The Chief Executive Officer advised there is sufficient room in the precinct to accommodate both.

9.2.3 OPTIONS FOR BRIGALOW ARTS FESTIVAL 2023

Date: 8 March 2023
Author: Director Corporate & Community Services - Venkata Peteti
File ID:
Letter ID:
Attachment: Draft Minutes of Banana Shire Arts Gallery Association
Minute No: OM005563

Resolution:

That Council:

- 1. Undertakes the 2023 Brigalow Arts event in its current form and allocates necessary resources in the 2023-24 budget process; and***
- 2. Approves supporting the Banana Shire Arts Galley Association in rejuvenating its Committee.***

Moved: Cr Casey

Seconded: Cr Pender

Carried

Report

Council officers attended a meeting with Banana Shire Arts Galley Association (Arts Committee) on 24 February 2023, in which the Art Gallery Association discussed and resolved the following:

- Issues in undertaking the 2023 Brigalow Arts Festival in its current form. Conduct the Briglow Festival as a Celebration of the Legacy and Legendary of Briglow with a reduced level of support from the Arts Committee.
- The Committee to work with Banana Shire Council staff to implement simplification of processes and strengthen the governance.
- The Committee to work with Banana Shire Council to rejuvenate the Arts Committee with the new members.

Background

The Brigalow Arts Festival is an important festival in the Banana Shire's Arts calendar. This event has been engaging the arts community for over two decades through annual competitions and showcasing artwork. This event has been popular not only with artists but also with the business community who sponsor activities and prizes within the festival and general members of the public.

The Arts Committee runs this event with the support of the Banana Shire Council staff, however, in the recent past, the Arts Committee has struggled with ageing volunteers and volunteer fatigue. Considering the importance of the event Council needs to review its options and provide direction to staff.

Options for Briglow 2023

There are two options to consider:

1. Work with the Arts Committee to make the 2023 year a year of celebration. This means, there will not be any competitions held this year. However, all the previous participants and sponsors will be engaged in the event as part of the celebration of legacy and legendary.
2. Council Staff to undertake the work in 2023 and run the festival.

The pros and cons of the two options are listed below in the options table.

Risk Area	Option 1(Celebration of Legacy and legendary)	Option 2 (officers running the festival for 2023)
Community impression of the event	The community may feel the loss of the event.	None.
BSCAGA Committee	Likely to have good participation.	This option might be confrontational for the existing members.
Sponsors	Less sponsorship money will be needed for 2023. If the sponsors are recognised in the event, sponsors are likely to continue to engage with the event.	Sponsorship coordination will be conducted by the Council.
BSC staff resourcing	No extra staff needed.	Additional 80-100 hours of staff may be needed, costs between \$8,000 to \$10,000
Artists	There could be artists preparing for the 2023 competition, they may feel disappointed however could utilise the residency options The artists that are recognised as part of the legacy would be happy.	No change.
Overall Community (Tourism implications)	If marketed well could attract the same number of people.	No change.

Both options have pros and cons; with option 1 the community may feel loss of an event and it could be hard to get it back on track.

There is currently volunteer fatigue with the Arts Committee and Council need to work with them to rejuvenate the committee by helping them attract new members and new office bearers.

9.2.4 COMMUNITY RESOURCE CENTRE ADVISORY COMMITTEE – MINUTES OF MEETING HELD 23 FEBRUARY 2023

Date: 23 February 2023
Author: Senior Program Advisor – Pam Semple
File ID: 5318
Letter ID: 1782011
Attachment:
Minute No: OM005564

Resolution:

That Council:

- 1. Receives and notes the Unconfirmed Minutes of the Community Resource Centre Advisory Committee Meeting held on 23 February 2023; and***
- 2. Endorses the Community Resource Centre Fees & Charges for 2023/2024.***

Moved: Cr Pender

Seconded: Cr Boyce

Carried

Report

The Unconfirmed Minutes of Council's Advisory Committee meetings are to be presented to Council.

Refer to Document No: 1782048 for the Unconfirmed Minutes of the Banana Shire Community Resource Centre Advisory Committee meeting held on 23 February 2023

10.0 Infrastructure Services

10.1.1 MONTHLY COUNCIL REPORT – INFRASTRUCTURE SERVICES

Date: 15 March 2023
Author: Acting Director Infrastructure Services - Paul Meredith
File ID:
Letter ID:
Attachment:
Minute No: OM005565

Resolution:

That Council receive the March 2023 Infrastructure Services Monthly Council Report as presented.

Moved: Cr Semple

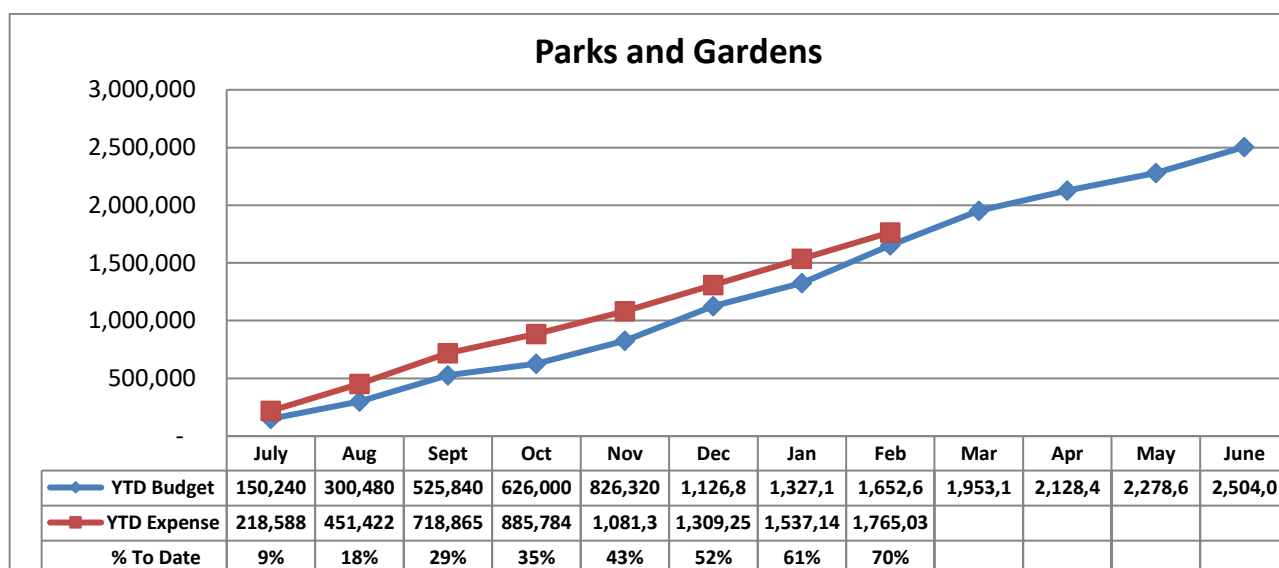
Seconded: Cr Ramsey

Carried

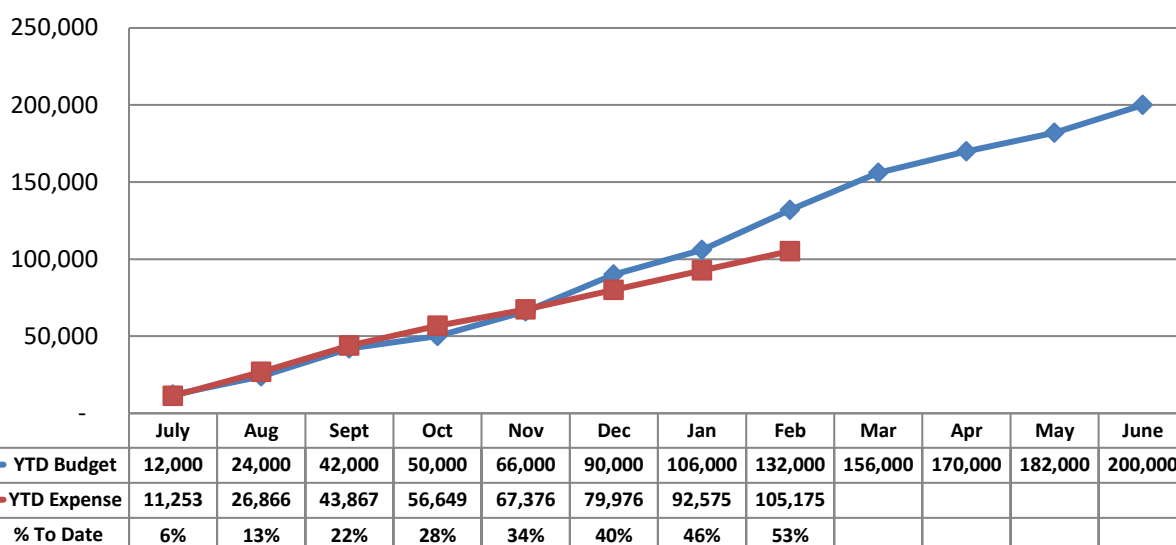
Report

This month's Council report by Infrastructure Services details the following actual expenditure:

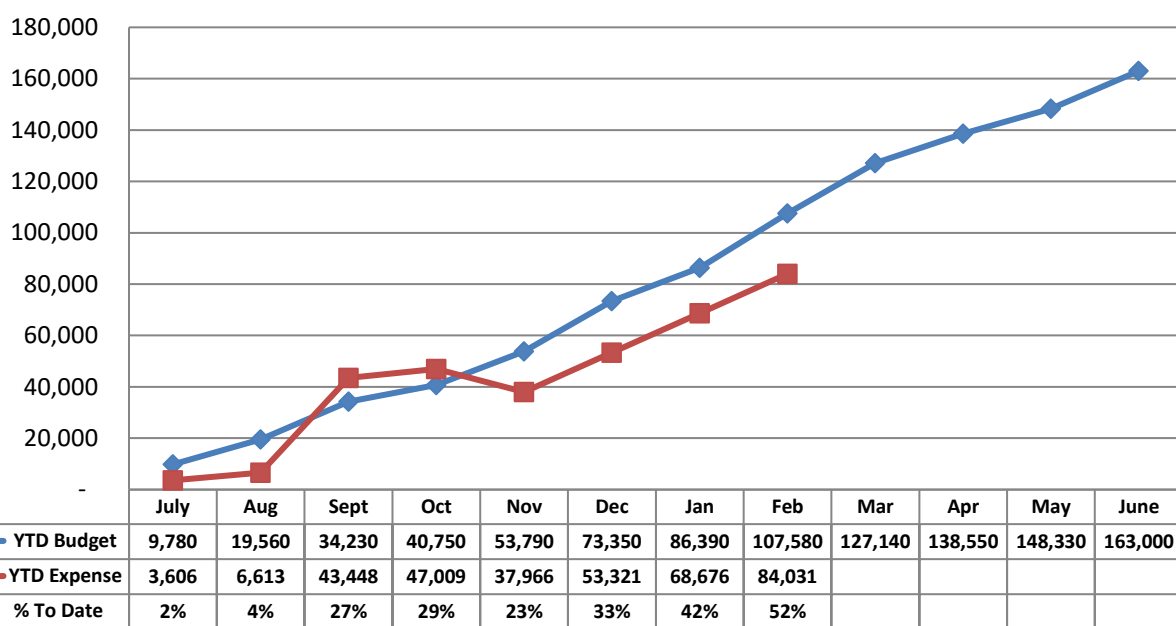
- Parks & Open Spaces
- Public Toilets
- Street Cleaning
- Street Lighting
- Bikeways and Footpaths Maintenance
- Roads Bridges and Drainage Maintenance
- RMPC



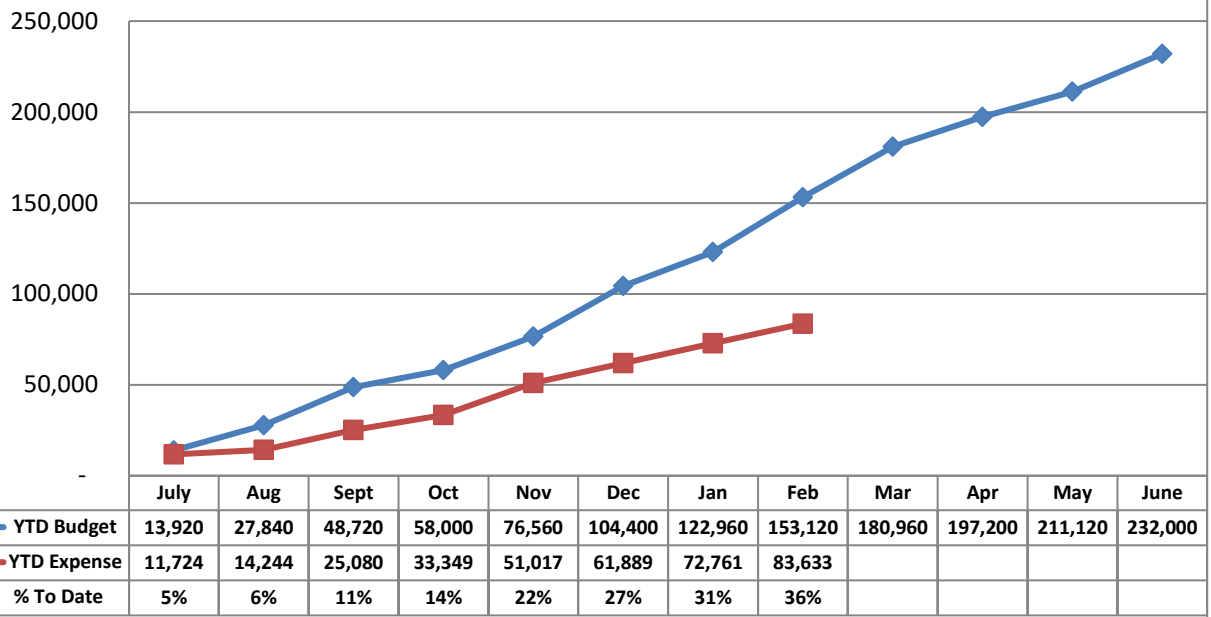
Public Toilets



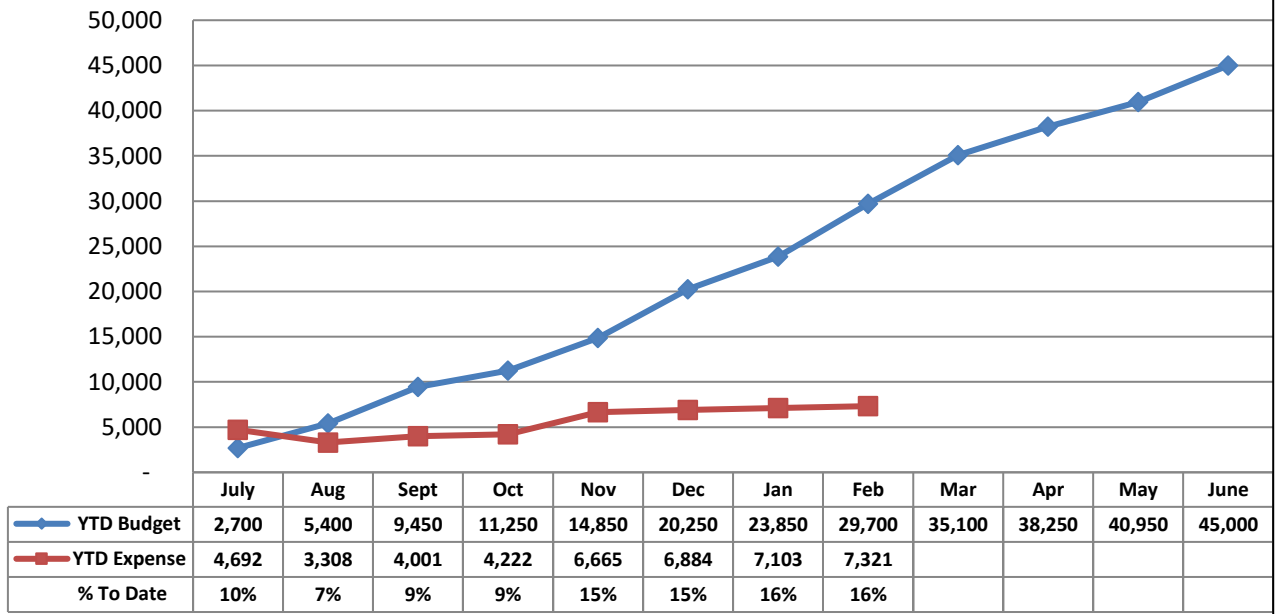
Street Cleaning



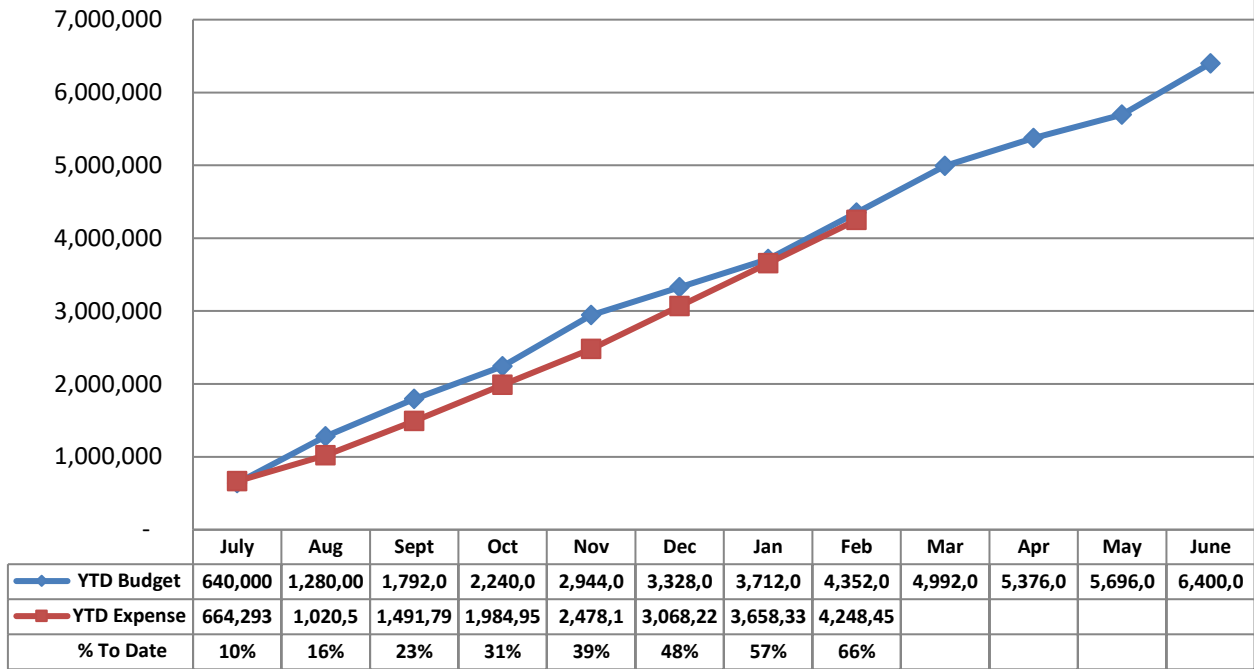
Street Lighting



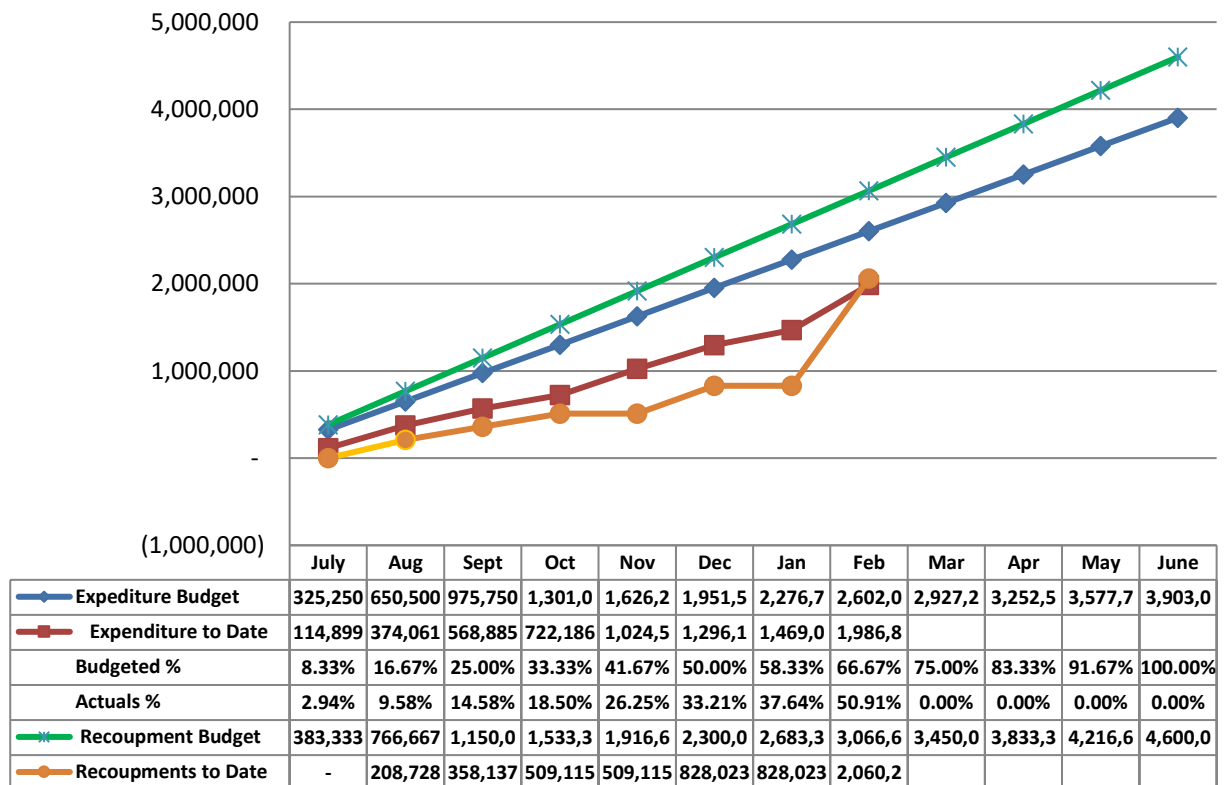
Bikeways and Footpaths



Roads, Bridges and Drainage



RMPC Maintenance Expenditure & RMPC Recoupment



Considerations

1. Corporate Plan

Maintaining Council's infrastructure relates to Council's 'Corporate Objective 5 – Plan and deliver effective and efficient infrastructure services.

2. Policy and Legal Implications

The delivery of this program will be managed in such a way as all appropriate/applicable policies/legislation is complied with.

3. Financial and Resource Implications

The delivery of the various works programs are a significant undertaking by the Works Section which require an extensive commitment by the entire Works group.

All of these various programs will be delivered simultaneously utilising various combinations of Council, Sub-Contractor and Principal Contractor resources.

Critical to the delivery of these inter-connected programs is the diversity and multi-skilled competency of the expanded workforce, with a degree of internal redundancy contained within the Section.

Actual expenditure to date compared to target expenditure for 2021/22 is shown on the included graphs.

4. Risk Assessment

The primary risk factors and control measures that would impede the full delivery of the maintenance program are:

- Wet weather
- Loss of key staff
- Inability to appropriately up-skill, attract and/or retain key staff
- Breakdown of critical plant items
- Availability of key sub-contract plant and services
- Availability of key materials

These risks are constantly being monitored, reviewed, and addressed.

Cr Leo asked if Council has a program for repairs to bikeways as she has submitted numerous Snap Send Solve requests relating to required maintenance. The Chief Executive Officer advised repairs are given priority in terms of their relevant safety risk.

Cr Leo asked if Council would provide Councillors with Snap Send Solve notifications for their area. The Chief Executive Officer advised that system capacity would be reviewed to see if this was possible.

Cr Ramsey advised the corner of Washpool and Rainbow Streets Biloela needs maintaining. The Acting Director Infrastructure Services to investigate and also obtain a spray program from Council's Parks Advisor.

Cr Boyce advised the Taroom Police Sargent would like the large pothole opposite Taroom Motors repaired as a matter of urgency due to safety concerns for road users, in particular large trucks. The Acting Director Infrastructure Services is to obtain photographs emailed from **Cr Boyce** to Council's Manager Infrastructure Works to determine the exact location. **Cr Boyce** also requested the dead tree in the river be removed.

Cr Boyce asked if mowing on the western side of the Dawson River Bridge (Theodore side) can be included in the RMPC program. The Chief Executive Officer advised he will inspect on his next visit to Taroom.

Cr Ramsey asked when will the street sweeper be returning to the Shire. The Chief Executive Officer advised the street sweeper will undertake a circuit of the Shire, commencing 11 April 2023. **Cr Casey** requested Council's Media team post a Facebook Post advising residents of the street sweeper's program.

Morning Tea

Moved by Cr Leo, seconded by Cr Casey and carried: That the meeting adjourn at 10.33am for morning tea.

Moved by Cr Leo, seconded by Cr Pender and carried: That the meeting recommence at 10.56am.

10.1.2 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – INFRASTRUCTURE SERVICES

Date: 15 March 2023
Author: Acting Director Infrastructure Services – Paul Meredith
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM005566

Resolution:

That the Resolutions Action Report for Infrastructure Services as presented be received.

Moved: Cr Ramsey

Seconded: Cr Ramsey

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the organisation.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
4. **Risk Assessment**
N/A

10.1.3 CLOSURE OF ROAD RESERVE BETWEEN DEE RIVER AND DEE RIVER ROAD, WOWAN

Date: 13 March 2023
Author: Acting Director Infrastructure Services – Paul Meredith
File ID:
Letter ID: 1770822
Attachment: Application for the closure of road reserve between Dee River and Dee River Road, Wowan and Map of proposed realignment.
Minute No: OM005567

Resolution:

That Council approve the request for the closure of the unused road reserve between Dee River and Dee River Road, Wowan; subject to the purchase of the three lots currently not owned by the applicant.

Moved: Cr Semple

Seconded: Cr Ramsey

Carried

Report

This report was previously submitted for Council consideration in the Ordinary Meeting held in January 2023. However, the issue was resolved to remain on the table due to a request for additional information. Infrastructure Services has sought confirmation from the applicant and advises the following:

- On 10 January 2023, Infrastructure Services received a letter requesting the closure of a number of unformed and unmaintained roads between Dee River and Dee River Road, Wowan.
- There a number of a small lots located between these unmaintained road reserves, which are currently arrayed in a residential sub-division formation. The applicant has recently purchased majority of these lots. Three of these lots are still unowned by the applicant and are identified on the attached plan.
- The applicant seeks to purchase the three remaining lots and combine all of these into one, with the intent for the new lot to be used as agricultural land. This request requires the closure of the road reserve which is not maintained by Council, and does not include any formed roads.
- Council will maintain lawful rights to the water through the road reserve east of Dixalee Deeford Road.
- All lots not owned or conditioned to be purchased by the applicant will maintain access to a Council owned road reserve as shown on the attached map.

In summary:

Connectivity:	Nil
Land use:	Gazetted and unmaintained road and road reserve

Legal access:	Road reserve provides access from Dee River Road to undeveloped land
Future development of road network:	No plans for upgrade works on the adjacent section of Dee River Road
Natural environment:	The surrounding lots are agricultural in nature, with the Dee River located to the east of the site.
Mining Resources:	None
Active Stock Route:	None
Council Infrastructure	
Water:	None
Sewer:	None
Stormwater:	The following culverts are located on Dee River Road, which is adjacent to the subject site: RD-130_2076-CUL, RD-130_2077-CUL & RD-130_2078-CUL

On reviewing the proposal, it was determined that there would not be a significant impact to Council's Road network or other adjoining landowners and local residents in relation to property access. The proposed road closure will not have significant effect on current Council operations.

Cr Boyce advised there are numerous crossings on Glenhaughton Road that require inspection. **Cr Boyce** is to provide the Acting Director Infrastructure Services with contact details of property owners for him to contact and discuss.

The Acting Director Infrastructure Services advised he will be meeting with the Moura Kindergarten to discuss options to address their safety concerns with children crossing Scenic Street. **Cr Leo** suggested that a crossing, similar to the crossing outside the Moura Pool, maybe an option for consideration. The Acting Director Infrastructure Services also advised he will discuss the installation of a curb ramp for pram and wheelchair access with the Moura Kindergarten.

Cr Ramsey asked if the Acting Director Infrastructure Services had contacted the Biloela Anzac Committee regarding the problem of water laying in the gutter at the entrance of the club. The Acting Director Infrastructure Services advised yes however he intends to undertake another investigation to assess how the problem can be rectified.

Cr Casey asked for an update on his request for the erection of school warnings signs on the Burnett Highway, Thangool. Following discussion **Cr Casey** advised he will reforward his request via email to the Acting Director Infrastructure Services for it to be raised at the upcoming Banana Road Safety Management Group meeting.

Cr Leo asked if it was possible to obtain copies of the minutes from the Banana Road Safety Management Group Meetings. The Chief Executive Officer advised the minutes will be presented at future Council Workshops for Councillors information.

Discussion was held regarding the results of a traffic counter placed on Dunn Street, Biloela. The Acting Director Infrastructure Services was directed to undertake another count to verify the findings.

11.0 Council Services

11.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – COUNCIL SERVICES

Date: 13 March 2023
Author: Director Council Services – Chris Welch
File ID:
Letter ID:
Attachment: Resolutions Action Report
Minute No: OM005568

Resolution:

That the Resolutions Action Report for Council Services as presented be noted and received.

Moved: Cr Pender

Seconded: Cr Boyce

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the Department.

Considerations

1. **Corporate Plan**
N/A
 2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
 3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
 4. **Risk Assessment**
N/A
-

Following **Cr Boyce's** query relating to the disposal of 4a Martin Street Taroom, the Chief Executive Officer advised he will investigate options to list the property with a Real Estate Agent.

11.1.2 BILOELA CIVIC CENTRE AIR CONDITIONING

Date: 8 March 2023
Author: Director Council Services – Chris Welch
File ID:
Letter ID: 1724500
Attachment: Pitch Black Group Design Options & Budget Analysis Report
Minute No: OM005569

Resolution:

That Council resolve to defer any decision to proceed until funding opportunities become available.

Moved: Cr Leo

Seconded: Cr Ramsey

Carried

Report

Council commissioned a report from Pitch Black Group (PBG) to identify options for air-conditioning of the Biloela Civic Centre and provide preliminary design drawings suitable for going to tender (see Attachment 1). The report provided by PBG identified four options that vary from building on to existing infrastructure through to a completely new installation.

The report identifies that all options would benefit from the installation of insulation in the ceiling of the Civic Centre. This would provide greater operational efficiency of the installed air conditioning system that leads to operational savings in the form of reduced electricity usage. The report does not provide detailed cost of insulation as no quotes were obtained from roofing specialists during the preparation of the report. The report relies on an estimate of \$200/m² across the 1,370m² of roof area for a total cost of \$274,000. According to the report, this cost would be recovered within two years of improved operating efficiency, based on operating eight hours per day across the full year. This operating scenario is very optimistic for the Civic Centre, where there might be up to three functions a month, averaging six hours duration. However, the insulation should be considered as a benefit in its own right.

All four options require:

- Outside air to be ducted to the internal systems;
- Installation of condensate drainage system from each unit;
- Upgrades to electrical site distribution system, including transformers, switchboards and controls; and
- That no maintenance equipment be installed on the flat roof over the stage

Option 1 involves the retention of the existing evaporative cooling system as an air conditioning alternative in cooler months with modifications to accommodate the new installation; installation of 40 air conditioning units of different types internally and 10 external condensing units at an estimated cost of \$1,187,000.

Option 2, 3 and 4 involve the decommissioning of the existing evaporative coolers and repairs to close all roof penetrations. Option 2 involves installing 20 internal air conditioning units and 10 external condensing units at an estimated cost of \$1,266,500.

Option 3 involves the installation of 20 internal air conditioning units, 7 external condensing units and a single energy recovery ventilator unit to precondition incoming air at an estimated cost of \$1,399,000.

Option 4 involves installation of 20 internal fan coil units, a preconditioning air handling unit to precondition incoming air and an air-cooled chiller at an estimated cost of \$1,449,000. All costs include the \$274,000 to insulate the ceiling.

Option 1 is considered to have poorer air distribution than the others, is noisier and is less accessible for servicing. Option 4 is less complex for maintaining. Option 3 has marginal building pressurisation compared to the other three. Options 3 and 4 have the best energy consumption rating. Option 1 has the shortest life expectancy (5-10 years), Options 2 and 3 are about 15 years, while Option 4 is expected to last 25 years.

The advantages and disadvantages of each option, as identified in the report, are listed below:

	Advantage	Disadvantage
Option 1	<ul style="list-style-type: none"> • Similar to existing systems in foyer and function room • System familiar to Council and management of centre 	<ul style="list-style-type: none"> • Limited ability to connect units to outside air • Struggle with high humidity and outside temperatures • Number of units impact on aesthetics, air distribution and access for maintenance • Limited ability to provide required number of units to the stage area, workroom and Green Room • Cost/benefits analysis is not advantageous • Extra costs in removing and reinstalling evaporative system to allow for insulation
Option 2	<ul style="list-style-type: none"> • Flexible air distribution and good temperature control allows partial operation of system as demanded by limited hire of facility • Units can be placed in same location as existing replaced units in auditorium • Easy access for maintenance 	<ul style="list-style-type: none"> • No pre-conditioning of outside air will cause difficulty with managing high humidity and outside air temperatures • Increased cooling requirements means more pipework, circuits and high energy consumption
Option 3	<ul style="list-style-type: none"> • Flexible air distribution and good temperature control allows partial operation of system as demanded by limited hire of facility • Units can be placed in same location as existing replaced units in auditorium • Easy access for maintenance • Pre-conditioning of air improves ability to cope with high humidity and air temperature • Less pipework, circuits and lower energy consumption 	<ul style="list-style-type: none"> • Some limitation on ability to cool more than one area to different levels

	Advantage	Disadvantage
Option 4	<ul style="list-style-type: none"> • Flexible air distribution and good temperature control allows partial operation of system as demanded by limited hire of facility • Units can be placed in same location as existing replaced units in auditorium • Easy access for maintenance • Pre-conditioning of air improves ability to cope with high humidity and air temperature • Less pipework, circuits and lower energy consumption • Higher quality, better performance and efficiency 	<ul style="list-style-type: none"> • Some limitation on ability to cool more than one area to different levels

The recommendation of the report is to proceed with Option 4, which happens to be the most expensive. Option 3 also looks a feasible alternative that delivers similar advantages at a lesser cost but is not expected to last as long before needing attention.

It is recommended that Council resolve to hold this project in abeyance pending grant opportunities, with a decision to be made on which option to proceed with based on the information in the report and conditions associated with any grant.

12.0 Executive Services

12.1.1 ACTION REPORT ON PREVIOUS COUNCIL RESOLUTIONS – EXECUTIVE SERVICES

Date: 13 March 2023
Author: Chief Executive Officer - Tom Upton
File No:
Letter No:
Attachment: Resolutions Action Report
Minute No: OM005570

Resolution:

That the Resolutions Action Report for Executive Services as presented be received.

Moved: Cr Casey

Seconded: Cr Ramsey

Carried

Report

This report is to advise Council of the outstanding matters currently being dealt with by the organisation.

Considerations

1. **Corporate Plan**
N/A
2. **Policy and Legal Implications**
Policy and legal implications will be addressed through each matter.
3. **Financial and Resource Implications**
Budget impacts will be addressed in resolving each matter.
4. **Risk Assessment**
N/A

12.1.2 REGISTER OF CONTACT WITH A LOBBYIST – AS AT 31 DECEMBER 2022

Date: 20 February 2023
Author: Chief Executive Officer – Thomas Upton
File No:
Letter No:
Attachment: Register of Contact with Lobbyists
Minute No: OM005571

Resolution:

That Council receive the Register of Contact with a Lobbyist report as at 31 December 2022.

Moved: Cr Casey

Seconded: Cr Pender

Carried

Report

Under the *Integrity Act 2009* Council must keep a register of contact with a lobbyist for Councillors & applicable Staff.

From time to time, the Integrity Commission requests a copy of this register for a particular month.

Also Council is required to advise of any contact by Councillors or applicable staff with an unregistered lobbyist as soon as practicable.

This report has also been presented to Council Executive Management Team for their information and/or comment.

12.1.3 REVIEW OF PRIVACY POLICY

Date: 20 February 2023
Author: Chief Executive Officer – Thomas Upton
File ID:
Letter ID:
Attachment: Privacy Policy and Privacy Procedure
Minute No: OM005572

Resolution:

That Council adopts the Privacy Policy as attached.

Moved: Cr Leo

Seconded: Cr Semple

Carried

Report

A review of the Privacy Policy has been undertaken and applicable changes have been addressed in the proposed policy and procedure attached.

The new policy is recommended for adoption.

12.1.4 REVIEW OF CONFIDENTIAL INFORMATION POLICY

Date: 20 February 2023
Author: Chief Executive Officer – Thomas Upton
File ID:
Letter ID:
Attachment: Confidential Information Policy
Confidential Information Procedure
Minute No: OM005573

Resolution:

That Council adopts the Confidential Information Policy as attached.

Moved: Cr Leo

Seconded: Cr Pender

Carried

Report

A review of the Confidential Information Policy has been undertaken and applicable changes have been addressed in the proposed policy and procedure attached.

The new policy is recommended for adoption.

12.1.5 REVIEW OF DAMAGES CLAIMS ON COUNCIL POLICY

Date: 20 February 2023
Author: Chief Executive Officer – Thomas Upton
File ID:
Letter ID:
Attachment: Damages Claims on Council Policy and Damages Claims on Council Procedure
Minute No: OM005574

Recsolution:

That Council adopts the Damages Claims on Council Policy as attached.

Moved: Cr Ramsey

Seconded: Cr Pender

Carried

Report

A review of the Damages Claims on Council Policy has been undertaken and applicable changes have been addressed in the proposed policy and procedure attached.

The new policy is recommended for adoption.

12.1.6 2023/2024 OPERATIONAL PLAN

Date: 27 February 2023
Author: Chief Executive Officer – Thomas Upton
File No:
Letter No:
Attachment: Proposed 2023/2024 Operational Plan
Minute No: OM005575

Resolution:

That Council adopt the 2023/2024 Operational Plan which is attached to and forms part of these minutes.

Moved: Cr Boyce

Seconded: Cr Semple

Carried

Report

The *Local Government Act 2009* Chapter 4 Finances & Accountability Section 104(5)(a)(v) requires Councils to adopt an annual Operational Plan.

The Operational Plan outlines the actions that Council will take over the next 12 months to implement the strategies and objectives of the Corporate Plan.

The Operational Plan should underpin the resourcing decisions that Council makes in its budget.

The attached 2023/2024 Operational Plan is recommended for adoption.

12.1.7 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND INC. - 2023 BUSH COUNCILS CONVENTION

Date: 24 February 2023
Author: Chief Executive Officer – Thomas Upton
File ID:
Letter ID:
Attachment: Bush Councils Convention 2023 Date Claimer
Minute No: OM005576

Resolution:

- 1. That Council endorse the registration of Mayor Ferrier and Councillors Casey and Ramsey to attend the Local Government Association of Queensland's 2023 Bush Councils Convention being held in Goondiwindi from 25 to 27 July 2023; and***
- 2. That Council resolve to change the date of the July 2023 Workshop from 9.00am Tuesday 18 July 2023 to 9.00am Tuesday 11 July; and***
- 3. That Council resolve to change the date of the July 2023 Ordinary Meeting from 9.00am Wednesday 26 July 2023 to 9.00am Wednesday 19 July 2023.***

Moved: Cr Semple

Seconded: Cr Boyce

Carried

Report

LGAQ have advised that the Bush Councils Convention is being held from 25 to 27 July 2023 in Goondiwindi. The convention is an opportunity for councils in rural Queensland to come together and share their learnings and experiences in helping to main the vibrancy and vitality of many communities across Queensland.

A call for expression of interest to attend was emailed to Councillors on 27 February 2023. Mayor Ferrier and Councillor Casey responded with an interest to attend. Councillor Ramsey expressed his interest to attend at the March Workshop held on 14 February 2023.

The date of the convention coincides with Council's July Ordinary Meeting, therefore the dates of the July Workshop and July Ordinary Meeting are required to be bought forward by a week to allow Mayor Ferrier and Councillors Casey and Ramsey to attend.

12.1.8 ADMINISTRATIVE ACTION COMPLAINTS MANAGEMENT REPORT – 1 OCTOBER TO 31 DECEMBER 2022

Date: 27 February 2023
Author: Chief Executive Officer – Thomas Upton
File No:
Letter No:
Attachment:
Minute No: OM005577

Resolution:

That Council receive the Administrative Action Complaints Management Report for 1 October 2022 to 31 December 2022.

Moved: Cr Casey

Seconded: Cr Pender

Carried

Report

Period from 1 October 2022 to 31 December 2022

Complaints Statistics

Period	1 October 2022 to 31 December 2022
Received	0
Dealt with	0
Not completed	1
Refused to investigate	Nil
Not resolved to satisfaction of complainant	Nil

Complaints

Nil

Considerations

- 1. Corporate Plan - 1.1.1**
 - 2. Policy and Legal Implications**

Complaints Management framework for the processing of Administrative Action Complaints is required under Section 268 of the *Local Government Act 2009* and Section 306 of the *Local Government Regulation 2012*.

Complaint Management Policy was adopted by Council on 29 March 2006. Revised policy adopted on 24 February 2010, 23 November 2016 & 28 October 2020. Under this policy, CEO is to discuss the quarterly report with the EMT and thereafter submit such report to the Council together with comments from the EMT (if any).
 - 3. Financial and Resource Implications**

No significant financial and resource implications
 - 4. Risk Assessment - No apparent additional risk**
-

12.1.9 STAFF COST OF LIVING ADJUSTMENT

Date: 9 March 2023
Author: Chief Executive Officer – Thomas Upton
File ID:
Letter ID:
Attachment:
Minute No: OM005578

Recommendation:

That Council approve all employees receiving a cost-of-living adjustment to their remuneration of 3% effective from 1 February 2023.

Resolution:

That Council approve all employees receiving a cost-of-living adjustment to their remuneration of 3% effective from the next pay.

Moved: Cr Casey

Seconded: Cr Ramsey

Carried

Report

Council's Certified Agreement provided for a flat pay increase each year of \$72.00 per fortnight adjusted for inflation. Council's Certified Agreement provides that employees will make no further claims for pay increases for the light of the agreement.

Council has no obligation to consider any further increases in remuneration to staff over the life of the current Certified Agreement. Notwithstanding the above, there has been a sharp increase in the cost of living over the last nine months with inflation currently running at just over 7%.

The reality of the flat rate is that it has resulted in many staff, particularly our most valuable staff in terms of corporate knowledge and skills, falling well behind the cost of living as is demonstrated by the following table:

Level	Effective % increase
2.1	3.08%
3.1	2.83%
4.1	2.61%
5.1	2.41%
6.1	2.25%
7.1	2.05%

In general terms, Banana Shire's remuneration is appropriate for the size of the Council and our financial capacity, however in this tight labour market we have fallen behind most of our key competitors for staff as is demonstrated in the following table:

Class	Stream	Banana	Rockhampton	Gladstone	Central Highlands	Maranoa	North Burnett
Level 4	B	58,230.00	61,088.00	63,590.00	62,777.50	58,127.00	54,127.50
Level 5	B	59,048.00	62,226.00	64,719.50	63,752.00	59,036.00	59,463.00
Level 6	B	60,844.00	64,220.00	66,383.00	65,465.00	60,575.00	67,926.00
C10	C-E	59,048.00	68,582.00	72,424.50	77,498.00	59,036.00	-
C07	C-E	64,640.00	74,982.00	73,980.50	88,556.00	63,587.00	-
Level 2.1	A	64,469.00	70,280.00	70,424.50	67,473.50	60,027.00	61,046.00
Level 3.1	A	70,018.00	76,778.00	73,980.50	73,528.00	64,766.00	65,037.00
Level 4.1	A	75,670.00	83,281.00	96,411.50	79,976.00	68,992.00	68,998.00
Class	Stream	Banana	Rockhampton	Gladstone	Central Highlands	Maranoa	North Burnett
Level 5.1	A	81,519.00	90,471.00	104,203.00	86,435.00	73,894.00	73,213.00
Level 6.1	A	87,190.00	97,510.00	106,798.00	92,332.00	78,372.00	77,062.00

The anticipated impacts on Council's budget of this increase is an increase in expenditure of \$1,000,000 and that this will carry forward into future budgets.

Council should also be aware that this is a welfare measure for staff and the quantum of the increase is unlikely to retain staff seeking higher wages, however it will demonstrate Council's ongoing commitment to staff committed to staying with the organisation.

The Acting Director Infrastructure Services advised he will arrange a thorough clean of the rubbish bin outside the Biloela Discount Chemist following a request from **Cr Ramsey**.

General Business – Executive Services

Cr Casey asked why Council is only raising the 2023/24 Fees and Charges by 3%. The Chief Executive Officer explained this direction was provided prior to the sharp increase in CPI and may need to be reviewed prior to budget.

Cr Casey asked if Council has investigated what the financial loss would be if it removed the 10% discount from major industry rates. The Chief Executive Officer provided an explanation and advised he will investigate if there are any legislative requirements applicable. He further advised he will provide a report to the April Workshop for information.

13.0 Close of Meeting

The meeting closed at 12.05pm

To be confirmed 26 April 2023 Ordinary Meeting.

MAYOR

CHIEF EXECUTIVE OFFICER

DEBT POLICY 2023/2024

SCOPE

This Policy applies in relation to all-cash borrowings by Council from external entities. The Policy has been developed, taking into account the provisions of section 192 of the *Local Government Regulation 2012*.

LEGISLATION

Local Government Regulation 2012 Section 192

OBJECTIVE

To adopt a policy on borrowings that provides for responsible financial management on the loan funding of infrastructure by ensuring the level of Council indebtedness is within acceptable limits to Council, its ratepayers and interested external parties.

DEFINITIONS

Recurrent Expenditure	Expenditure of a similar nature that is repeated over a number of financial periods, e.g. operational and maintenance expenditure.
Loan Servicing Cost	Regular payment used to repay the outstanding debt within the expected loan term (This includes the interest and principal payments).
Book Debt	The value of debt for accounting purposes.
Market Value	The amount required to repay debt outstanding or the amount payable by QTC to pay the Offset Facility or Investment Fund.
Debt Pool	The mechanism used by QTC, whereby customers with similar expected loan terms are grouped. The objective is to further reduce customer's interest costs or the expected term to repay the loan.
QTC	Queensland Treasury Corporation

POLICY

As a general principle, Council recognises that loan borrowings for infrastructure are an important resource possessed by Local Government and that the full cost of infrastructure should not be borne entirely by present-day ratepayers but be contributed to by future ratepayers who will also benefit. Whilst recognising the importance of loan borrowings, Council should not place undue reliance upon loans as a source of income.

Council will restrict all borrowings to expenditure on identified capital projects that are considered by the Council to be of the highest priority, and which cannot be funded from revenue, as identified by the adopted budget. In no circumstances Council should borrow funds for recurrent expenditure.

The basis for the determination of the utilisation of loan funds will be as follows:

- Analysis of existing debt levels (excluding those relating to water, sewerage, and waste) with a loan servicing cost target not exceeding 20% of general own-source revenue in any one year.
- Where a capital project for a service that is funded by utility or user charges, e.g. water, sewer, waste, is determined to be funded by way of loans, the user charge should reflect the cost of providing the service including the loan servicing costs.
- Other specific capital projects, not funded by user charges, should only be considered for loan funding where the project is considered by the Council to be beneficial to the majority of ratepayers.
- The term of any loan should not exceed the expected life of the asset being funded.

Ten-Year Loan Program Forecast

Council utilises loan borrowings to fund major infrastructure works so that repayments are spread over the years in which the assets will be utilised by ratepayers. The Debt Policy is integrated with the long-term financial forecast and deals with the following areas:

- 1) Ten Year Loan Program Forecast
- 2) Repayment Schedule

Council has reviewed its ten-year program and does not propose to utilise debt to fund major infrastructure works over that period. However, this decision will be revised annually in conjunction with the review of the long-term financial forecast and long-term asset management plan.

The Council currently has no debt, and the following table provides the scheduled debt and repayment profile for the next ten years.

Details	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33
Opening balance of debt	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interest	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Repayments	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Closing balance	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

*Estimate including market value

CERTIFICATION

.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

.....
DATE

INVESTMENT POLICY 2023/2024

SCOPE

This Policy applies to the investment of surplus funds in accordance with Section 191 of the *Local Government Regulation 2012* and investment powers under Part 6 of the *Statutory Bodies Financial Arrangement Act 1982 (SBFAA)*.

LEGISLATION

Local Government Regulation 2012 Section 191
Statutory Bodies Financial Arrangement Act 1982 Part 6
Statutory Bodies Financial Arrangement Regulation 2019

OBJECTIVE

To adopt a policy on investments based on an assessment of counterparty, the market, and liquidity risk within the framework of the Statutory Bodies Financial Arrangements Act (SBFAA) and regulations.

DEFINITIONS

Investment	For the purposes of this Policy, investment is taken to mean an interest-bearing financial instrument that is surplus to the Council's short-term operating requirements.
Investment Officer	For the purposes of this Policy, the holders of the following positions are designated as Investment Officers: <ul style="list-style-type: none">• Chief Executive Officer• Director Corporate & Community Services• Manager Finance

POLICY

Banana Shire Council's overall objective is to invest funds at the most advantageous rate of interest available to it at the time, for that investment type, and in a way that it considers the most appropriate given the circumstances.

Council's principal objective in investing funds is the preservation of capital. Funds are to be invested in a manner that seeks to ensure the security of the principal of the overall portfolio.

Investment Officers are to manage the investment portfolios not for speculation, but for investment and in accordance with the spirit of this Investment Policy. Investment officers are to avoid any transaction that might harm confidence in Banana Shire Council.

In priority, the order of investment activities shall be the preservation of capital, liquidity, and return.

1 Investment Activities

1.1 Preservation of Capital

Preservation of capital shall be the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure the security of the principal of the overall portfolio. This would include managing credit and interest rate risk within given risk management parameters and avoiding any transactions that would prejudice confidence in Council or its associated entities.

a) Credit Risk

Banana Shire Council will evaluate and assess credit risk prior to investment. Credit risk is the risk of loss due to the failure of an investment issue or guarantor. The investment officer will minimise credit risk in the investment portfolio by pre-qualifying all transactions, including the brokers/securities dealers with which they do business, diversifying the portfolio, and limiting transactions to secure investments.

b) Interest Rate Risk

The investment officers shall seek to minimise the risk of a change in the market value of the portfolio because of a change in interest rates. This would be achieved by considering the cash flow requirements of the Council and structuring the portfolio accordingly. This will avoid having to sell securities prior to maturity in the open market. Secondly, interest rate risk can be limited by investing in shorter-term securities.

1.2 Maintenance of Liquidity

The investment portfolio will maintain sufficient liquidity to meet all reasonably anticipated operating cash flow requirements of Council, as and when they fall due, without incurring significant transaction costs due to being required to sell an investment.

1.3 Return on Investments

The portfolio is expected to achieve a market average rate of return and take into account the Banana Shire Council's risk tolerance and current interest rates, budget considerations, and the economic cycle. Any additional return target set by Council will also consider the risk limitations, prudent investment principles, and cash flow characteristics identified within this Investment Policy.

2 Ethics & Conflicts of Interest

Investment officers/employees shall refrain from personal activities that would conflict with the proper execution and management of Banana Shire Council's investment portfolio. This includes activities that would impair the investment officers' ability to make impartial decisions.

This Policy requires that employees and investment officers disclose to the Chief Executive Officer any conflict of interest or any investment positions that could be related to the investment portfolio.

3 Requirements

In accordance with Schedule 3 of the *Statutory Bodies Financial Arrangements Regulation 2019*, Banana Shire Council has been allocated a Category 1 investment power.

3.1 Portfolio Investment Parameters

Section 44(1) of SBFAA details the investment powers allocated to Category 1 authorities:

- Deposits with a financial institution.
- Investment arrangements accepted, guaranteed, or issued by or for the Commonwealth or a State or a financial institution.
- Other investment arrangements secured by investment arrangements accepted, guaranteed, or issued by or for the Commonwealth or a State or a financial institution.
- Investment arrangements, managed or operated by QIC or QTC, prescribed under a regulation for this paragraph.
- An investment arrangement with a rating prescribed under a regulation for this paragraph.
- Other investment arrangements prescribed under a regulation for this paragraph.

3.2 Section 44(2) states that the investment must be:

- at call; or
- for a fixed time of not more than one year.

3.3 Prohibited Investments

This investment policy prohibits any investment carried out for speculative purposes. The following investments are prohibited by this investment policy.

- Derivative-based instruments (excluding floating rate notices).
- Principal-only investments or securities that provide potentially nil or negative cash flow.
- Stand-alone securities that have the underlying futures, options, forward contracts, and sways of any kind, and
- Securities issued in non-Australian dollars.

4 Placement of Investment Funds

Overall, the amount invested with institutions should not exceed the following percentage ranges of overall annual funds invested and appropriate documentation must be maintained. Also, when placing investments, consideration should be given to the relationship between credit rating and interest rate.

Long-Term Rating (Standard & Poors)	Short Term Rating (Standard & Poors)	Individual Counterparty Limit	Total Portfolio Limit
AAA to AA-	A1+	Maximum 30%	No limit
A+ to A	A1	Maximum \$1,000,000	Maximum 30%

Council approves dealings with all financial institutions ('Financial Institution' is defined as an authorised deposit-taking institution within the meaning of the *Banking Act 1959 (Cwlth)*, Section 5).

CERTIFICATION

.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

.....
DATE

PROCUREMENT POLICY 2023/2024

SCOPE

The policy relates to the procurement activities of the Council. It must be applied to all procurement of goods and services and the carrying out of works.

LEGISLATION

Local Government Act 2009
Local Government Regulation 2012

OBJECTIVE

The policy provides the requirements for undertaking procurement of items with a value of:

- under \$15,000
- \$15,000 to under \$200,000; and
- \$200,000 and over

The policy also provides the Council's assessment to be applied in relation to sound contracting principles.

DEFINITIONS

CEO	Chief Executive Officer
Council	Banana Shire Council

POLICY

Delegation

Only employees or contractors holding positions that have delegated authority in the schedule of procurement delegations may undertake procurement activities for Council.

Sound Contracting Principles to be applied in Procurement Activities

The following principles must be applied when undertaking Procurement Activities:

Value for money:

Harness Council's procurement power to achieve the best value for money. The concept of value for money is not restricted to price alone. The value-for-money assessment must include consideration of:

- Contribution to the achievement of the Council's priorities.
- Fitness for purpose, quality, services, and support.
- The whole of-life costs including costs of acquiring, operating, maintaining, and disposal.
- Availability of supply.
- Internal administration costs.
- Technical compliance and obsolescence issues.
- Risk exposure; and
- The value of any associated environmental benefits.

Open and Effective Competition

Procurement must be open and transparent and result in effective competition in the provision of goods and services. Council must give fair and equitable consideration to all prospective suppliers.

The Development of Competitive Local Business and Industry

Council encourages the development of competitive local businesses within the Council area.

In the pursuit of the principle and objective of enhancing the capabilities of local business and industry Council will:

- Where practical give local suppliers the opportunity to participate in the procurement activities.
- Provide a procurement evaluation criterion for local business and industry of no less than 5% of the overall procurement criteria and allocate that local business and industry criterion where the supplier:
 - is beneficially owned by persons who are residents or ratepayers of the Council area; or
 - has its principal place of business in the Council area; or
 - otherwise has a place of business within the Council area which solely or primarily employs persons who are residents or ratepayers of the Council area.

When applying the local business and industry criteria, the assessment should ensure that all other principles are met by the supplier and that there is no substantial difference in quality, delivery, or conditions of the supply.

Council's Procurement Procedure should provide guidance for the CEO on a percentage (%) of price increase that the CEO could consider in deciding to prefer a local provider.

Environmental Protection

The Council promotes environmental protection through its procurement procedures.

In undertaking procurement activities Council will:

- Promote the procurement of environmentally friendly goods and services that satisfy sound contracting principles.
- Foster the development of products and the process of low environmental and climate impact.
- Provide an example to business, industry, and the community by promoting the use of climatically and environmentally friendly goods and services; and
- Encourage environmentally responsible activities.

Ethical Behaviour and Fair Dealing

Employees and contractors undertaking procurement must be impartial and fair, act with integrity and professionalism and promote independence and openness in the procurement activities.

The processes applied by employees and contractors must ensure all procurement decisions are made at arm's length in respect of related parties.

Purchase Orders Must Not Be Split

Multiple orders must not be created to circumvent the delegation limits. Where multiple orders are required due to the nature of the supply, the total of all orders must not exceed the delegate's limit.

Multiple orders must not be created to circumvent the procurement process. Where multiple orders are required due to the nature of the supply, the procurement process used must reflect the total of all orders for that supply.

Procurement Requirement for Supplies under the value of \$15,000 (excluding GST)

Procurements up to the value of \$5,000 (excluding GST) can be made without the requirement of seeking written or verbal quotes however sound contracting principles must be applied before making a procurement decision.

Where an employee or contractor undertaking the procurement activity considers that seeking quotes would be advantageous to meeting the sound contracting principles, written or verbal quotes should be obtained.

Procurements may be made directly from an Approved Contractor List, Register of Pre-Qualified Suppliers, or Preferred Supplier Arrangement that has been created by the Council. Procurements may also be made using an LGA Arrangement established by Local Buy or by contracting directly with a local government or government agency or under a contract of a local government or a government agency.

Procurements of \$5,000 but less than \$15,000 (excluding GST) can be made by seeking two verbal or written quotes. The verbal quotes must be documented with the date for audit purposes.

Procurements may be made directly from an Approved Contractor List, Register of Pre-Qualified Suppliers, or Preferred Supplier Arrangement that has been created by the Council. Procurements may also be made using an LGA Arrangement established by Local Buy or by contracting directly with a local government or government agency or under a contract of a local government or a government agency.

Procurement Requirement for Supplies with a value of \$15,000 (excluding GST) and less than \$200,000 (excluding GST)

The procurement must be undertaken using the Default Contracting Procedure in the Local Government Regulation as set out in the Council's Procurement Procedure.

Procurement Requirement for Supplies with a value of \$200,000 and over (excluding GST)

The procurement must be undertaken using the Default Contracting Procedure in the Local Government Regulation as set out in the Council's Procurement Procedure.

Payment of Suppliers

Procurements of up to \$100 (including GST) may be paid by credit card (refer to the Credit Card Policy).

Procurements over \$100 and up to \$5,000 (including GST) must be paid by credit card or purchase order. (See the Credit Card Policy for accumulative limits for credit card use.)

Procurements of \$5,000 and over (including GST) must be made via purchase order except where the procurement procedure excludes the requirement (e.g., electricity accounts and vehicle registrations).

A purchase order must be raised before the procurement is undertaken unless there is a genuine emergency or otherwise approved by the CEO.

Management of Suppliers

The performance of suppliers must be monitored by employees and contractors undertaking procurement activities to ensure that Council is obtaining the maximum benefit under sound contracting principles.

Human Rights Principles

Council's procurement policy, to the extent practicable, will be applied such that it will protect, promote, and preserve the Human Rights Principles contained in the Human Rights Act 2019.

PROCEDURE

As approved and issued by the Chief Executive Officer and subject to further revision, amendment, and issue under the authority of the Chief Executive Officer.

CERTIFICATION

.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

.....
DATE

REVENUE POLICY 2023/2024

SCOPE

In developing this policy Council has considered the provisions of Section 193 of the *Local Government Regulation 2012*.

LEGISLATION

Local Government Act 2009 Section 94
Local Government Regulation 2012 Sections 169 and 193

OBJECTIVE

The purpose of this revenue policy is to set out the principles used by Council in the 2023/2024 financial year for:

- Levying rates and charges
- Granting concessions for rates and charges
- Recovering overdue rates and charges
- Cost-recovery methods

POLICY

1. Principles used for the levying of rates and charges

Pursuant to section 94 of the *Local Government Act 2009*, Council must levy general rates and may levy special rates and charges, utility charges and separate rates and charges. In general, Council will be guided by the principle of user pays in the levying of rates and charges (other than general rates) to minimise the impact of rating on the efficiency of the local economy.

Council will also be guided by the principles of:

- Transparency in the making of rates and charges; having in place a rating regime that is simple and inexpensive to administer.
- Equity by having regard to the different classes of ratepayers within the local community.
- Equity through flexible payment arrangements for ratepayers having trouble paying their rates by the due date.
- Flexibility to take account of changes in the local economy.
- Flexibility to consider the impact that different industries have on the shire's infrastructure.
- Ensuring ratepayers are given adequate notice of their liability to pay rates and charges; and

- Making clear the obligations and responsibilities of both Council and ratepayers with respect to rates and charges.

2. Principles used for granting concessions for rates and charges

In considering the application of concessions, Council will be guided by the principles of:

- Equity by having regard to the different classes of ratepayers within the local community.
- The same treatment for ratepayers with similar circumstances.
- Transparency by making clear the availability of concessions and eligibility requirements.
- Flexibility to allow Council to respond to local economic issues; and
- Long term planning to ensure the financial sustainability of concessions.

Purpose for the concessions:

Council intends to exercise its power under Chapter 4, Part 10 of the *Local Government Regulation 2012* to partly remit rates and utility charges for the purpose of recognising the financial and related circumstances of qualifying pensioners within the shire.

Council may also grant concessions to not for profit recreation, sporting, and community organisations in accordance with the provisions of Chapter 4, Part 10 of the *Local Government Regulation 2012*.

Consideration may be given by Council to granting a class concession in the event all or part of the local government area is declared a natural disaster area by the State Government.

3. Principles used for the recovery of overdue rates and charges

Council will exercise its rate recovery powers to reduce the overall rate burden on ratepayers. It will be guided by the principles of:

- Transparency by making clear the obligations of ratepayers and the processes used by Council in assisting them meet their financial obligations.
- Making the processes used to recover overdue rates and charges clear, simple to administer and cost effective (these processes are set out in Council's Recovery of Overdue Rates and Charges Policy and Procedure).
- Negotiating arrangements for payment where appropriate.
- Equity by having regard to providing the same treatment for ratepayers with similar circumstances; and
- Flexibility by responding where necessary to changes in the local economy.

4. Principles used for cost-recovery methods

Under section 97 of the *Local Government Act 2009* Council may, under a local law or by resolution, fix a cost-recovery fee. In collecting and setting cost-recovery fees, Council will be guided by the principles of:

- Application of the user pays principle in collecting cost-recovery fees; and
- Cost-recovery fees will be set by Council to ensure that each fee does not exceed the cost to Council of taking the action for which the fee is charged.

Council also has the power to conduct business activities and make commercial charges for services and facilities it provides on this basis. Commercial charges are a class of charge which is purely commercial in application.

5. Physical and Social Infrastructure Costs

Council requires developers to pay reasonable and relevant contributions towards the cost of infrastructure required to support the development and the impact on the locale and community. In setting charges for new developments, Council's objective is to apportion the establishment cost of infrastructure and facilities over all benefiting development (existing and future) commensurate with the demand or load that existing and future development will place on existing and planned infrastructure and facilities while ensuring a reasonable and equitable distribution of costs between Council and developers of land. Specific charges are detailed in Council's schedule of fees and charges which is reviewed annually.

6. Human Rights Principles

Council shall ensure that Council's revenue raising is conducted in a manner that reflects and preserves the Human Rights Principles outlined in the Human Rights Act 2019.

CERTIFICATION

.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

.....
DATE

PRIVACY POLICY

SCOPE

The whole of Council and to any dealings with or by Council including dealings with or by contractors and consultants.

This policy is to be read in conjunction with any Federal or State Legislation in particular the *Information Privacy Act 2009*.

LEGISLATION

Information Privacy Act 2009

OBJECTIVE

To ensure that the privacy and personal information of an individual is recognised, respected, and protected by Council.

DEFINITIONS

Council	Banana Shire Council
Council Officer	Includes all permanent, temporary, and casual staff and staff employed under contract.
Personal Information	Any information (whether fact or not) that would allow a person to be identified.

The *Information Privacy Act 2009* defines personal information as:

“Any information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.”

Examples of personal information include (but are not limited to):

- An individual's name, address, telephone number or email address,
- An individual's fingerprints,
- A photograph of an individual,
- Video footage,

- An individual's bank account details and leave details
- Letter to and from an individual
- An individual's prior dealings with police.

Information Privacy Principles

The 11 Information Privacy Principles in schedule 3 of the *Information Privacy Act 2009*.

See attachment 1

National Privacy Principles

The principals set out in the Commonwealth *Privacy Act 1998* Schedule 3. Also repeated in schedule 4 on the *Information Privacy Act 2009*.

See attachment 2

POLICY

Personal Information

Council is committed to providing, as far as possible an open, accountable and transparent environment whilst protecting the personal and private information of individuals.

Council respects the privacy of individuals.

Collection and Use of Personal Information

Council will only capture and retain the personal information of individuals where it is lawful and necessary to provide Council services and for good governance or it is related to the functions of Council or Council is required by legislation to obtain such information.

Personal Information will only be used for the purpose or purposes for which it is collected and not disclosed for any purpose other than the purpose for which it was collected without the consent of the person who provided the information unless Council is required or authorised by law to do so.

Council will inform an individual why it is collecting personal information and how it plans to use it or this will be obvious when the information is collected.

Councillors and Council Officers

Council's privacy policy applies to the personal information of Councillors and Council officers as well as to members of the public.

Privacy Principles

Council will comply with the Queensland information privacy principles.

Contractors and consultants to Council

Council regularly enters into contracts with external bodies for the supply of goods and services. Some of these contracts require the disclosure of personal information to third parties, or the collection of personal information by third parties on behalf of Council.

Such personal information is to be managed in accordance with this policy and the Queensland Information Privacy Principles. Any outsourcing arrangement, contract or licence must comply with these principles.

Access to Personal Information

An individual has the right to access the individual's personal information held by Council and to request that this information be amended to ensure it is accurate.

Protection of Documents

Council will protect personal information it has collected and will restrict access to personal information in data and documents to officers who are required to use this information to carry out a lawful function of Council.

Attachments

1. Information privacy principles - *Information Privacy Act 2009* Section 26 (Schedule 3)
2. National privacy principles *Information Privacy Act 2009* Section 30 (Schedule 4)

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION

.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

.....
DATE

Information Privacy Principles

Schedule 3 Information privacy principles

Information Privacy Act 2009 Section 26

1 IPP 1—Collection of personal information (lawful and fair)

- (1) An agency must not collect personal information for inclusion in a document or generally available publication unless—
 - (a) the information is collected for a lawful purpose directly related to a function or activity of the agency; and
 - (b) the collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.
- (2) An agency must not collect personal information in a way that is unfair or unlawful.

2 IPP 2—Collection of personal information (requested from individual)

- (1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
- (2) However, this section applies only if the agency asks the individual the subject of the personal information for either—
 - (a) the personal information; or
 - (b) information of a type that would include the personal information.
- (3) The agency must take all reasonable steps to ensure that the individual is generally aware of—
 - (a) the purpose of the collection; and
 - (b) if the collection of the personal information is authorised or required under a law—
 - (i) the fact that the collection of the information is authorised or required under a law; and
 - (ii) the law authorising or requiring the collection; and
 - (c) if it is the agency's usual practice to disclose personal information of the type collected to any entity (the **first entity**)—the identity of the first entity; and
 - (d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the **second entity**)—the identity of the second entity.
- (4) The agency must take the reasonable steps required under subsection (3)—
 - (a) if practicable—before the personal information is collected; or
 - (b) otherwise—as soon as practicable after the personal information is collected.
- (5) However, the agency is not required to act under subsection (3) if—

- (a) the personal information is collected in the context of the delivery of an emergency service; and

Example—

personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service

- (b) the agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and
- (c) the individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

3 IPP 3—Collection of personal information (relevance etc.)

- (1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
- (2) However, this section applies to personal information only if the agency asks for the personal information from any person.
- (3) The agency must take all reasonable steps to ensure that—
 - (a) the personal information collected is—
 - (i) relevant to the purpose for which it is collected; and
 - (ii) complete and up to date; and
 - (b) the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

4 IPP 4—Storage and security of personal information

- (1) An agency having control of a document containing personal information must ensure that—
 - (a) the document is protected against—
 - (i) loss; and
 - (ii) unauthorised access, use, modification or disclosure; and
 - (iii) any other misuse; and
 - (b) if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.
- (2) Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

5 IPP 5—Providing information about documents containing personal information

- (1) An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out—
 - (a) whether the agency has control of any documents containing personal information; and
 - (b) the type of personal information contained in the documents; and

- (c) the main purposes for which personal information included in the documents is used; and
 - (d) what an individual should do to obtain access to a document containing personal information about the individual.
- (2) An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

6 IPP 6—Access to documents containing personal information

- (1) An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.
- (2) An agency is not required to give an individual access to a document under subsection (1) if—
 - (a) the agency is authorised or required under an access law to refuse to give the access to the individual; or
 - (b) the document is expressly excluded from the operation of an access law.

7 IPP 7—Amendment of documents containing personal information

- (1) An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information—
 - (a) is accurate; and
 - (b) having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.
- (2) Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.
- (3) Subsection (4) applies if—
 - (a) an agency considers it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information; and
 - (b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).
- (4) The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

8 IPP 8—Checking of accuracy etc. of personal information before use by agency

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

9 IPP 9—Use of personal information only for relevant purpose

- (1) This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.
- (2) The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

10 IPP 10—Limits on use of personal information

- (1) An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless—
 - (a) the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or
 - (b) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - (c) use of the information for the other purpose is authorised or required under a law; or
 - (d) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency—
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
 - (e) the other purpose is directly related to the purpose for which the information was obtained; or

Examples for paragraph (e)—

- 1 An agency collects personal information for staff administration purposes. A new system of staff administration is introduced into the agency, with much greater functionality. Under this paragraph, it would be appropriate to transfer the personal information into the new system.
 - 2 An agency uses personal information, obtained for the purposes of operating core services, for the purposes of planning and delivering improvements to the core services.
- (f) all of the following apply—
 - (i) the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - (ii) the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
 - (iii) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.

- (2) If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

11 IPP 11—Limits on disclosure

- (1) An agency having control of a document containing an individual's personal information must not disclose the personal information to an entity (the **relevant entity**), other than the individual the subject of the personal information, unless—
- (a) the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or
 - (b) the individual has expressly or impliedly agreed to the disclosure; or
 - (c) the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - (d) the disclosure is authorised or required under a law; or
 - (e) the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency—
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
 - (f) all of the following apply—
 - (i) the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - (ii) the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
 - (iii) it is not practicable to obtain the express or implied agreement of the individual before the disclosure;
 - (iv) the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.
- (2) If the agency discloses the personal information under subsection (1)(e), the agency must include with the document a note of the disclosure.
- (3) If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed to the agency.
- (4) The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity's marketing of anything

to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that—

- (a) it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
- (b) the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and
- (c) the individual has not made a request mentioned in paragraph (b); and
- (d) in each marketing communication with the individual, the relevant entity will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
- (e) each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity's business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.

National Privacy Principles

Schedule 4 National privacy principles

Information Privacy Act 2009 Section 30

1 NPP 1—Collection of personal information

- (1) The department must not collect personal information unless the information is necessary for 1 or more of its functions or activities.
- (2) The department must collect personal information only by lawful and fair means and not in an unreasonably intrusive way.
- (3) At or before the time or, if that is not practicable, as soon as practicable after, the department collects personal information about an individual from the individual, the department must take reasonable steps to ensure that the individual is aware of—
 - (a) the identity of the department and how to contact it; and
 - (b) the fact that he or she is able to gain access to the information; and
 - (c) the purposes for which the information is collected; and
 - (d) the entities, or the types of entities, to which the department usually discloses information of that kind; and
 - (e) any law that requires the particular information to be collected; and
 - (f) the main consequences, if any, for the individual if all or part of the information is not provided.
- (4) If it is reasonable and practicable to do so, the department must collect personal information about an individual only from that individual.
- (5) If the department collects personal information about an individual from someone else, it must take reasonable steps to ensure that the individual is or has been made aware of the matters listed in subsection (3) except to the extent that—
 - (a) the personal information is collected under NPP 9(1)(e); or
 - (b) making the individual aware of the matters would pose a serious threat to the life, health, safety or welfare of an individual.
- (6) If the information is required under a statutory collection, the department is not required to ensure that the individual is or has been made aware of the matters listed in subsection (3).
- (7) In this section—

statutory collection means—

 - (a) a register or other collection of personal information that the department is authorised or required to maintain under an Act for monitoring public health issues, including, for example, by identifying morbidity and mortality trends, planning and evaluating health services or facilitating and evaluating treatments; or
 - (b) personal information collected by the department under an Act requiring a person to give the information to the department.

2 NPP 2—Limits on use or disclosure of personal information

- (1) The department must not use or disclose personal information about an individual for a purpose (the **secondary purpose**) other than the primary purpose of collection unless—
- (a) both of the following apply—
 - (i) the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection;
 - (ii) the individual would reasonably expect the department to use or disclose the information for the secondary purpose; or
 - (b) the individual has consented to the use or disclosure; or
 - (c) if the information is health information and the use or disclosure is necessary for research, or the compilation or analysis of statistics, relevant to public health or public safety—
 - (i) it is impracticable for the department to seek the individual's consent before the use or disclosure; and
 - (ii) the use or disclosure is conducted in accordance with guidelines approved by the chief executive of the department for the purposes of this subparagraph; and
 - (iii) for disclosure—the department reasonably believes that the entity receiving the health information will not disclose the health information or personal information derived from the health information; or
 - (d) the department reasonably believes that the use or disclosure is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare or a serious threat to public health, safety or welfare; or
 - (e) the department has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities; or
 - (f) the use or disclosure is authorised or required by or under law; or
 - (g) the department reasonably believes that the use or disclosure is reasonably necessary for 1 or more of the following by or for an enforcement body—
 - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
 - (iii) the protection of the public revenue;
 - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
 - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal.

Notes—

- 1 It is not intended to deter the department from lawfully cooperating with agencies performing law enforcement functions in the performance of their functions.
 - 2 Subsection (1) does not override any existing legal obligations not to disclose personal information (for example, *Health Services Act 1991*, section 62A). Nothing in subsection (1) requires the department to disclose personal information. The department is always entitled not to disclose personal information in the absence of a legal obligation to disclose it.
 - 3 The department is also subject to the requirements of chapter 2, part 3 if it transfers personal information to an entity outside Australia.
- (2) If the department uses or discloses personal information under subsection (1)(g), it must include with the personal information a note of the use or disclosure.
- (3) Despite subsection (1), if the department provides a health service to an individual, it may disclose health information about the individual to a person who is responsible for the individual if—
- (a) the individual—
 - (i) is physically or legally incapable of giving consent to the disclosure; or
 - (ii) physically can not communicate consent to the disclosure; and
 - (b) a health professional providing the health service for the department is satisfied that either—
 - (i) the disclosure is necessary to provide appropriate care or treatment of the individual; or
 - (ii) the disclosure is made for compassionate reasons; and
 - (c) the disclosure is not contrary to any wish—
 - (i) expressed by the individual before the individual became unable to give or communicate consent; and
 - (ii) of which the health professional is aware, or of which the health professional could reasonably be expected to be aware; and
 - (d) the disclosure is limited to the extent reasonable and necessary for a purpose mentioned in paragraph (b).
- (4) For subsection (3), a person is **responsible** for an individual if the person is—
- (a) a parent of the individual; or
 - (b) a child or sibling of the individual who a health professional believes has capacity; or
 - (c) a spouse or de facto partner of the individual; or
 - (d) a relative of the individual and a member of the individual's household; or
 - (e) a guardian of the individual; or
 - (f) a person exercising a power under an enduring power of attorney made by the individual that is exercisable in relation to decisions about the individual's health; or
 - (g) a person who has sufficient personal interest in the health and welfare of the individual; or
 - (h) a person nominated by the individual to be contacted in case of emergency.

Note—

Subsection (3) does not override any law with respect to assisted and substituted decision-making, including, for example, the *Guardianship and Administration Act 2000* and the *Powers of Attorney Act 1998*.

- (5) Despite subsection (1), the department may use an individual's personal information that is not sensitive information for a commercial purpose involving the department's marketing of anything to the individual, but only if—
- (a) it is impracticable for the department to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
 - (b) the department will not charge the individual for giving effect to a request from the individual to the department that the individual not receive any marketing communications; and
 - (c) the individual has not made a request mentioned in paragraph (b); and
 - (d) in each marketing communication with the individual, the department will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
 - (e) each written marketing communication from the department to the individual, up to and including the communication that involves the use, will state the department's business address and telephone number and, if the communication with the individual is made by fax or other electronic means, a number or address at which the department can be directly contacted electronically.
- (6) In this section—

child, of an individual, includes an adopted child, a stepchild and a foster-child, of the individual.

enforcement body means an enforcement body within the meaning of the *Privacy Act 1988* (Cwlth).

parent, of an individual, includes a step-parent, adoptive parent and a foster-parent, of the individual.

relative, of an individual, means a grandchild, uncle, aunt, nephew or niece, of the individual.

sibling, of an individual, includes a half-brother, half-sister, adoptive brother, adoptive sister, stepbrother, stepsister, foster-brother and foster-sister, of the individual.

3 NPP 3—Data quality

The department must take reasonable steps to ensure that the personal information it collects, uses or discloses is accurate, complete and up to date.

4 NPP 4—Data security

- (1) The department must take reasonable steps to protect the personal information it holds from misuse, loss and unauthorised access, modification or disclosure.
- (2) If the personal information is no longer needed for any purpose for which the information may be used or disclosed under NPP 2, the department must take reasonable steps to ensure that the individual the subject of the personal information can no longer, and can not in the future, be identified from the personal information.

Note—

Subsection (2) will apply subject to the requirements of the *Public Records Act 2002* providing for the retention of records.

5 NPP 5—Openness

- (1) The department must set out in a document clearly expressed policies on its management of personal information and must make the document available to anyone who asks for it.
- (2) On request by a person, the department must take reasonable steps to let the person know, generally, what sort of personal information it holds, for what purposes, and how it collects, holds, uses and discloses that information.

6 NPP 6—Access to documents containing personal information

- (1) If the department has control of a document containing personal information, it must give the individual the subject of the personal information access to the document if the individual asks for access.
- (2) The department is not required to give an individual access to a document under subsection (1) if—
 - (a) the department is authorised or required under an access law to refuse to give the access to the individual; or
 - (b) the document is expressly excluded from the operation of an access law.

7 NPP 7—Amendment of documents containing personal information

- (1) If the department has control of a document containing personal information, it must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information—
 - (a) is accurate; and
 - (b) having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.
- (2) Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the department.
- (3) Subsection (4) applies if—
 - (a) the department considers it is not required to amend personal information included in a document under the department's control in a way asked for by the individual the subject of the personal information; and
 - (b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).
- (4) The department must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

8 NPP 8—Anonymity

Wherever it is lawful and practicable, individuals must have the option of not identifying themselves when entering into transactions with the department.

9 NPP 9—Sensitive information

- (1) The department must not collect sensitive information about an individual (the **relevant individual**) unless—
 - (a) the relevant individual has consented; or
 - (b) the collection is required by law; or
 - (c) the collection is necessary to prevent or lessen a serious threat to the life, health, safety or welfare of an individual, and the relevant individual—
 - (i) is physically or legally incapable of giving consent to the collection; or
 - (ii) physically can not communicate consent to the collection; or
 - (d) the collection is necessary for the establishment, exercise or defence of a legal or equitable claim; or
 - (e) the information is a family medical history, social medical history or other relevant information about any individual, that is collected for the purpose of providing any person, whether or not the relevant individual, with a health service, and is collected by the department from—
 - (i) the person who is to receive or is receiving the service; or
 - (ii) a parent of the relevant individual; or
 - (iii) a child or sibling of the relevant individual if a health professional believes the child or sibling has capacity; or
 - (iv) a spouse or de facto partner of the relevant individual; or
 - (v) a relative of the relevant individual if the relative is a member of the relevant individual's household; or
 - (vi) a guardian of the relevant individual; or
 - (vii) a person exercising a power under an enduring power of attorney made by the relevant individual that is exercisable in relation to decisions about the relevant individual's health; or
 - (viii) a person who has sufficient personal interest in the health and welfare of the relevant individual; or
 - (ix) a person nominated by the relevant individual to be contacted in case of emergency.
- (2) Despite subsection (1), the department may collect health information about an individual if the information is necessary to provide a health service to the individual and—
 - (a) the individual would reasonably expect the department to collect the information for that purpose; or
 - (b) the information is collected as authorised or required by law.
- (3) Despite subsection (1), the department may collect health information about an individual if—
 - (a) the collection is necessary for any of the following purposes—
 - (i) research relevant to public health or public safety;

- (ii) the compilation or analysis of statistics relevant to public health or public safety;
 - (iii) the management, funding or monitoring of a health service; and
 - (b) the purpose can not be served by the collection of information that does not identify the individual or from which the individual's identity can not reasonably be ascertained; and
 - (c) it is impracticable for the department to seek the individual's consent to the collection; and
 - (d) the information is collected—
 - (i) as authorised or required by law; or
 - (ii) by a designated person with the approval of the chief executive of the department; or

Note—

The chief executive could delegate the power to approve the collection of information by a designated person.

 - (iii) in accordance with guidelines approved by the chief executive of the department for the purposes of this subparagraph.
- (4) If the department collects health information about an individual in accordance with subsection (3), the department must, before it discloses the personal information, take reasonable steps to ensure that the individual the subject of the personal information can no longer, and can not in the future, be identified from the personal information.

CONFIDENTIAL INFORMATION POLICY

SCOPE

All Councillors of Banana Shire Council.

LEGISLATION

Local Government Act 2009

OBJECTIVE

To provide guidance to Councillors in complying with section 171(3) of the *Local Government Act 2009* regarding the proper handling of confidential information.

Local Government Act 2009 Section 171 (3)

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

NOTE: A contravention of subsection (3) is misconduct that is dealt with by the tribunal.

To assist Council in determining what might be considered confidential information and how this information should be handled.

DEFINITIONS

CEO	Chief Executive Officer of Banana Shire Council
Councillor briefing sessions	Non-decision making forums convened by Councillors, the CEO and, as directed by the CEO, other Council officers that create an opportunity for Councillors and officers to discuss matters of proposed policy or other strategic or community sensitive issues, as well as providing a forum for Councillors to be made aware of issues of significance to the organisation and/or to the community. Includes workshops, portfolio briefings and the like.
Department	The State Government department charged with administering the <i>Local Government Act 2009</i>
Information	Information comes in any number of forms including letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media, and/or other forms of information including discussions during meetings.

POLICY

It is accepted that Councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. Councillors must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

This procedure aims to support Councillors in balancing the right and duty to inform the public and consult with constituents about Council business with the interest Council has in preventing disclosure of confidential information.

This procedure does not override an individual Councillors' statutory obligations in respect of the use of information, nor does it override Council's obligations under the LGA or any other legislation or subordinate legislation to disclose or publish information where this is required by law.

Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council and its committees. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest.

At the same time, Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

It is accepted that Councillors will be in receipt of confidential information that may or may not be part of a formal Council meeting. It is Council's responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation or enable any individual or organisation to gain a financial advantage.

Whilst endeavouring in the interests of public accountability to limit the number of matters which are considered in confidential sessions, Council acknowledges that it is appropriate to consider certain matters in closed meetings.

Responsibilities of Councillors

Councillors must be aware of their responsibilities and agree they should:

- exercise due care when handling or using information acquired in their role as a Councillor.
- acknowledge that there will be information that must be treated as confidential because to release it would reduce public trust and confidence in the integrity of the Council;
- acknowledge that disclosure of confidential information constitutes a breach of the LGA;
- if uncertain, presume information is confidential, and seek advice from the CEO prior to any release of it;

- undertake not to disclose, and to use their best endeavours to prevent disclosure of, confidential information to any person or organisation, specifically:
 - avoid discussing confidential Council information with family, friends and business associates; and
 - ensure documents containing confidential information are properly safeguarded at all times – including materials stored at private or business residences.

Confidential Information

The following types of information shall be deemed to be confidential to Council unless or until Council resolves to the contrary in a particular instance:

- Commercial in confidence information — including where the release of information would affect a third party's competitive advantage; this is particularly relevant in a competitive tender situation.
- Information derived from government departments or ministers that has been classified as confidential.
- Information of a personal nature or about personal affairs, for example the personal details of councillors or council staff.
- Information relating to a property disposal or acquisition process where release of the information may prejudice Council (see also section 171(1) of the LGA)
- Financial and legal analysis where the disclosure of that information may compromise Council or someone else.
- Information that could result in action being taken against Council for defamation.
- Information involving legal advice to Council or a legal issue or a matter before the courts.
- Information that is expressly given to councillors in confidence.
- Information examined or discussed at councillor briefing sessions, unless the CEO declares that such information (or part thereof) is not confidential.
- Information about:
 - the appointment, dismissal or discipline of employees
 - industrial matters affecting employees
 - the Council's budget
 - rating concessions
 - contracts proposed to be made by Council
 - starting or defending legal proceedings involving Council

- any action to be taken by the local government under the *Planning Act 2016*, including deciding applications made to it under that Act.

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION

.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

.....
DATE

DAMAGES CLAIMS ON COUNCIL POLICY

SCOPE

All claims and potential claims on Council for damages or injury to persons or property resulting from an accident or incident or alleged accident or incident excluding employee claims for personal injury due to a work-related injury or incident.

LEGISLATION

Local Government Act 2009 Section 9 and 262

OBJECTIVE

To ensure all claims on Council for damages or injury to persons or property are treated fairly with due consideration to natural justice without exposing Council to additional liability.

DEFINITIONS

Accident/Incident	Any occurrence that causes damage or injury to a person or property or could potentially cause damage or injury to a person or property.
CEO	Chief Executive Officer of Banana Shire Council.
Claimant	A person or entity who has lodged a claim or claims on Council for damages or injury or alleged damages or injury from an accident or incident or alleged accident or incident other than a Council employee or Councillor engaged in Council business at the time of the accident or incident or alleged accident or incident giving rise to the claim.
Council	Banana Shire Council.
Potential Claimant	A person or entity who has been subject or may have been subject to or otherwise involved with an accident or incident or alleged accident or incident that may potentially lead to a claim on Council for damages irrespective of whether the person or entity has indicated that a claim will be lodged or not.

POLICY

That Council give due and unbiased consideration to a claim or claims by a claimant on Council for damages or injury to persons or property whilst endeavoring to limit any exposure to Council for additional liability.

That a Potential Claimant be treated with respect and advised of the procedure for lodging a claim on Council without Council increasing its exposure for additional liability.

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION

.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

.....
DATE



Operational Plan

2023-2024

Adopted

Ordinary Meeting – Minute:

COUNCIL OUTCOMES

- To ensure Council demonstrates leadership and is accountable to internal and external key stakeholders, including the community through transparent and inclusive decision-making processes and effective service delivery and operations.
- To deliver our shared future and cultural vision.
- To promote and manage the unique natural resources of Banana Shire, ensuring a healthy and sustainable environment where the community's social, physical and economic well-being is enhanced for present and future generations.
- Support the retention, expansion and diversification of businesses and industries to provide long term economic sustainability.
- Plan and deliver effective and efficient infrastructure services.

Executive Services Operational Plan 2023-2024

Service Area	CEO Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Management	Strategic Planning	Organisational Structure	4.2.2	Positions reviewed as required 100%
		Policies review	4.2.2	Compliance with legislation 100%
		Authorised Officers/Delegations	4.2.2	Annual review/maintenance of registers 100%
		Complaints Management system	4.2.2	Reports/controls compliant with legislated time frames 100%
	Financial & Asset Management	Budget	4.2.1 & 4.2.2	Annual expenditure within range of >5% under budget
			4.2.1 & 4.2.2	Annual revenues <8% under budget
Executive Management	Operational Management	Corporate Plan	4.2.2	Completed, adopted and compliant 100%
		Operational Plan	4.2.2	Completed, adopted and compliant 100%
		Annual audits	4.2.2	Completed, adopted and compliant 100%
Human Resource Management	Employee Relationships	Employee Engagement Survey	4.2.1	Staff survey to be completed by 30/11/23
		HR Strategic Plan	4.2.1	Strategic Plan to be in place and workflows completed
		Recruitment	4.2.1	Objective - To fill vacancies within 70 days
Learning & Development	Operational Management	Organisational outcomes/performance	4.2.4	Training needs analysis responses to reflect skills analysis/audits and gaps continuously for all Staff
		Apprenticeships / traineeships / cadets and work experience	4.2.1	Graduate, Trainee and Apprentices Programs to be completed and commenced by 01/07/2023 with quarterly progress reports
		Develop a Learning & Development Strategy for the Organisation	4.2.4	Strategy endorsed by Council
		Mandatory in-house training	4.2.4	Quarterly Corporate Calendar reflects corporate skills needs and submitted by end of each preceding quarter 100%

Executive Services Operational Plan 2023-2024

Service Area	CEO Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Work Health & Safety	Workplace Health & Safety	Corporate compliance across Council	4.2.5	Annual audits and reports to reflect statistical data; implementation plans and interventions actioned 100%
		WH&S Management System	4.2.5	Safety Management System to be realigned to new LGMA SMS system.
		Monitor & Evaluate WH&S Management System	4.2.5	Quarterly Management Review and monthly reports to EMT 100%
		LG Workcare accreditation	4.2.5	Achieve > 70% performance outcomes by June 2023 - 100%
Payroll	Employee Records	Processing	4.2.2	Ensure payroll processing is on time with error rate under 5%
		Compliance	4.2.2	Ensure compliance to audit standard for superannuation, ATO, and other statutory requirements
Media	External Relationships	Respond to issues: operations for Council and community	4.2.3	To provide the media and wider community with relevant information on behalf of Council efficiently and effectively.
		Stakeholder Engagement	4.2.3	FOCUS Magazine /eight yearly publications approved 100%. Development of online community engagement capacity. Community consultation in respect to key strategies from Council Departments.
Risk Management	Insurance Management	Risks and Insurances	4.2.2	Enterprise risk is used to drive internal audit function. 100% of matters are derived from risk register and risk treatments.
Economic Development	Economic Development	Economic Development Plan/strategies	3.1.1, 3.1.2 & 3.1.3	Renewable Energy Strategy Supply Chain completed
			3.1.1, 3.1.2 & 3.1.3	Economic Transition Study Completed

Corporate & Community Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Management & Support	Operational Management Business management (including Governance) Financial Management	Governance	4.2.1 & 4.2.2	1. Expenditure within range (<5%) under budget
			4.2.1 & 4.2.2	2. Revenue of (no more than 8%) under budget
			4.2.1 & 4.2.2	3. Capital Works Program (<i>no less than 90% completed by 30/06/22</i>)
			4.2.1 & 4.2.2	4. Statutory financial reports/submissions within timeframes
Financial Services		Financial Reports	4.2.1 & 4.2.2	Financial reports prepared/adopted according to legislation/Corporate Plan (<i>100%</i>)
			4.2.1 & 4.2.2	Financial reports/controls (100% compliant)
			4.2.1 & 4.2.2	Complete the review of Enterprise Risk Register
			4.2.1 & 4.2.2	Grants Commission information and returns (<i>100% compliant</i>)
			4.2.1 & 4.2.2	Implementation of Code of Competitive Conduct (s47 LGA)
		Audit	4.2.1	Unqualified Audit for year (100%). All high-risk audit matters to be addressed as per the Management letter.
		Asset Management plan	4.1.1 & 4.1.3	Development and implementation of Asset Management Action Plan
		Budget	4.2.1 & 4.2.2	Budget 2023/24 adopted by 30/06/23
Geographical Information Systems		GIS	4.2.1	Preparation of maps within 95% of timeframes negotiated with each client
			4.2.1	Maintain data accuracy and currency within relevant timeframe - updated monthly 100% accuracy

Corporate & Community Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Customer Services	Administration	Customer responses	4.2.1	Data accuracy: (<i>Min 95% compliance</i>)
			4.2.1	>85% of calls responded to within 60 seconds
			4.2.1	<5% calls abandoned
			4.2.1	Payments processed (100% accuracy)
Records Management		Management of correspondence	4.2.1	Incoming correspondence distributed (within 24 hours)
		RTI	4.2.1	RTI applications compliant and processed within time frames (100%)
Community Services	Community Services	CRC	1.1.1	CRC services are compliant with the SDSS & NDIS funding requirements/service agreement 100%
		HACC	1.1.1	HACC services delivered in accordance with Funding Agreement (100%)
			1.1.1	100% of the acquittal meet the funding agreement requirements
		Art Gallery	1.1.3	2% increase in visitors and 90% of calendar of programs delivered.
		Library	1.1.3	2% Increase in memberships & loans and visits to previous year. 10% increase to attendance to our community outreach programs a 50% increase -like baby bounce, story time, toddler time.
	Tourism & Regional Promotion	Tourism	3.1.3	Policy to be reviewed 2023/2024
		Tourism	3.1.3	Implementation of Tourism Action Plan on time and to specification
Plant & Fleet	Fleet Management	Plant Operations	4.2.1	Major plant downtime less than 15% of total budgeted hours.
Aerodrome Management	Aerodrome Management	Aerodromes	4.2.1	CASA Compliance (100%). All issues identified in the safety inspections are addressed within the timeframes set in the report recommendations.

Corporate & Community Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
ICT	Business Management	ICT Support Services	4.2.1	Core data/voice networks available during business hours (<i>min 98%</i>)
			4.2.1	Implement IT and Cyber Security Action Plan
			4.2.1	Implement ERP as per planned and as budgeted.
Rates and Sundry Debtors	Financial Management	Rates, invoices and collections	4.2.1	Rates and invoices issued within the set timeframes 100%. Arrears greater than 30 days less than 5% of the overall rate and fees and charges revenue.
Procurement		Contracts, Tenders & Purchases	4.2.6	Implement Contract Management System and processes

Council Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Management & Support	Operational Management	Governance	5.2.1	Budget: (Achievement of an annual expenditure result in the range to <5% <i>under budget</i>)
	Financial Management	Financial Management	5.2.1	Annual revenue: (Achievement no more than >8% <i>under budget</i>)
			4.4.2	Capital Works: (Program not less than 90% completed by 30/06/2023)
		Timelines/Corporate processes	5.6.1	Corporate Timetables/Budget/Planning: Timely completion of work (100%)
Asset & Building Management	Building Services	Operations and Management	4.2.1.1	10-year Council Building Capital Plan: (<i>Review Plan by no later than 31/03/2023</i>)
		Operations and Management	4.2.6.1	Grant funding project completed within funding requirements
		Facilities Management	4.1.3.1	Operations/Maintenance: Attend to requests within response target times 100% Operations/Maintenance: Attend to requests within response target times 70%, limited availability to Contractors and resources, staffing resources not at full Capacity
Rental Property Management	Land & Lease Team	Land & Lease Management	4.1.3.1	Rental Properties (Quality of Service): Maintenance Reports/Enquiries acknowledged by phone or email within 3 days of receipt & BMR raised.
Rental Property Management	Land & Lease Team	Land & Lease Management	4.1.3.1	Rental Properties (Quality of Service): Maintenance Reports/Enquiries provided a follow-up response with rectification action plan within 7 days
Council Trustee Asset Management	Land & Lease Team	Land & Lease Management	1.1.3.2	All current leases/management agreements/licences/permits due to expire within two quarters have had quote for renewal raised and initial discussions/negotiations have begun with the leasee/management committee.

Council Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Council Trustee Asset Management	Land & Lease Team	Land & Lease Management	4.1.3.1	All known and new land and lease assets are listed in Councils Asset Database (Asstetic) and associated leases and other documentation are uploaded into this location as well as MagiQ (records) by 4th Qtr.
Council Trustee Asset Management	Land & Lease Team	Land & Lease Management	4.1.3.1	All Known land and lease buildings & structures have an annual maintenance plan in place and reviewed to improve quality of life for community by 4th Qtr.
Council Trustee Asset Management	Land & Lease Team	Land & Lease Management	4.2.1.1	All Known land and lease buildings & structures have had their 10-year rolling capital renewal plan updated and reviewed to ensure continuous improvement for community improvement by 4th Qtr.
Asset & Building Management	Land & Lease Team	Land & Lease Management	4.2.6.1	Grant funding projects reporting requirements completed within funding timeframes
Cemeteries	Land & Lease Team	Cemeteries	1.1.3.2	Vegetation maintenance: Maintenance Works to be conducted in partnership with Council Parks Team in accordance with adopted strategy of visual assessment on a weekly basis and maintenance as required when vegetation exceeds 100mm in height or other vegetation matters require attention.
Cemeteries	Land & Lease Team	Cemeteries	4.2.6.1	Cemetery Burial Register is maintained and up to date by the end of each Qtr.
Cemeteries	Land & Lease Team	Cemeteries	4.2.6.1	Burial Plot Ownership Register is maintained and up to date by the end of each Qtr.
Swimming Pools	Land & Lease Team	Facilities Management	1.1.1.3	Lease operations: Complete minimum 3 formal operator meetings each swim season (2 face to face and 1 phone meeting)

Council Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Swimming Pools	Land & Lease Team	Facilities Management	4.1.3.1	Operator/Council Relationship: Maintenance Reports/Enquiries acknowledged by phone or email within 3 days of receipt & BMR raised.
Swimming Pools	Land & Lease Team	Facilities Management	4.1.3.1	Operator/Council Relationship: Maintenance Reports/Enquiries provided a follow-up response with rectification action plan within 5 days
Swimming Pools	Land & Lease Team	Facilities Management	4.1.3.1	All Pools buildings & structures have an annual maintenance plan in place and has been reviewed to improve quality of life for community by 4th Qtr.
Swimming Pools	Land & Lease Team	Facilities Management	4.2.1.1	All Pool buildings & structures have had their 10-year rolling capital renewal plan updated and reviewed to ensure continuous improvement for community improvement by 4th Qtr.
Swimming Pools	Land & Lease Team	Facilities Management	4.2.6.1	Grant funding projects reporting requirements completed within funding timeframes
Town Halls and Civic Centre	Land & Lease Team	Facilities Management	1.1.3.2	Vegetation maintenance: Maintenance Works to be conducted in partnership with Council Parks Team in accordance with adopted strategy of visual assessment on a weekly basis and maintenance as required when vegetation exceeds 100mm in height or other as vegetation matters require attention.
		Land & Lease Management - Delete this KPI as it had no definitions or measurement linked to any procedures. Unable to achieve. JD	4.2.2	100% of critical and high-risk land lease issues addressed

Council Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Environmental Services	Health & Environmental Management	Health	2.3.4	Finalise the review of Council's Mosquito Management Plan to include strategies to further minimise the risk of infection from vectors
	Regulatory Services	Rural Services	3.1.1	Biosecurity Management Plan 100% eradication of new incursions on Council properties. Update register of invasive species for Shire. Review Action Plan by 30/06/2023. All staff to receive appropriate national competency accreditation.
			3.1.1	Promotion/regional collaboration of declared pest management: Participation in a minimum of 4 activities per financial year
			3.1.1	Taroom Saleyards/Clearing Dip: Utilisation as a major tick line facility in accordance with legislation
		Environment & Sustainability	4.2.1	Develop implementation plan for Council-wide Environmental Management System by 30/06/2023
			4.2.1	Council's annual audit: Environmentally relevant activities 100% completed
Development Services	Development Services	Building/Plumbing applications, assessment of development	Strategy Five 5.1 & 5.2	DA's, BA's and PA's: 90% of applications processed within statutory timeframes and provide regular reports on compliance variation
	Regulatory Services	Cultural Heritage Register	1.1.2	Engage with the community to identify possible entries in the register by 31/12/22
		Statutory Compliance/ Enforcement	Strategy Five 5.1 & 5.2	Compliance: Planning, building and plumbing approvals - All approvals comply with conditions and approval requirements

Council Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Water Supply	Water Services	Governance	4.2.1	Water supply: (Safety & Reliability Act): Annual Water Quality reports to regulator 100%
		Compliance and Operations	4.2.1	Water supply: Report Water Quality incidents to Regulator as required 100%
		Compliance and Operations	4.2.1	Drinking Water: Implement Water Quality Management Plan 100% of planned work for current financial year
		Compliance and Operations	4.2.1	External audits: No major non-conformances
		Social wellbeing	4.21	Water Restrictions Policy: Ongoing Review of Status & Implementation
		Compliance and Operations	4.21	W&S Customer Services: Meets required Customer Service standards 100%
Trade Waste	Water Services	Compliance and Operations	4.2.1	Trade Waste Compliance Program: 100% of planned implementation and compliance for current financial year
Sewerage	Water Services	Governance/Maintenance	4.2.1	Operational and Maintenance with W & S Customer Services: Environmental Authority Licence conditions met 100%
		Compliance and Operations	4.2.1	Recycled Water Management Plan: 100% Implement changes required by New Recycled Water Management Plan/s by 30/06/24.
		Compliance and Operations	4.2.1	W & S Customer Service Standards: Meets required Customer Service standards 100%
Waste	Operational Management	Waste Management	2.1.2	Kerbside Collection Services: Daily monitoring and reporting of Contractor reports 100%
			2.1.2	Waste Management Strategy to be completed by 31/12/23
			2.1.2	Annual Risks Assessment/Council's Safe Plan Matrix: risks assessments carried and completed according to program 100%

Infrastructure Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Management & Support	Operational Management	Governance	4.2.1 & 4.2.2	Expenditure for the Department in the range of <5% under budget (<i>100%</i>)
	Financial Management	Financial Management	4.2.1 & 4.2.2	Revenue for the Department of Infrastructure (<i>On budget</i>)
	Infrastructure Operations		4.2.1 & 4.2.2	Capital Works Program (<i>> 90% complete by 30/6/2023</i>)
		Corporate processes	4.2.1	Submission of Council Meeting & Budget Reports consistent with published and agreed deadlines (<i>100%</i>)
			4.2.1	Project Plans: (<i>100% accurately completed prior to all constructions</i>)
Infrastructure Delivery	Operational Management	Roads, Parks & Gardens	4.1.1	Routine Maintenance works conducted in accordance with adopted strategy (<i>100% completion and budget compliance</i>)
	Financial Management		4.1.1	Disaster Reconstruction: Undertake flood restoration projects. (<i>100% within agreed and approved timeframes</i>) when applicable
	Infrastructure Operations	Contracts and private works	4.2.1 & 4.2.2	External works projects undertaken by Council. (<i>100% completion, compliance and within agreed budget</i>)
			4.2.1	Main Roads projects (<i>100% Pre-Qualified Supplier Status maintained</i>)
			4.2.1 & 4.2.2	External works: Maintain profit margins consistent with expectations (<i>100%</i>)
			4.2.1	Cultural Heritage & Native Title compliance 100%
			2.1.1	Environment: Maintain environmental management system (<i>100% compliance</i>)

Infrastructure Services Operational Plan 2023-2024

Service Area	Directorate Responsibilities	Operational Plan Services	Corporate Plan Ref	KPI's (<i>Operational Plan</i>)
Infrastructure Technology	Technical Responsibilities	Design	4.2.1 & 4.2.2	Designs/Estimates operational works: Completed on time within construction estimates provided (>90%)
	Operational Management	Roads Alliance	4.2.1	LRRS Road Strategy: Comply with Roads Alliance requirements and compliance (100%)
		Road Safety	4.2.1	Audits completed/implemented: (95% compliance: Subject to budget constraints)
			4.2.1	Funding Applications submitted prior to closing dates (100% compliance)
		Surveys	4.2.1	Digital Terrain Models surveys: (>95% completed on time)
			4.2.1	As constructed Data collections: To be completed and confirmed within 2 months of projects completion (100%)
		Development	4.2.1	Operational Works Applications: within timeframes in accordance with Planning Act (100% compliance)
			4.2.1	Capricorn Municipal Design Guidelines: Participate in the annual group review of the CMDG (100%)
			4.2.1	Inspections: >90 % of inspections completed within agreed and documented timeframes
	Technical Services	4.2.1	Road Safety Management Plans: Maintain engagement with Road Safety Reference Group in accordance with the constitution (100%)	
			4.2.1	Bowen Basin Regional Road Transport Group: Attend periodic meetings in accordance with the Constitution and report back to Council (100%)
Disaster Management	Disaster Management operations/training	Disaster Management	4.1.5	All Disaster Management Committees: Attend periodic meetings in accordance with the Constitution (100%)
	Operational Management		4.1.5	Disaster Management Plan: To monitor, implement and review in accordance with Queensland Disaster Management requirements (100%)
			4.1.5	Disaster Operations: Manage in accordance with the established plans (100%)