



Post Election Meeting

AGENDA

Council Chambers, 95-101 Alfred St, Charleville

Thursday 4 April 2024

9:00am



Notice is hereby given that a Special Meeting of Council of the Shire of Murweh will be held in the Council Chambers, 95-101 Alfred St, Charleville on 4, April 2024 at 9:00am.

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1 OPENING PRAYER

2 APOLOGIES

3 DECLARATION OF CONFLICTS OF INTEREST

4 UPDATE/CHANGE TO COUNCILLOR REGISTER OF INTEREST

5 CORPORATE & REGULATORY

5.1 DECLARATION OF OFFICE

Author: CEO

Authoriser: CEO

RECOMMENDATION

That Each Councillor makes his or her Declaration of Office.

POLICY/LEGISLATION:

Local Government Act 2009

Section 169 Obligations of councillors before acting in office

- (1) A councillor must not act in office until the councillor makes the declaration of office.
- (2) The *declaration of office* is a declaration prescribed under a regulation.
- (3) The chief executive officer is authorised to take the declaration of office.
- (4) The chief executive officer must keep a record of the taking of the declaration of office.
- (5) A person ceases to be a councillor if the person does not comply with subsection (1) within—
 - a) 30 days after being appointed or elected; or
 - b) a longer period allowed by the Minister.

Local Government Regulation 1012

Section 254 Declaration of office—Act, s 169

For section 169(2) of the Act, the declaration of office prescribed is—

'I, (insert name of councillor), having been elected as a councillor of the Murweh Shire Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct for councillors under the Local Government Act 2009, to the best of my judgment And ability.'

ATTACHMENTS

Nil

5.2 ELECTION OF DEPUTY MAYOR

Author: CEO

Authoriser: CEO

RECOMMENDATION

That Council appoints Cr **XXX XXX** as Deputy Mayor who has been nominated and elected by their fellow councillors.

BACKGROUND

The purpose of this report is to provide Council an opportunity to fulfill the requirements of the Local Government Act 2009 and elect a Deputy Mayor.

POLICY/LEGISLATION:**Local Government Act 2009****Section 175 post-election meetings**

- (1) A local government must hold a meeting within 14 days after—
 - (a) the conclusion of each quadrennial election; and
 - (b) the conclusion of a fresh election of its councillors.

- (2) The local government must, by resolution, appoint a deputy mayor from its councillors (other than the mayor) —
 - (a) at that meeting; and
 - (b) at the first meeting after the office of the councillor who is the deputy mayor becomes vacant.

LINK TO CORPORATE PLAN

- 1.3.1 Council has in place operational systems and capacity to deliver strategic priorities and core operations.

ATTACHMENTS

Nil

5.3 SETTING DAY AND TIME AND PLACE OF COUNCIL MEETINGS**Author:** CEO**Authoriser:** CEO**RECOMMENDATION**

- 1 Council nominates that Council Meetings are to be held at 9:00am on the third Thursday of each month.
- 2 That Council nominates the Murweh Shire Council Chambers located at 95-101 Alfred St Charleville as its meeting place.

PURPOSE:

The purpose of this report is to provide Council an opportunity to fulfill the requirements of the Local Government Regulation 2012 to set a day and time and place for Ordinary meetings of Council.

POLICY/LEGISLATION:**Local Government Regulation 2012****Section 256 Agenda of post-election meetings**

- (1) The matters a local government must consider at a post-election meeting include the day and time for other meetings.
- (2) A post-election meeting is the meeting mentioned in section 175(1) of the Act.

Section 257 Frequency and place of meetings

- (1) A local government must meet at least once in each month.
- (2) However, the Minister may, after written application by a local government, vary the requirement under subsection (1) for the local government.
- (3) All meetings of a local government are to be held—
 - (a) at 1 of the local government's public offices; or
 - (b) for a particular meeting—at another place fixed by the local government, by resolution, for the meeting.

ATTACHMENTS**Nil**

5.4 APPOINTMENT OF CHAIR OF LOCAL DISASTER MANAGEMENT GROUP

Author: CEO

Authoriser: CEO

RECOMMENDATION

1. That Council appoints the Mayor Councillor Shaun Radnedge to the role of Chair of the Murweh Shire Local Disaster Management group (LDMG).
2. Council Appoints the Deputy Mayor to the role of Deputy Chair of the Local Disaster Management Group (LDMG).

The purpose of this report is to provide Council an opportunity to appoint a Chair to the Murweh Shire Local Disaster Management group (LDMG).

POLICY/LEGISLATION:**Disaster Management Act 2003****Section 34 Chairperson and Deputy Chairperson**

- (1) There is a chairperson and a deputy chairperson of a local group.
- (2) The chairperson and deputy chairperson are the persons prescribed by regulation.
- (3) A regulation under this section may provide for—
 - (a) the appointment of the chairperson and deputy chairperson of a local group; and
 - (b) the qualifications and experience required for a person to be the chairperson or deputy chairperson.

Disaster Management Regulation 2014,**Section 10 Chairperson and deputy chairperson of local Groups - Act, s 34**

- (1) For section 34(2) of the Act, the chairperson and deputy chairperson of a local group are the persons appointed by the relevant local government for the local group to be the chairperson and deputy chairperson.
- (2) The chairperson must be a councillor of a local government.

Queensland Disaster Management Group Responsibilities:

https://www.disaster.qld.gov.au/_data/assets/pdf_file/0026/339407/M1030-LDMG-Responsibilities-Manual.pdf

LINK TO CORPORATE PLAN:**2.1. DISASTERS**

- 1 No loss of life or property, critical infrastructure is protected, and economic impacts are minimised from natural disasters.

Murweh Shire Council Corporate Plan 2022 – 2027: [msc-corporate-plan-2022-2027](#)
(murweh.qld.gov.au)

ATTACHMENTS

Nil

5.5 COUNCILLOR REPRESENTATIVES ON COMMITTEES**Author: CEO****Authoriser: CEO****RECOMMENDATION**

That Council appoints;

BACKGROUND

Representatives on Committees - NB the Mayor or appointed Councillor shall attend below committee meetings (the Mayor shall attend any meetings of committees of Council).

1. Local Disaster Management Group (LDMG)
Mayor or another Councillor as appointed by Council.
Deputy Chair – as appointed.
2. District Disaster Management Group (DDMG)
Chair of the LDMG
3. Southwest Hospital and Health Service (SWHHS) Community Advisory Network (CAN)
Representative to be appointed by Council.
4. Queensland Corrective Services (QCS) Prisoners WORK Scheme
Representative(s) to be appointed by Council.
5. MWDAC (Murweh Wild Dog Advisory Committee)
Representative(s) to be appointed by Council.
6. Regional Arts Development Fund (RADF)
Representative(s) to be appointed by Council.
7. South West Queensland Regional Organisation of Councils (SWQROC)
Representative to be appointed by Council.
8. Australia Day Committee
Representative(s) to be appointed by Council.
9. Advisory Plant Committee
Representative to be appointed by Council.
10. Representation of ad hoc committees
Shall be decided from time-to-time as necessary.

LINK TO CORPORATE PLAN

- 1.1.1 Council has in place strategic decision-making frameworks to identify, prioritise, and meet current and future needs .

ATTACHMENTS**Nil**

5.6 COUNCILLOR REMUNERATION, REIMBURSEMENT AND PROVISION OF FACILITIES POLICY

Author: CEO

Authoriser: CEO

RECOMMENDATION

That Council adopt the Councillor Remuneration, Reimbursement and Provision of Facilities Policy as presented.

BACKGROUND

Local governments must adopt an Expenses Reimbursement Policy.

This can be done at the post-election meeting.

The policy must provide for:

- payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities, and
- provisions or facilities for that purpose.

A meeting at which a proposed Expenses Reimbursement Policy is discussed cannot be closed.

Purpose

The Murweh Shire Council has a current *Councillor Remuneration, Reimbursement and Provision of Facilities Policy* that enables the provision of remuneration and expenses for Councillors in carrying out their responsibilities as elected members.

The Remuneration, Reimbursement and Provision of Facilities Policy enables the Murweh Shire Council administration to seamlessly pay councillors their entitlement in an open and transparent environment and comply with the requirements under the Queensland Local Government Act 2009 and the Local Government Regulation 2012.

This policy is supported by the legislative authority of the:

Local Government Act 2009***Part 3 Local Government******Remuneration Commission******176 Establishment***

The Local Government Remuneration Commission (the remuneration commission) is established.

177 Functions

The functions of the remuneration commission are—

- (a) to establish the categories of local governments; and*
- (b) to decide the category to which each local government belongs; and*
- (c) to decide the maximum amount of remuneration*

payable to the councillors in each of the categories; and

- (d) to consider and make recommendations to the Minister about the following matters relating to councillor advisors—*
- (i) whether or not to prescribe a local government under section 197D(1)(a);*
 - (ii) the number of councillor advisors each councillor of a local government may appoint;*
 - (iii) the number of councillor advisors a councillor of the council under the City of Brisbane Act 2010 may appoint; and*
- (e) another function relating to the remuneration of councillors directed, in writing, by the Minister.*

Local Government Regulation 2012, Chapter 8

Administration Part 1.

- *Division 1 Councillor Remuneration*
 - *Division 2 Reimbursement of Expenses and Provision of Facilities*

Section 247 - *specifies the remuneration payable to Councillors.*

- (1) local government must pay remuneration to each councillor of the local government.*
- (2) The maximum amount of remuneration payable to a councillor under the remuneration schedule must be paid to the councillor, unless the local government, by resolution, decides the maximum amount is not payable to the councillor.*
- (3) In a resolution made under subsection (2), the local government must also decide the amount of remuneration payable to the councillor.*
- (4) The amount of remuneration decided under subsection (3) for each councillor must not be more than the maximum amount of remuneration payable to the councillor under the remuneration schedule.*
- (5) The amount of remuneration for each councillor, other than a mayor or deputy mayor, must be the same.*
- (6) The local government must make a resolution under subsection (2), for the remuneration payable from 1 July of a particular year, before 1 July of that year.*
- (7) Subsections (4) and (5) are subject to section 248.*

Division 2 Reimbursement of expenses and provision of facilities**Section 249 What div 2 is about**

- (1) *This division is about the expenses reimbursement policy.*
- (2) *The expenses reimbursement policy is a policy providing for the following—*
- (a) *payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;*
 - (b) *provision of facilities to councillors for that purpose.*

Section 250 Requirement to adopt expenses reimbursement policy or Amendment

- (1) *A local government must adopt an expenses reimbursement policy.*
- (2) *A local government may, by resolution, amend its expense reimbursement policy at any time.*

Discussion

Councillors to consider the attached draft Councillor Remuneration, Reimbursement and Provision of Facilities Policy, and whether the draft policy meets their expectations and requirements for them carry their duties as a councillor and elected member.

Consultation

Department of Housing, Local Government and Public Works.

Financial Risks

Costs will be considered in the 2024-25 Financial Year Budget but will be substantially consistent with current financial impacts of the 2023-24 Financial Year Budget.

Environmental Risks

Nil

Social Risk

Full transparency of local governments in Queensland.

Legal Risk

A meeting at which a proposed Expenses Reimbursement Policy is discussed cannot be closed.

LINK TO CORPORATE PLAN

- 1.3.1 Council has in place operational systems and capacity to deliver strategic priorities and core operations.

ATTACHMENTS

1. **FIN-010 Councillors remuneration, Reimbursement of Expenses and Facilities** [↓](#)



Councillors Remuneration, Reimbursement and Provision of Facilities Policy

Policy No:	FIN-010
Council Resolution Ref:	
Date Adopted:	
Review Date:	
Version No:	
Responsible Officer:	Director of Corporate Services

Purpose

Section 247 of the *Local Government Regulation 2012* specifies the remuneration payable to Councillors.

Section 249 of the *Local Government Regulation 2012*:

- 1) This division is about the expenses reimbursement policy.
- 2) The expenses reimbursement policy is a policy providing for the following—
 - (a) payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;
 - (b) provision of facilities to councillors for that purpose.

Section 250 of the *Local Government Regulation 2012* requires that a local government must adopt an expenses reimbursement policy.

Commencement of Policy

This Policy will commence on adoption by Council. It replaces all other policies (whether written or not). Council may amend this policy by resolution.

Application

This policy applies to elected members of Murweh Shire Council.

Policy

1. Remuneration to Councillors

In accordance with section 247 of the *Local Government Regulations 2012* it was resolved that the rates of remuneration for the Mayor, Deputy Mayor, and Councillors would be based upon the recommendations of the Local Government Remuneration Commission Annual Report.



Councillors Remuneration, Reimbursement and Provision of Facilities Policy

2. Expenses

a. Representing Council

Where Council resolves Councillors are required to attend conferences or workshops, Council will reimburse expenses associated with attending the event since participation is part of the business of council.

b. Professional Development Needs

Where Council resolves that all or some Councillors are to attend training or workshops for skills development, Council will reimburse costs for the course.

Where a Councillor identifies a need to attend a conference, workshop or training to improve skills related to their role as a Councillor, Council will allow for expenses to be covered for a maximum of \$5,000.00 per Councillor during the current term of Council.

3. Travel Costs as required to represent Council

A local government may reimburse local and in some cases interstate and overseas travel expenses (e.g. flights, car, accommodation, meals and associated registration fees) deemed necessary to achieve the business of Council where:

- a Councillor is an official representative of Council, and
- the activity/event and travel have been endorsed by resolution of Council.

Councillors are to travel via the most direct route, using the most economical and efficient mode of transport.

Council will pay for reasonable expenses incurred for overnight accommodation when a Councillor is required to stay outside the local government's region.

NOTE: Any fines incurred while travelling in Council-owned vehicles or privately owned vehicles when attending to Council business, will be the responsibility of the Councillor incurring the fine.

Travel Bookings

All Councillor travel approved by Council will be booked and paid for by Council.

Economy class is to be used where possible although Council may approve business class in certain circumstances.

Airline tickets are not transferable and can only be procured for the Councillor's travel on Council business. They cannot be used to offset other unapproved expenses (e.g. cost of partner or spouse accompanying the Councillor).

Travel Transfer Costs

Any travel transfer expenses associated with councillors travelling for council approved business will be reimbursed: example: trains, taxis, buses and ferry fares. Cab charge vouchers may also be used if approved by council where councillors are required to undertake duties relating to the business of council,



Councillors Remuneration, Reimbursement and Provision of Facilities Policy

Private Vehicle Usage

Councillors' private vehicle usage may be reimbursed by Council if the:

- travel has been endorsed by Council resolution
- claim for mileage is substantiated and is paid in line with the annual Australian Taxation Office (ATO) Cents per kilometre method Determination
[Cents per kilometre method | Australian Taxation Office \(ato.gov.au\)](https://www.ato.gov.au/ATO/external/pages/cents_per_kilometre_method.aspx)
- total travel claim does not exceed the cost of the same travel using economy flights plus the cost of taxi transfers.

4. Accommodation

Accommodation for approved events will be arranged and paid for by Council administration.

5. Meals

Council will meet the actual cost for meals for approved events, but cost must not exceed the Annual *Australian Tax Office (ATO) Determination for Domestic Travel - Reasonable Travel Allowances*.

6. Hospitality Expenses

Council will reimburse the cost of hospitality expenses incurred for Council business or activities upon production of receipts as follows;

Mayor	\$2,000.00 per annum
Councillor	\$ 500.00 per annum

7. Administration tools and access to Council office amenities

If required from the Chief Executive Officer or under his guidelines the following will be provided to Councillors for activities associated with Councillor duties;

- Access to office space and meeting rooms if available
- Secretarial support
- Council telephone and internet
- Printer, photocopier, paper shredder, scanner
- Stationery
- Publications relating to Council activities
- Other administrative necessities

8. Home Office

No allowance will be paid

9. Maintenance Costs of Council Owned Equipment

Council will maintain equipment and facilities owned by Council.



Councillors Remuneration, Reimbursement and Provision of Facilities Policy

10. Name Badges and Uniforms

Council will supply name badges to Councillors, corporate clothing and safety clothing where required by WHS regulations.

11. Vehicle

Vehicles will not be supplied to Councillors except for approved travel to conferences and meetings approved by the Chief Executive Officer. No private use is permitted.

12. Telecommunication Needs

Council mobile phones will be provided for council business use only. Expenditure costs will be monitored and proof of expenditure may be required where excessive expenditure is incurred.

13. Legal Costs

- a. Council may resolve to cover costs incurred through any inquiry, investigation, hearing or legal proceedings into the conduct of a Councillor, or arising out of, or in connection with the Councillors performance of his civic functions.
- b. Councillors will be covered under Council insurance policies while discharging civic duties.

14. Car Parking Amenities

Not provided.

Audit and Review

This policy shall be reviewed every **three years** or as required due to changes to in legislation.

Definitions

References

Local Government Act 2009, Part 3 Local Government Remuneration Commission
Local Government Regulation 2012, Chapter 8
Administration Part 1.
Division 1 Councillor Remuneration
Division 2 Reimbursement of Expenses and Provision of Facilities

5.7 ACCEPTABLE REQUEST GUIDELINES POLICY

Author: CEO

Authoriser: CEO

RECOMMENDATION

That Council adopt the Acceptable Request Guidelines Policy as presented.

BACKGROUND

Local governments must adopt Acceptable Request Guidelines.

This can be done at the post-election meeting.

The guidelines must detail:

- the way a councillor may ask a local government employee for advice to help the councillor carry out their responsibilities; and
- reasonable limits on requests a councillor may make.

Purpose

Murweh Shire Council promotes a culture within its organisation which values a close working relationship between elected members and staff so that elected members are able to quickly access information and seek advice from appropriate staff to enable them to undertake their duties effectively.

This policy is supported by the legislative authority of the:

Local Government Act 2009**Section 13 Responsibilities of Local Government Employees**

- (3) The chief executive officer has the following extra responsibilities—
- (f) complying with requests from councillors under section 170A—
- (i) for advice to assist the councillor carry out his or her role as a Councillor; or
 - (ii) for information, that the local government has access to, relating to the local government.

Section 170A Requests for assistance or information

- (1) A councillor may ask a local government employee to provide advice to assist the councillor to carry out his or her responsibilities under this Act.
- (2) A councillor may, subject to any limits prescribed under a

regulation, ask the chief executive officer to provide information, that the local government has access to, relating to the local government.

Example of a limit prescribed under a regulation—

A regulation may prescribe the maximum cost to a local government of providing information to a councillor.

- (3) If the advice or information requested under subsection (1) or
 - (2) relates to a document, the requirement under subsection (9) to comply with the request includes a requirement to provide a copy of the document.
 - (4) Subsections (2) and (3) do not apply to information or a document—
 - (a) that is a record of the conduct tribunal; or
 - (b) that was a record of a former conduct review body; or
 - (c) if disclosure of the information or document to the councillor would be contrary to an order of a court or tribunal; or
 - (d) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.
 - (5) A request of a councillor under subsection (1) or (2) is of no effect if the request does not comply with the acceptable requests guidelines.
 - (6) Subsection (5) does not apply to—
 - (a) the mayor; or
 - (b) the chairperson of a committee of a local government if the request relates to the role of the chairperson.
 - (7) The acceptable requests guidelines are guidelines, adopted by resolution of the local government, about—
 - (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under this Act; and
 - (b) reasonable limits on requests that a councillor may make.
 - (8) In this section a local government employee includes a person prescribed under a regulation.
 - (9) The chief executive officer must comply with a request made to the chief executive officer under subsection (1) or (2)—
 - (a) within 10 business days after receiving the request; or
 - (b) if the chief executive officer reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request.
- Maximum penalty—20 penalty units.
- (10) If the chief executive officer forms the belief mentioned in subsection (9)(b), the chief executive officer must give the councillor notice about the belief and the reasons for the belief within 10 business days after receiving the request.

- (11) In this section—
former conduct review body means a regional conduct review panel or the Local Government Remuneration and Discipline

Discussion

Councillors consider the information provided in the above report and draft policy in their deliberations and making their decision.

Consultation

Department of Housing Local Government and Public Works.

Director of Corporate Services.

Financial Risks

The draft policy is consistent with the current Acceptable Request Guidelines Policy and impact will be aligned with the 2023-24 Annual Budget.

Environmental Risks

Nil

Social Risk

Nil

Legal Risk

Policy consistent with the Local Government Act 2012

LINK TO CORPORATE PLAN

- 1.3.1 Council has in place operational systems and capacity to deliver strategic priorities and core operations.

ATTACHMENTS

1. **GOV-004 Acceptable Request Guidelines Policy March 2024** [↓](#)



Acceptable Request Guidelines Policy

Policy No:	GOV-004
Council Resolution Ref:	
Date Adopted:	
Review Date:	
Version No:	
Responsible Officer:	Chief Executive Officer

Purpose

Murweh Shire Council promotes a culture within its organisation which values a close working relationship between elected members and staff so that elected members are able to quickly access information and seek advice from appropriate staff to enable them to undertake their duties effectively.

Commencement of Policy

This Policy will commence on adoption by Council. It replaces all other policies (whether written or not). Council may amend this policy by resolution.

Application

This policy applies to all requests for advice, information and assistance from Councillors to staff.

Policy

1. INTRODUCTION

Section 13(3)(f) of the Local Government Act 2009 (*the Act*) provides that the Chief Executive Officer has, inter alia, the following responsibilities: -

- (f) *complying with requests from councillors under section 170A—*
- (i) *for advice to assist the councillor carry out his or her role as a Councillor; or*
 - (ii) *for information, that the local government has access to, relating to the local government.*

Section 170A of the Local Government Act 2009 provides as follows: –

1. A Councillor may ask a local government employee provide advice to assist the councillor carry out his or her responsibilities under this Act.
2. A Councillor may, subject to any limits prescribed under a regulation, ask the Chief Executive Officer to provide information, that the local government has access to, relating to the local government.

Example of a limit prescribed under a regulation—

A regulation may prescribe the maximum cost to a local government of providing information to a Councillor.

3. Subsection (2) does not apply to information—
 - a. that is a record of the regional conduct review panel or the tribunal; or
 - b. if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or
 - c. that would be privileged from production in a legal proceeding on the ground of legal professional privilege.



Acceptable Request Guidelines Policy

4. A request of a Councillor under subsection (1) or (2) is of no effect if the request does not comply with the acceptable requests guidelines.
5. Subsection (4) does not apply to—
 - a. the Mayor; or
 - b. the chairperson of a committee of the Council if the request relates to the role of the chairperson.
6. The **acceptable requests guidelines** are guidelines, adopted by resolution of the local government, about—
 - a. the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under this Act; and
 - b. reasonable limits on requests that a councillor may make.
7. In this section a **local government employee** includes a person prescribed under a regulation.
8. The Chief Executive Officer must make all reasonable endeavours to comply with a request under subsection (2).

Maximum penalty for subsection (8)—10 penalty units.

The requirement to direct all Councillor requests for advice or information through the Chief Executive Officer is impractical. Section 170A enables the Council to prepare guideline for the necessary Councillor / employee interaction.

These guidelines enable interaction to occur by establishing rules for dealing with Councillor requests for advice.

2. ADVICE TO ASSIST THE COUNCILLOR CARRY OUT HIS OR HER ROLE AS A COUNCILLOR

Councillors may request advice to assist them carry out their roles, from the following employees:

Department	Position
Governance	CEO
Corporate Services	CEO Director Corporate Services
Engineering Services	CEO Director Engineering Services
Environmental Health	CEO Manager of Regulatory Services
Planning	CEO Director of Corporate Services
Community and Public Health	CEO Director of Community & Health Services
Economic Development	CEO Director of Economic Development

Councillor's request for advice to assist them carry out their roles, must be made in accordance with the following:

- Councillors' requests for advice must be made in writing (e.g. Letter, memo, facsimile or email) unless the staff member receiving the request agrees to accept the request orally.



Acceptable Request Guidelines Policy

3. Council Officers To Provide Councillors With Information

The following Council officers are to deal with Councillor's request for provision of information:

Department	Position
Governance	CEO
Corporate Services	CEO Director Corporate Services
Engineering Services	CEO Director Engineering Services
Environmental Health	CEO Director Environmental Health Services
Planning	CEO Director of Corporate Services
Community and Public Health	CEO Director of Community & Health Services
Economic Development	CEO Director of Economic Development

4. Councillor Requests For Provision Of Information

Councillors may request information in accordance with the following:

- A "Councillor Access to Information" request form is to be completed and given to the appropriate officer identified in the above table. A copy of that request must also be forwarded to the office of the CEO.
- In completing the request form, the councillor will indicate the information required and the reason for seeking access.
- Where a councillor is unsure as to what information to request, he or she should contact the appropriate officer for assistance.
- Upon receipt of the request, the appropriate officer must determine if the councillor has a right to access the information (see section 170A(3) of the Local Government Act 2009).
- If it is appropriate to provide access, the appropriate officer must:
 - record the information to which access is available on the Councillor Access to Information request form;
 - ensure that the requesting Councillor is provided with access to all relevant information;
 - explain any issues in the information which relate to confidentiality or other sensitive matters;
 - if appropriate, provide any other information necessary to place the information being accessed, in context.

If it is not appropriate to provide access, the officer must advise the Councillor as to the reasons for this decision and record these reasons on the Councillor Access to Information request form.

Completed "Councillor Access to Information" request forms must be forwarded to the Chief Executive Officer prior to filing.



Acceptable Request Guidelines Policy

In accessing the information, Councillors are reminded of their obligations under Section 171 of the Local Government Act 2009, and any confidentiality policy made by Council under section 171(3). Section 171 provides:

s171 Use of information by Councillors

1. A person who is, or has been, a Councillor must not use information that was acquired as a councillor to—
 - (a) gain, directly or indirectly, a financial advantage for the person or someone else; or
 - (b) cause detriment to the local government.

Maximum penalty—100 penalty units or 2 years imprisonment.

2. Subsection (1) does not apply to information that is lawfully available to the public.
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.

s171A Prohibited conduct by Councillor in possession of inside information

1. This section applies to a person (the *insider*) who is, or has been, a councillor if the insider—
 - a. acquired inside information as a councillor; and
 - b. knows, or ought reasonably to know, that the inside information is not generally available to the public.
2. The insider must not cause the purchase or sale of an asset if knowledge of the inside information would be likely to influence a reasonable person in deciding whether or not to buy or sell the asset.

Maximum penalty—1000 penalty units or 2 years imprisonment.

3. The insider must not cause the inside information to be provided to another person the insider knows, or ought reasonably to know, may use the information in deciding whether or not to buy or sell an asset.

Maximum penalty—1000 penalty units or 2 years imprisonment.

4. In this section—

cause, in relation to an action, includes the following—

- a. carry out the action;
- b. instigate the action;
- c. direct, or otherwise influence, another person to carry out or instigate the action.

Corporate entity means a corporation that is owned by the local government.

Inside information, in relation to a local government, means information about any of the following—

- a. the operations or finances of the local government (including any business activity of the local government) or any of its corporate entities;
- b. a proposed policy of the local government (including proposed changes to an existing policy);
- c. a contract entered into, or proposed to be entered into, by the local government or any of its corporate entities;
- d. a tender process being conducted by or for the local government or any of its corporate entities;



Acceptable Requests Guidelines Policy

- e. a decision, or proposed decision, of the local government or any of its committees;
- f. the exercise of a power, under a Local Government Act, by the local government, a Councillor or a local government employee;
- g. the exercise of a power, under an Act, by the State, a Minister, a statutory body or an employee of the State or statutory body, that affects the local government, any of its corporate entities or land or infrastructure within the local government's area;
- h. any legal or financial advice created for the local government, any of its committees or any of its corporate entities.

Audit and Review

This policy shall be reviewed every **three years** or as required due to changes to in legislation.

Definitions

References

Local Government Act 2009

Local Government Regulation 2012

Attachment

Access to Information Request Form



Acceptable Requests Guidelines Policy

Murweh Shire Council
 95-101 Alfred St, Charleville Q 4470
 PO Box 63, Charleville Q 4470
 mail@murweh.qld.gov.au
 ☎ 07 4656 8355

ACCESS TO INFORMATION - Request Form

To be completed by the Councillor	
Councillor name	
Relevant officer position and name	
Information requested	
Reason for requiring information	
Format required <i>(electronic, hard copy etc)</i>	
To be completed by the relevant Officer	
Access permitted under the LGA?	YES / NO
If NO Councillor advised?	YES / NO
Summary of information provided	
Signed	
Date	
Form forwarded to CEO?	YES / NO

5.8 REGISTER OF PECUNIARY INTERESTS**Author:** CEO**Authoriser:** CEO**RECOMMENDATION**

That Councillors note the requirement to provide the chief executive officer (CEO) a copy of their and their Related Parties Register of Interests within 30 days of the start of their term of councillor.

Councillors are required to fill in their Register of Interests as well as the interests of Related Persons.

POLICY/LEGISLATION:**Local Government Act 2009****Part 5A Obligations of councillors and councillor advisors****Section 201A Obligation of councillor or councillor advisor to inform chief executive officer of particulars of interests at start of term or on appointment.**

(1) This section applies if—

(a) a councillor, at the start of the councillor's term, has an interest that must, under a regulation, be recorded in a register of interests for the councillor or a person who is related to the councillor; or

(b) a councillor advisor, when the advisor is appointed, has an interest that must, under a regulation, be recorded in a register of interests for the advisor or a person who is related to the advisor.

(2) The councillor or councillor advisor must, in the approved form, inform the chief executive officer of the particulars required to be included in a register of interests under a regulation within 30 days after the day the councillor's term starts or the advisor is appointed.

Note ; Contravention of this section by a councillor is misconduct that could result in disciplinary action being taken against the councillor—see section 150L(1)(c)(iv). Also, this section is a relevant integrity provision for the offence against section 201D—see section 201D(2), definition relevant integrity provision.

(3) A person is **related** to a councillor if—

a) the person is the councillor's spouse; or

b) the person is totally or substantially dependent on the councillor and—

(i) the person is the councillor's child; or

(ii) the person's affairs are so closely connected with the affairs of the councillor that a benefit derived by the person, or a substantial part of it, could pass to the councillor.

(3) A person is **related** to a councillor advisor if—

(a) the person is the advisor's spouse; or

(b) the person is totally or substantially dependent on the advisor and—

(i) the person is the advisor's child; or

(ii) the person's affairs are so closely connected with the affairs of the advisor that a benefit derived by the person, or a substantial part of it, could pass to the advisor.

[Register of Interests \(statedevelopment.qld.gov.au\)](https://statedevelopment.qld.gov.au)

[Form 1 – New Register of Interests \(statedevelopment.qld.gov.au\)](https://statedevelopment.qld.gov.au)

[Form 2 – New Related Person Register of Interests \(statedevelopment.qld.gov.au\)](https://statedevelopment.qld.gov.au)

ATTACHMENTS

Nil

5.9 COUNCILLOR REMUNERATION**Author: CEO****Authoriser: CEO****RECOMMENDATION**

That Councillors notes the Local Government Remuneration Commission Annual Report 2022-23.

POLICY/LEGISLATION:**Local Government Regulation 2012****Section 246 Remuneration schedule**

- 1) The remuneration commission must prepare a remuneration schedule after the remuneration commission makes a decision about maximum amounts of remuneration under section 244.
- 2) A **remuneration schedule** must state—
 - a) the date from which the schedule applies; and
 - b) the category of each local government decided under section 243; and
 - c) the maximum amount of remuneration payable to the mayors, deputy mayors and other councillors for each category of local government decided under section 244.
- 3) After preparing a remuneration schedule, the remuneration commission must—
 - a) within 14 days, prepare a report about the remuneration schedule and give a copy of the report and the
 - b) remuneration schedule to the Minister; and publish the remuneration schedule in the gazette.

(4) A remuneration schedule continues in effect until a new remuneration schedule applies.

Local Government Act 2011**Section 247 Remuneration payable to councillors**

- (1) A local government must pay remuneration to each councillor of the local government.
- (2) The maximum amount of remuneration payable to a councillor under the remuneration schedule must be paid to the councillor, unless the local government, by resolution, decides the maximum amount is not payable to the councillor.
- (3) In a resolution made under subsection (2), the local government must also decide the amount of remuneration payable to the councillor.
- (4) The amount of remuneration decided under subsection (3) for each councillor must not be more than the maximum amount of remuneration payable to the councillor under the remuneration schedule.
- (5) The amount of remuneration for each councillor, other than a mayor or deputy mayor, must be the same.
- (6) The local government must make a resolution under subsection (2), for the remuneration payable from 1 July of a particular year, before 1 July of that year.
- (7) Subsections (4) and (5) are subject to section 248.

Allowances as set by the Queensland Local Government Remuneration Commission as set out in their Annual Report 2023 - effective 01 July 2024.

Mayor	\$119,393.00	
Deputy Mayor	\$68,880.00	
Councillor	\$59,695.00	(Annual Allowance \$39,796.67 and Sitting Fee\$1,658.00)

Salary and allowances are paid monthly – see below link and commentary.

Notes to the Remuneration schedule

The 2014 annual report by the former Local Government Remuneration and Discipline Tribunal explained the rationale behind the adoption of a system of remuneration which comprised a base payment (of two thirds of the annual remuneration) and a monthly payment based upon attendance at, and participation in, the 12 mandated council meetings.

*** Note 1**

The monetary amounts shown are the per annum figures to apply from 1 July 2024. If an elected representative only serves for part of a full financial year (that is, 1 July to 30 June) they are currently only entitled to a pro rata payment to reflect the portion of the year served.

**** Note 2**

For councillors in category A1, A2 or A3 councils, a base payment of \$39,796.67 is payable for the 12 months commencing on 1 July 2024. A meeting fee of \$1,658 per calendar month (or fortnightly equivalent) is payable for attendance at, and participation in, scheduled meetings of council subject to certification by the mayor and/or chief executive of the council.

Mayors and deputy mayors in category A1, A2 and A3 are currently entitled to receive their full annual remuneration level shown.

The Commission has not determined to make changes to the system of base payment and mandated council meetings for its 2022-2023 determination. Future consideration by the Commission may be given to whether changes to the current system should be made.

Local Government Remuneration Commission Annual Report 2022-23:

[Local Government Remuneration COMMISSION | Annual Report 2022-23 \(statedevelopment.qld.gov.au\)](https://statedevelopment.qld.gov.au)

Section 249 of the Local Government Regulation 2012:

- 1) This division is about the expenses reimbursement policy.
- 2) The expenses reimbursement policy is a policy providing for the following—
 - (a) payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors.
 - (b) provision of facilities to councillors for that purpose.

Section 250 Requirement to adopt expenses reimbursement policy or Amendment

- (1) A local government must adopt an expenses reimbursement policy.
- (2) A local government may, by resolution, amend its expenses

Murweh Shire Council Councillors Remuneration, Reimbursement and Provision of Facilities Policy:

[fin-010-councillors-remuneration-reimbursement-of-expenses-and-facilities \(murweh.qld.gov.au\)](https://murweh.qld.gov.au/fin-010-councillors-remuneration-reimbursement-of-expenses-and-facilities)

Note: Councillors are also eligible to join the LG Super Scheme.

ATTACHMENTS

Nil

5.10 COUNCILLOR TRAINING

Author: CEO

Authoriser: CEO

BACKGROUND

The Department of Housing, Local Government, and Public Works are holding Councillor Induction and professional development training for Councillors in the morning of 14 May 2024.

This will be followed by a training session with the Queensland Treasury Corporation (QTC) in the afternoon of 14 May 2024.

The Local Government Association Queensland (LGAQ) are likely to also host training sessions with newly elected councillors.

LINK TO CORPORATE PLAN

1.3.1 Council has in place operational systems and capacity to deliver strategic priorities and core operations.

ATTACHMENTS

Nil

5.11 ELECTION RETURNS

Author: CEO

Authoriser: CEO

BACKGROUND

While this is no longer a responsibility of Council it is important that Councillors lodge their election gifts return, even if it is a nil return in the regulated time.

Forms are available on the ECQ website:

[Electronic-lodgement-procedure.pdf \(ecq.qld.gov.au\)](https://www.ecq.qld.gov.au/election-returns/returning-election-gifts)

[Published disclosure returns | Electoral Commission of Queensland \(ecq.qld.gov.au\)](https://www.ecq.qld.gov.au/election-returns/published-disclosure-returns)

LINK TO CORPORATE PLAN

1.1.1 Council has in place strategic decision-making frameworks to identify, prioritise, and meet current and future needs .

ATTACHMENTS

Nil

5.12 COUNCILLOR CODE OF CONDUCT

Author: CEO

Authoriser: CEO

BACKGROUND

A code of conduct applies to Councillors and is referenced by principles and legislation in the Local Government Act 2009 and Local Government Regulation 2012. Councillors by virtue of being elected and holding the office of Councillor are individually and collectively bound by:

- the purposes and principles for Local Government
- the powers and responsibilities of Councillors
- the financial accountability documents.
- any other obligations under the act.

Purpose of the Code of Conduct

The Code of Conduct sets out the principles and standards of behaviour expected of councillors and mayors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, councillors will increase public confidence in local government and their decisions.

Background

Under section 150D of the Local Government Act 2009 (the LGA), the Minister for Local Government (the Minister) must make a Code of Conduct stating the standards of behaviour for councillors in the performance of their responsibilities as councillors. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, all councillors must make a declaration of office and commit to complying with the local government principles and obligations of councillors in accordance with section 169 of the Local Government Act 2009 and 169 of the City of Brisbane Act 2010, as well as the standards of behaviour set out in this Code of Conduct. As part of that declaration, councillors must declare that they will abide by this Code of Conduct.

The legislation is founded on five local government principles with which councillors must comply while performing their roles as elected representatives.

These principles are listed below:

1. Transparent and effective processes, and decision making in the public interest.
2. Sustainable development and management of assets and infrastructure, and delivery of effective services.

3. Democratic representation, social inclusion and meaningful community engagement.
4. Good governance of, and by, local government.
5. Ethical and legal behaviour of councillors and local government employees.

Councillor Code of Conduct:

[hr-011-councillor-code-of-conduct \(murweh.qld.gov.au\)](https://www.murweh.qld.gov.au/hr-011-councillor-code-of-conduct)

[code-of-conduct-for-queensland-councillors.pdf \(dlgrma.qld.gov.au\)](https://www.dlgrma.qld.gov.au/code-of-conduct-for-queensland-councillors.pdf)

LINK TO CORPORATE PLAN

- 1.1.1 Council has in place strategic decision-making frameworks to identify, prioritise, and meet current and future needs .

ATTACHMENTS

Nil

5.13 LOCAL GOVERNMENT STAFF PRESENTATIONS**Author: CEO****Authoriser: CEO****RECOMMENDATION**

That Council receives and notes the presentations from Murweh Shire Staff.

Local Government Staff Presentations

- Director of Corporate Services: Mr Justin Kronk
- Director of Engineering Services: Mr Jacob Barton
- Director of Environment and Health Services: Mr Richard Ranson
- Manager of Regulatory Services: Ms Kay Crosby
- Workplace Health and Safety Advisor: Ms Mia Keys
- Economic Development Officer: Mr John Nicholson
- Human Resources Manager: Ms Trudy Kerr
- Accountant: Claire Alexander

ATTACHMENTS**Nil**

6 CLOSURE