



Agenda

Ordinary Meeting

Tuesday, 8 August 2023

Time: 9.15 am
Location: Council Chambers
82 Brisbane Street
BEAUDESERT QLD 4285

**Scenic Rim Regional Council
Ordinary Meeting
Tuesday, 8 August 2023
Agenda**

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- 1 Opening of Meeting**
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- 7 Announcements / Mayoral Minutes**
- 8 Reception of Deputations by Appointment / Presentation of Petitions**
- 9 Confirmation of Minutes**
Ordinary Meeting - 18 July 2023
- 10 Business Arising from Previous Minutes**

11 Consideration of Business of Meeting


Executive

11.1 Australian Local Government Association 29th National General Assembly

Executive Officer: Chief Executive Officer

Item Author: Executive Assistant

Attachments:

1. 2023 National General Assembly Program - Australian Local Government Association [↓](#) 

Executive Summary

The Australian Local Government Association (ALGA) 29th National General Assembly (NGA) was held from 13 to 16 June 2023 in Canberra. Due to a change in schedule, Cr Christensen attended two days of the Assembly on 14 and 15 June.

Recommendation

That Council retrospectively authorise the Mayor, Cr Greg Christensen, to attend the Australian Local Government Association's 29th National General Assembly, held in Canberra on 14 and 15 June 2023.

Previous Council Considerations / Resolutions

Not applicable.

Report / Background

The 2023 NGA of Local Government, incorporating the 2023 Regional Forum and the 2023 Australian Council of Local Government, was held from 13 to 16 June 2023 in Canberra.

The theme for the 2023 NGA was "Our Communities, Our Future", with a focus on ideas for new federal programs and policies that would support councils to build stronger communities in the future. A copy of the program is attached (refer Attachment 1).

Due to a change in schedule the Mayor, Cr Greg Christensen, attended the Assembly on 14 and 15 June. Deputy Mayor Cr Jeff McConnell also attended the ALGA NGA and Regional Forum from 13 to 16 June.

Budget / Financial Implications

Expenses of this kind are funded through the Mayor and Councillor Expenses - Ordinary Business provision in Council's 2022-2023 Budget.

An estimate of the expenses that was incurred is provided below.

Estimated Expenses Per Person Attending Onsite	
NGA Conference Registration 14 and 15 June	\$995.00
Accommodation - Two Nights	\$279.00
Travel and Incidentals	\$300.00
TOTAL	\$1,574.00

Strategic Implications

Operational Plan

Theme: 2. Sustainable and Prosperous Economy

Key Area of Focus: Strengthened relationships with other levels of government and statutory organisations to secure their commitment to a shared community vision

Legal / Statutory Implications

Not applicable.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR54 Ineffectively managing the political and government departmental relationships/partnerships, resulting in Council not achieving its major strategic objectives.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Political Missed opportunity to progress Council's interests	2 Minor	Likely	Medium	Represent Council's interests by attending and participating in local government conferences and summits.	Low

Consultation

Nil.

Conclusion

Retrospective endorsement is sought for Cr Greg Christensen to attend the ALGA's 29th NGA on 14 and 15 June 2023 in Canberra.



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

2023 NGA

OUR COMMUNITIES
OUR FUTURE ▶▶▶

REGISTRATION INFORMATION

13 – 16 JUNE 2023

NATIONAL CONVENTION CENTRE
CANBERRA



2023 Sponsors

Foundation Sponsor



Platinum Sponsors



Australian Government

Department of Infrastructure, Transport,
Regional Development and Communications





President Welcome



Dear colleagues,

I am pleased to invite you to attend the 29th National General Assembly (NGA) of Local Government in Canberra.

Since we last met in June 2022, we have a new Federal Government. As a result, local government has been restored to National Cabinet when required, and to a wide range of Government Ministerial councils.

This year's Conference is set to be the biggest yet, especially with the return of the Australian Council of Local Government (ACLG) for the first time in more than a decade.

Local government is finally back at the table and, on behalf of our sector, I couldn't be more excited about this event that will follow, and be informed by, the discussions at this year's NGA.

The ACLG will allow you to share your community's key priorities, challenges and aspirations directly with the Prime Minister and Federal Ministers.

Re-establishing the ACLG was an Australian Government commitment, secured by ALGA on your behalf, and we're looking forward to helping deliver this historic event.

As a nation, we have experienced further unprecedented natural disasters that continue to devastate our local communities.

Collectively, we are working hard to rebuild our cities, towns and regions, in the face of skyrocketing inflation and serious jobs and skills shortages.

As a level of government, we are always looking to the future, and this year's NGA will consider the policies – and funding partnerships we need – to deliver for our communities.

Importantly, we need up-front investment from all levels of government to help councils build back better, saving all governments money in the long-term.

Post COVID, the Federal Government is experiencing record funding pressures, and that's why we're advocating for smarter, targeted investments that capitalise on our strengths and assets to bolster our long-term national prosperity, stimulate growth and increase Australia's productivity.

Research shows local government directly impacts broader economic productivity, including urban infrastructure, mitigating externalities in urban development, placemaking and the visitor economy, land for housing, better local labour markets and providing land for business, innovation and the circular economy.

Without question, investing in local government is an investment in increasing our nation's productivity and prosperity, and I look forward to hearing your ideas on the support we need to make good on this promise.

I look forward to welcoming you to Canberra this June.

Cr Linda Scott
ALGA President



Provisional Program

TUESDAY 13 JUNE

9.00am	Registrations Open
9.30am - 5.00pm	Regional Forum (Additional registration required)
5.00pm - 7.00pm	Welcome Reception & Exhibition Opening

WEDNESDAY 14 JUNE

8.00am	Registrations Open
9.00am	Opening Ceremony Welcome to Country
9.40am	Minister Address The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government (invited)
10.00am	ALGA President's Address Cr Linda Scott, ALGA President
10.30am	MORNING TEA
11.00am	Panel: Building a Stronger Workforce Panelists TBC
11.45am	Keynote Address TBA
12.30pm	LUNCH
1.30pm	Panel: The Future of Local Government Dr Jonathan Carr-West, CEO, Local Government Information Unit, UK Tahlia Azaria, Director, Young Mayors Program, Foundation for Young Australians
2.15pm	Panel: Local Solutions to Global Problems - Councils Addressing Climate Change Panelists TBC
3.00pm	AFTERNOON TEA
3.30pm	Debate on Motions Concurrent Session TBC
7.00pm - 11.00pm	General Assembly Dinner QT Hotel, Canberra

THURSDAY 15 JUNE

9.00am	Panel: Indigenous Affairs Panelists TBC
9.45am	Keynote: Leading Communities Through Change Jennifer Michelmore, Chief Executive, Studio THI
10.30am	MORNING TEA
11.00am	Panel: Cyclones, Fires and Floods Brendan Moon, Coordinator-General, National Emergency Management Agency Other Panelists TBC
11.45am	Minister Address The Hon Peter Dutton MP, Leader of the Opposition (invited)
12.30pm	LUNCH
1.30pm	Panel: Australia's Affordable Housing Crisis Nathan Dal Bon, CEO, National Housing Finance and Investment Corporation Wendy Hayhurst, CEO, Community Housing Industry Association
2.15pm	Panel: Cyber Security and Local Government Clive Reeves, Deputy Chief Information Security Officer, Telstra Other Panelists TBC
3.00pm	AFTERNOON TEA
3.30pm	Debate on Motions Concurrent Session TBC
FRIDAY 16 JUNE	
7.30am	Registrations Open
8.00am - 3.00pm	Australian Council of Local Government (ACLG)

Key Dates

FRIDAY 24 MARCH 2023

Call for Motions Close

FRIDAY 19 MAY 2023

Close of Early Bird Registrations

TUESDAY 13 JUNE 2023

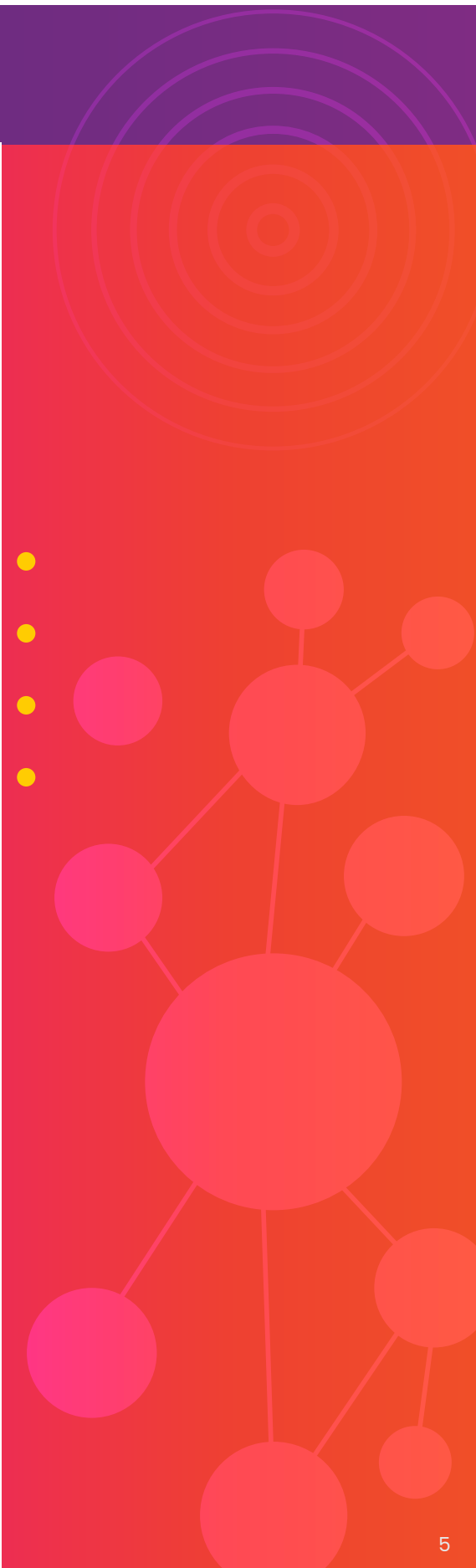
Regional Cooperation & Development Forum

WEDNESDAY 14 - THURSDAY 15 JUNE 2023

National General Assembly

FRIDAY 16 JUNE 2023

Australian Council of Local Government (ACLG)





**REGIONAL
FORUM**

2023

**TUESDAY
13 JUNE 2023**



GENERAL INFORMATION

REGISTRATION FEES

Forum Only Registration
\$425

NGA Delegate Discount Registration
\$225

Register Online Now:
regionalforum.com.au

Dress Code: Smart Casual

PROVISIONAL PROGRAM

9.00AM	Registrations Open
9.30AM	Welcome to Country
9.40AM	ALGA President Opening Cr Linda Scott, ALGA President
9.50AM	Minister Address The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories
10.30AM	Shadow Minister Address The Hon Darren Chester MP, Shadow Minister for Regional Development, Local Government and Territories
11.00AM	MORNING TEA
11.30AM	Panel: Recovering from Cyclones, Fires and Flood
12.15PM	Panel: Skills Shortages in Regional and Rural Australia Susl Tegen, CEO, National Rural Health Alliance David Williams, Former CEO, Planning Institute of Australia
1.00PM	LUNCH
2.00PM	Panel: Regional Housing Challenges
2.45PM	Panel: Connecting Our Communities
3.30PM	AFTERNOON TEA
4.00PM	Regional update from the Department for Infrastructure, Transport, Regional Development, Communications and the Arts
4.45PM	Closing Remarks Cr Linda Scott, President, ALGA

Asset & Environmental Sustainability

11.2 Disaster Waste Management Project

Executive Officer: General Manager Asset and Environmental Sustainability

Item Author: Manager Resources and Sustainability

Attachments:

1. Scenic Rim Waste Services Resilience Road Map [↓](#) 

Executive Summary

Waste Services has completed the Disaster Waste Management Project funded by the Australian Government. The Waste Services Resilience Road Map (Road Map) and Disaster Waste Management Plan (DWMP) developed through the project are designed to support the implementation of Council's Waste Management and Resource Recovery Strategy, specifically the strategic outcome of efficient and effective management of operations, through the following objectives:

- Supporting the community to continue functioning in the event of a natural disaster;
- Reducing health and safety risks for community, Council employees and key contractors in managing service interruption and disaster waste;
- Enhancing communication in relation to waste services in disasters;
- Integrating disaster considerations into waste asset planning; and
- Supporting the management of disaster waste in accordance with the waste hierarchy.

The Road Map sets the strategic direction for Council to implement resilience building activities to improve waste management planning, services, and infrastructure, while the DWMP will guide Council to manage disaster waste and service interruption impacts with the current complement of resources in the event of a disaster.

Stakeholder engagement occurred through a range of avenues, this included community consultation on the draft Road Map. Feedback from stakeholders shaped both the Road Map and the DWMP.

Recommendation

That:

1. Council endorse the Waste Services Resilience Road Map, which aims to enhance Council's ability to maintain the continuity of waste services during a disaster and better manage waste in the aftermath;
2. Council acknowledge the support and funding received from the Australian Government through the Preparing Australian Communities Program — Local Stream which enabled the development of the Disaster Waste Management Plan and the Waste Services Resilience Road Map; and
3. Council delegate authority to the Chief Executive Officer to make minor grammatical and formatting changes to the Waste Services Resilience Road Map, if required, after its adoption and prior to publishing on Council's website for public access, noting any such changes will be advised to Councillors prior to publishing.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 2 August 2022 (Item 10.3), Council resolved to acknowledge the successful funding of \$82,965 for the development of a Disaster Waste Management Plan project through the Preparing Australian Communities — Local Stream, administered by the Department of Industry, Science, Energy and Resources, National Recovery and Resilience Agency.

At the Ordinary Meeting held on 22 June 2021 (Item 10.3), Council resolved to adopt the Waste Management and Resource Recovery Strategy 2021-2026.

Report / Background

The Scenic Rim region is regularly impacted by natural hazards, such as localised flooding and downstream impacts of tropical cyclones, including severe storm events. The Scenic Rim region has also been impacted by bushfires and pandemic and biosecurity events.

One of the impacts resulting from natural disaster events is disruption of essential waste services to the community. In addition, these events can result in the generation of significant quantities of waste, including storm debris, damaged property and infrastructure, animal carcass and response specific waste, such as damaged sandbags. This waste generation further compounds pressure on Council's waste services, resources and subsequent management.

In 2021, Council released the Waste Management and Resource Recovery Strategy (the Strategy), highlighting the commitment to shift towards a circular economy and driving innovation in waste management.

Council's vision is to progress the Scenic Rim region towards zero avoidable waste to landfill, through collaboration and innovation. It is recognised that a key contributor to success on this journey will be the provision of information, services and facilities that support the community to manage waste in accordance with the waste hierarchy, starting with avoidance.

Planning for management of service interruptions, and the volume and nature of waste that can be reasonably expected to be generated as a result of natural disasters, will support Council in providing fit for purpose services to the community in challenging circumstances. Development of a Disaster Waste Management Plan (DWMP) with diversion and reduction in mind will also support progressing Council's vision of zero avoidable waste to landfill.

The Disaster Waste Management Project resulted in the development of the Waste Services Resilience Road Map (Road Map) and Disaster Waste Management Plan, designed to support the implementation of the Strategy, specifically the strategic outcome of efficient and effective management of operations, through the following objectives:

- Supporting the community to continue functioning in the event of a natural disaster;
- Reducing health and safety risks for community, Council employees and key contractors in managing service interruption and disaster waste;
- Enhancing communication in relation to waste services in disasters;
- Integrating disaster considerations into waste asset planning; and
- Supporting the management of disaster waste in accordance with the waste hierarchy.

The objective of the Road Map is to prioritise actions and develop a plan to increase the capability and resilience of waste management systems over time. Development of the Road Map followed a stepwise approach, which included the following:

- Review of relevant state and local regulatory requirements and policies;
- Development of a disaster risk profile for the region;
- Identification of different resilience building options for Waste Services for Council roles and responsibilities, communication processes, facility and service planning and post-recovery actions; and
- Assessment of all resilience building options, considering environmental, social, public health, community acceptance and physical infrastructure and service requirements.

The resulting Road Map (Attachment 1), is a strategic planning document that presents both short and long-term options and opportunities for Council to build its waste management disaster resilience. Recommendations of the Road Map include:

- Council to consider the implementation of all Resilience Building Options described within the Road Map;
- Council to prioritise the Resilience Building Options that provide excellent value for money or that build significant disaster waste resilience in the short-term;
- Council to develop business cases and/or feasibility studies for longer-term more complex or high capital cost Resilience Building Options; and
- Council to promote, instigate and integrate improved waste management planning, services and infrastructure considerations within the established local/regional Resilience Action Plans and disaster management framework.

The DWMP is an operational planning and process driven document developed to guide Council to manage disaster waste and service interruption impacts with the current compliment of resources in the event of a disaster. The DWMP aligns with the Prevention, Preparedness, Response and Recovery approach used in emergency management and that of the Queensland Strategy for Disaster Resilience 2022-2027, the overarching framework that guides and coordinates the delivery of strategic commitments and actions to improve Queensland's resilience to disasters.

The primary objectives of the DWMP are to:

- Provide a framework Council can utilise in the event of a disaster to coordinate the waste management response following a disaster event;
- Facilitate internal and external resources and services for the safe and efficient removal, processing, recycling and disposal of waste;
- Maximise resource recovery and diversion of disaster waste from landfill thus preserving the life of Bromelton Central Waste Facility;
- Identify and prioritise potential temporary waste management sites to be used in a disaster event; and
- Support Council's Business Continuity Plan.

It outlines key roles and responsibilities, communication processes, provides guidance on specific temporary waste management arrangements, scalable response processes, key actions and decision points, as well as data collection and reporting. The DWMP was specifically prepared in a format that can be continually updated and improved by Council, as actions from the Road Map are implemented.

The DWMP has been distributed to relevant operational staff for use in managing waste and waste services in a disaster.

Budget / Financial Implications

Budget provision of \$27,000 was made in the 2022-2023 operational budget for preparation of a disaster waste management plan.

The project was able to expanded with grant funding of \$82,965 provided by the Australian Government through the Preparing Australian Communities Program - Local Stream.

Strategic Implications

Operational Plan

Theme: 6. Accessible and Serviced Region

Key Area of Focus: Progression towards ‘zero avoidable waste to landfill’ as an economically viable operation, through collaboration and innovation

Legal / Statutory Implications

Environmental Protection Act 1994
Waste Reduction and Recycling Act 2011

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

- SR43 Inadequate or ineffective planning, delivery and maintenance of infrastructure resulting in risk to public and staff safety and potential financial implications.
- SR45 Inadequate, ineffective or unintegrated Disaster Management Framework to enable an appropriate and coordinated response to a significant disaster event.
- SR52 Ineffective and/or unrealistic strategic plans which are not appropriately scoped or resourced, resulting in missed opportunities, re-work, failure to deliver objectives and loss of confidence by community.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
WH&S & Public Safety Illness or injury due to reduced waste management service levels	4 Major	Possible	High	Implementation of Disaster Waste Management Plan and Waste Services Resilience Road Map	Medium
Infrastructure, Assets & Service Delivery Inability to meet community disaster waste needs	4 Major	Possible	High	Implementation of Disaster Waste Management Plan and Waste Services Resilience Road Map	Medium

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Reputation, Community & Civic Leadership Poor perception of Council due to inability to meet community needs in a disaster	3 Moderate	Possible	Medium	Implementation of Disaster Waste Management Plan and Waste Services Resilience Road Map	Low
Environmental Environmental harm due to poor waste storage and containment in a disaster	4 Major	Possible	High	Implementation of Disaster Waste Management Plan and Waste Services Resilience Road Map	Medium
Business Continuity Inability to provide waste collection services due to access or resourcing issues in a disaster	4 Major	Possible	High	Implementation of Disaster Waste Management Plan and Waste Services Resilience Road Map Business Continuity Plan - Waste Services	Low

Consultation

Consultation with key stakeholders was undertaken for both the Road Map and the DWMP.

Community feedback on the Road Map was sought, with a view to informing how Council can support the community to recover from disasters more effectively, prioritise resilience improvement activities and when they should happen. The focus for feedback was on actions identified in relation to:

- Council’s roles and responsibilities;
- Communication processes;
- Facility and service planning, and
- Post recovery actions.

The Road Map was posted on Council's 'Let Talk Scenic Rim' platform between 5 April and 8 May 2023, and the community was invited to complete the online or printed feedback form. There were a total of 155 interactions with the engagement and two responses were received.

The stakeholder engagement report provided as an appendix to the Road Map provides further insight into community consultation outcomes and details the consultation that occurred with internal staff, waste contractors and members of the Scenic Rim Local Disaster Management Group.

A number of staff including management and officer representatives across the following teams were involved in developing and progressing the project — Maintenance and Operations, Resources and Sustainability, Customer, Community and Culture including the Disaster Management Coordinator, Community Development and Marketing and Communications. In addition, Council's waste collection contractor JJs Waste and Recycling participated in the project. Further, the Executive Management Team were briefed on the project progress.

Conclusion

The Disaster Waste Management Project has resulted in a Road Map that identifies a number of short and longer-term options to improve the capability and resilience of Council's waste management systems over time, and a DWMP that provides guidance to Waste Services to manage disaster waste and service interruption impacts with the current compliment of resources in the event of a disaster.

Together, the Road Map and DWMP will support the implementation of the Strategy, specifically the strategic outcome of efficient and effective management of operations, as well as improve Council's resilience and response to future disasters.

This project was completed with funding from the Australian Government through the Preparing Australian Communities Program - Local Stream.


Council Sustainability

11.3 Inappropriate Conduct Matter C-23-00048

Executive Officer: General Manager Council Sustainability

Item Author: Principal Specialist Governance and Assurance

Attachments:

1. Investigation Report and Attachments - Inappropriate Conduct Matter C-23-00048 - Confidential
2. Outcome letter from external agency - Confidential
3. Disciplinary Action Guideline - Inappropriate Conduct [↓](#) 

Executive Summary

On 13 February 2023, the Office of the Independent Assessor (OIA) referred a complaint against former Councillor, Derek Swanborough, to Council to investigate, pursuant to section 150W(1)(b) of the *Local Government Act 2009*, advising of its reasonable suspicion that the complaint, if proven, involves inappropriate conduct.

Council engaged an external investigator to conduct the investigation under Council's Investigation Policy. The investigator has completed the investigation and provided a report with findings and recommendations.

Council is required to determine if the former Councillor has engaged in inappropriate conduct and, if so, the order to be imposed.

Recommendation

That Council determine if former Councillor, Derek Swanborough, has engaged in inappropriate conduct and, if so, the order or orders to be made.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 11 October 2022, Item 11.2, "Inappropriate Conduct Matter C/20/00919 and C/20/00870 [Closed s.254J(3)(f)]", Council resolved:

That:

1. In accordance with the *Local Government Act 2009*, section 150AG, Council finds that Councillor Swanborough has engaged in inappropriate conduct; and
2. In accordance with the *Local Government Act 2009*, section 150AH, the following orders are imposed:
 - a) That the Councillor makes a public admission that the Councillor has engaged in inappropriate conduct;
 - b) That such an admission must include, but not limited to, a statement that is to be read at the next available Ordinary Meeting acknowledging that the Councillor behaved inappropriately, ~~causing harm to third parties~~; [wording subsequently deleted by amendment to resolution at the Ordinary Meeting held on 8 November 2022]
 - c) That a reprimand be recorded against the councillor for the conduct;

- d) That if the councillor engages in the same type of conduct again it will be treated as misconduct; and
- e) That Councillor Swanborough reimburse the local government for 30% of the costs of the investigation arising from this councillor's inappropriate conduct.

At the Ordinary Meeting held on 11 October 2022, Item 11.3, "Inappropriate Conduct Matter C/21/00218 [Closed s.254J(3)(f)]", Council resolved:

That:

1. In accordance with the *Local Government Act 2009*, section 150AG, Council finds that Councillor Swanborough has engaged in inappropriate conduct; and
2. In accordance with the *Local Government Act 2009*, section 150AH, the following orders are imposed:
 - a) That the Councillor makes a public admission that the Councillor has engaged in inappropriate conduct;
 - b) That such an admission must include, but not limited to, a statement that is to be read at the next available Ordinary Meeting acknowledging that the Councillor behaved inappropriately, ~~causing harm to third parties~~; [wording subsequently deleted by amendment to resolution at the Ordinary Meeting held on 8 November 2022]
 - c) That a reprimand be recorded against the councillor for the conduct;
 - d) That if the councillor engages in the same type of conduct again it will be treated as misconduct; and
 - e) That Councillor Swanborough reimburse the local government for 30% of the costs of the investigation arising from this councillor's inappropriate conduct.

At the Ordinary Meeting held on 7 December 2021, Item 11.1, "Inappropriate Conduct Matter C/20/00809" [Closed s.254J(3)(f and i)]", Council resolved:

That:

1. Council acknowledge the Investigation Report dated 29 November 2021;
2. In relation to allegation 1 that Cr Swanborough "*made inappropriate comments to Mayor Christensen in a meeting between them on or about 22 April 2020*", Council decide that Cr Swanborough has not engaged in inappropriate conduct;
3. In relation to allegation 2 that Cr Swanborough "*repeatedly failed to adequately prepare for workshops, briefings and meetings*", Council decide that Cr Swanborough has occasionally failed to adequately prepare for workshops, briefings and meetings and has engaged in inappropriate conduct;
4. In relation to allegation 3 that Cr Swanborough "*repeatedly failed to engage with presentations or background introduction of issues, instead working on emails*", Council decide that Cr Swanborough has occasionally failed to engage with presentations or background introduction of issues, instead working on emails and has engaged in inappropriate conduct;
5. In relation to allegation 4 that Cr Swanborough "*repeatedly and deliberately misrepresented Mayor Christensen's comments and made derogatory assertions about his competence*", Council decide that Cr Swanborough has occasionally misrepresented Mayor Christensen's comments and has engaged in inappropriate conduct;
6. In accordance with the *Local Government Act 2009*, section 150AH, Council impose the following orders on Cr Swanborough:
 - a) that Cr Swanborough must attend training on Code of Conduct for Councillors in Queensland being held on Tuesday, 14 December 2021; and
 - b) that Cr Swanborough must make a public admission at the next Ordinary Meeting being held on 18 January 2022, that he has engaged in inappropriate conduct on allegations 2, 3 and 4; and

7. In accordance with clause 22.6.3 of the Scenic Rim Regional Council Standing Orders Procedure CM03.01PR.01, Council maintain confidentiality over the contents of this report, including the investigation report and attachments, and due to privacy obligations, the report not be released.

Report / Background

On 13 February 2023, the OIA referred an inappropriate conduct matter to Council to investigate. The OIA had assessed an allegation that Derek Swanborough, who was a Councillor at the time, had been using his private email account to conduct Council business. The use of private email accounts to conduct Council business is a contravention of the Code of Conduct for Councillors.

Council subsequently engaged Ray Burton Consulting to conduct an investigation pursuant to Council's Investigation Policy. The investigation was conducted and an investigation report was provided to Council. The investigation report is attached as a confidential document.

The matter was initially scheduled for determination at the Ordinary Meeting held on 23 May 2023. However, prior to the meeting, the Chief Executive Officer was advised of circumstances which necessitated the withdrawal of the matter from that meeting. The matter was then placed on hold until the issues relating to the delay have been resolved. On 25 July 2023, the Chief Executive Officer was advised that those issues have subsequently been resolved. Confidential documentation regarding the delay is attached for reference.

Council is now required to determine whether or not former Councillor, Derek Swanborough, has engaged in inappropriate conduct, and if so, any order to be made regarding disciplinary action.

Disciplinary Action

Section 150AH of the *Local Government Act 2009* provides a range of disciplinary orders that can be made upon a finding of inappropriate conduct. A guideline on disciplinary orders has been provided by the Office of the Independent Assessor and is attached to this report. For matters determined against former Councillors, only some of the disciplinary options are available from the range listed.

The following list, pursuant to section 150AH(2) of the LGA contains the available disciplinary options when dealing with former Councillors.

- An order that no action be taken against the Councillor; or
- One or more of the following orders:
 - an order that the councillor make a public admission that the councillor has engaged in inappropriate conduct
 - an order reprimanding the councillor for the conduct
 - an order that the councillor reimburse the local government for all or some of the costs arising from the councillor's inappropriate conduct

Budget / Financial Implications

The total cost of the investigation by Ray Burton Consulting was \$4,950.

Strategic Implications

Operational Plan

Theme: 3. Open and Responsive Government

Key Area of Focus: Ongoing integrity of Council’s practice and processes

Legal / Statutory Implications

The *Local Government Act 2009* and Council's Investigation Policy must be followed when determining inappropriate conduct matters.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR46 Inadequate or lack of Governance (including procurement) Framework (systems, policies, procedures, delegations and controls) in place to ensure compliance by Council's Councillors and Officers with all relevant State and Federal legislation and regulations.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Governance, Risk & Compliance Failure to comply with regulatory obligations	3 Moderate	Almost certain	High	Governance to provide appropriate advice to ensure decisions are made in accordance with the Local Government Act 2009 and the Investigation Policy.	Low
Reputation, Community & Civic Leadership Perception of failing to adequately deal with Councillor conduct issues.	3 Moderate	Almost certain	High	Governance to provide appropriate advice to ensure decisions are made in accordance with the Local Government Act 2009 and the Investigation Policy.	Low

Consultation

Office of the Independent Assessor
Ray Burton Consulting

Conclusion

An independent investigator has provided an investigation report regarding allegations that former Councillor, Derek Swanborough, engaged in inappropriate conduct. The allegations relate to using a private email account to conduct Council business. Council is provided with a copy of the investigation report and must decide whether or not the former Councillor has engaged in inappropriate conduct and any penalty to be imposed.

11.4 Audit and Risk Committee Meeting 1 June 2023

Executive Officer: General Manager Council Sustainability

Item Author: Principal Specialist Internal Audit and Improvement

Attachments:

1. Report to Council - Audit and Risk Committee 1 June 2023  

Executive Summary

The Audit and Risk Committee (ARC) meets regularly in accordance with the established Annual Meeting Planner. As per the *Local Government Regulation 2012*, there is a requirement for the Chief Executive Officer (CEO) to provide a report to Council following each ARC meeting. This report provides the report to Council of the ARC Meeting held on 1 June 2023.

Recommendation

That Council note the report provided on the Audit and Risk Committee Meeting held on 1 June 2023.

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 9 May 2023 (Item 10.1), Council resolved "*That Council note the report provided on the Audit and Risk Committee Meeting held on 2 March 2023*".

Report / Background

The ARC operates in accordance with the Audit and Risk Committee Terms of Reference. The Terms of Reference outlines the key objectives of the ARC along with details on membership, meeting processes, and detailed responsibilities. The Audit and Risk Committee Annual Meeting Planner outlines the intended agenda topics for each meeting to help ensure that the ARC addresses its objectives and responsibilities.

The ARC has been established to support good governance of Council, and provide advice to Council on the matters within its responsibilities. The ARC is not a decision-making body. Any recommendation by the ARC that requires a decision will be presented separately to an Ordinary Meeting for consideration and resolution.

The Report to Council contains an executive summary of each matter considered by the ARC, a summary of the discussion on the matter and the ARC Recommendation. This structure is intended to comprehensively address the legislative requirements and should provide sufficient assurance to the community on the effective operation of the ARC. The Report to Council of the ARC Meeting held on 1 June 2023 is provided as Attachment 1.

Budget / Financial Implications

There are no budget implications associated with this report.

Strategic Implications

Operational Plan

Theme: 3. Open and Responsive Government

Key Area of Focus: Ongoing integrity of Council’s practice and processes

Legal / Statutory Implications

Section 221 of *Local Government Regulation 2012* requires a report to Council after each meeting of the audit committee. Specifically:

- (1)(c) as soon as practicable after a meeting of the committee, give the local government a written report about the matters reviewed at the meeting and the committee’s recommendations about the matters.
- (4) The chief executive officer must present the report mentioned in subsection (1)(c) at the next meeting of the local government.

Risks

Strategic Risks

The following Level 1 and Level 2 (strategic) risks are relevant to the matters considered in this report:

SR46 Inadequate or lack of Governance (including procurement) Framework (systems, policies, procedures, delegations and controls) in place to ensure compliance by Council’s Councillors and Officers with all relevant State and Federal legislation and regulations.

Risk Assessment

Category	Consequence	Likelihood	Inherent Risk Rating	Treatment of risks	Residual Risk Rating
Governance, Risk & Compliance If this report is not presented to Council, there will be non-compliance with the Regulations.	2 Minor	Unlikely	Low	Present the required report to Council.	Low

Consultation

All relevant stakeholders were present at the meeting.

The report of the ARC Meeting has been confirmed as acceptable by the ARC Chair.

Conclusion

This report is provided in accordance with the requirements of Section 221 of the *Local Government Regulation 2012*.

The ARC meeting agendas are established based on an agreed Annual Meeting Planner, which provides assurance and coverage of all items required for review by the ARC. This report provides information on the matters reviewed, a summary of the discussion and the Committee's recommendations from the ARC Meeting held on 1 June 2023.

12 Confidential Matters

Nil