



Agenda – Late Items

Ordinary Meeting

Tuesday, 22 August 2023

Time: 9.15 am
Location: Boonah Cultural Centre
3 High Street
BOONAH QLD 4310

**Scenic Rim Regional Council
Ordinary Meeting
Tuesday, 22 August 2023
Agenda – Late Items**

11	Consideration of Business of Meeting	3
	Additional Items	3
11.5	Operational Plan 2022-2023 Quarter Four Progress Report.....	3
11.6	Notice of Motion by Councillor Christensen re Item 10.14, Ordinary Meeting held on 23 May 2023 - Request for Legal Assistance	214
11.7	Notice of Motion by Councillor McConnell re Item 10.9, Ordinary Meeting held on 4 July 2023 - Request for Legal Assistance.....	218

11 Consideration of Business of Meeting




Additional Items

11.5 Operational Plan 2022-2023 Quarter Four Progress Report

Executive Officer: General Manager People and Strategy

Item Author: General Manager People and Strategy

Attachments:

1. Draft Operational Plan 2022-2023 Quarter Four Progress Report [↓](#) 
2. Final Operational Plan 2022-2023 Quarter Four Progress Report [↓](#) 
3. Service Delivery Quarter Four 2022-2023 Report [↓](#) 

Councillor Portfolio

Not applicable.

Local Government Area Division

This report relates to the whole Scenic Rim region.

Executive Summary

The Draft Quarter Four Progress Report against the Operational Plan 2022-2023 is provided, reporting against the period from 1 April to 30 June 2023. A summary of Council's service delivery performance is also attached which provides information about various Council services.

There are 128 activities in the Operational Plan 2022-2023. As at 30 June 2023, 102 have been completed in line with approved targets and 18 have been identified as requiring attention. This means that as at the end of Quarter Four, 80% of activities were completed. For the activities which were not completed at the end of Quarter Four, the report provides comments about progress. The report also includes information about activities from the Operational Plan 2021-2022, which had not been completed as at the end of Quarter Three.

Recommendation

That:

1. Council adopt amendments to the Operational Plan 2022-2023 as contained and highlighted within the Draft Operational Plan 2022-2023 Quarter Four Progress Report;
2. Council endorse the Operational Plan 2022-2023 Quarter Four Progress Report;
3. Council note the Service Delivery Quarter Four 2022-2023 report; and
4. Council approve the publication of the Service Delivery Quarter Four 2022-2023 report and the Operational Plan 2022-2023 Quarter Four Progress Report on the Council website.

Previous Council Considerations / Resolutions

The Operational Plan 2022-2023 was adopted at the Special Meeting held on 11 July 2022 (Item 6.2).

Report / Background

The Progress Report has been prepared to summarise progress made towards the achievement of the Operational Plan 2022-2023, as required by section 175 of the *Local Government Act 2012*.

The Operational Plan is divided into seven themes that align to both the Community Plan and Council's Corporate Plan, Scenic Rim 2026. Furthermore, Key Performance Indicators (KPIs) or Milestones are nominated, where appropriate, against deliverables to provide a process for measuring Council's performance against the set objectives.

The Operational Plan Progress Report details quarterly targets against key milestones or KPIs, where appropriate, to facilitate quarterly progress reporting against each of the Deliverable projects.

A number of minor departures from the content of the Operational Plan 2022-2023 have been made to clarify or improve the quality of reporting or to reflect changes to deadlines or performance target phasing. These amendments are highlighted in yellow in Attachment 1.

An 'unmarked' version of the report, inclusive of proposed amendments is included as Attachment 2.

In addition, a summary of the high-level business unit achievements and statistics has been included as Attachment 3 to this report, to provide an overview of the key service delivery activities for the quarter.

Budget / Financial Implications

The activities detailed within the 2022-2023 Operational Plan are factored into Council's annual budget. Indicative budget was provided for materials and services (where applicable) within the Operational Plan, however, the adopted budget and associated reporting is the key reference for all financial matters.

Strategic Implications

Operational Plan

Theme: 3. Open and Responsive Government

Key Area of Focus: To be a high-quality customer-focused organisation that provides high-quality customer-focused services

Legal / Statutory Implications

The Chief Executive Officer is required to provide a quarterly report on the Operational Plan to the local government meeting under section 174(3) of the *Local Government Regulation 2012*.

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.

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 Summary

Category	Explanation
<p>Governance, Risk & Compliance</p> <p>Failure to finalise the Operational Plan Quarterly Report results in noncompliance with statutory obligations or resolution of Council.</p>	<p>Council's endorsement of the quarterly reports as recommended will mitigate risk of non-compliance with statutory reporting obligations and/or failure to delivery on a resolution of Council.</p> <p>A decision by Council not to endorse the quarterly reports (Option 2) will result in a non-compliance with statutory reporting obligations and/or failure to delivery on a resolution of Council.</p>
<p>Reputation, Community & Civic Leadership</p> <p>Failure to deliver on corporate objectives as outlined in the quarterly reports results in negative perception from community and other stakeholders.</p>	<p>Council's adoption of the amendments to the Operational Plan 2022-2023 as contained and highlighted within the Draft Operational Plan 2022-2023 Quarter Four Progress Report, and endorsement of the quarterly reports (as recommended), will result in transparency regarding reasons for extension of delivery timeframes. This transparency may mitigate the risk of negative community or stakeholder perceptions.</p> <p>A decision by Council to not endorse the quarterly reports and/or not publish the reports on Council's website (Option 2), will result in a lack of transparency regarding reasons for extension of delivery timeframes. This may heighten the risk of negative community or stakeholder perceptions.</p>

Human Rights Implications

No human rights have been impacted by any actions recommended in this report.

Consultation

All General Managers and relevant business unit leads have contributed to the development of the quarterly progress reports. The Executive Team has reviewed and endorsed the consolidated reports.

Conclusion

The quarter four progress reports demonstrate the progress made towards the implementation of the deliverables contained within the Operational Plan 2022-2023 for the period 1 April to 30 June 2023 and also provide an update about service delivery during quarter four.

OptionsOption 1

That Council:

1. Adopt amendments to the Operational Plan 2022-2023 as contained and highlighted within the Draft Operational Plan 2022-2023 Quarter Four Progress Report;
2. Endorse the Operational Plan 2022-2023 Quarter Four Progress Report;
3. Note the Service Delivery Quarter Four 2022-2023 report; and
4. Approve the publication of the Service Delivery Quarter Four 2022-2023 report and the Operational Plan 2022-2023 Quarter Four Progress Report on the Council website.

Option 2

That Council:

1. Does not adopt the amendments to the Operational Plan 2022-2023 as contained and highlighted within the Draft Operational Plan 2022-2023 Quarter Four Progress Report;
2. Does not endorse the Operational Plan 2022-2023 Quarter Four Progress Report; and
3. Does not approve the publication of the Service Delivery Quarter Four 2022-2023 report and the Operational Plan 2022-2023 Quarter Four Progress Report on the Council website.

11.6 Notice of Motion by Councillor Christensen re Item 10.14, Ordinary Meeting held on 23 May 2023 - Request for Legal Assistance**Executive Officer:** General Manager Council Sustainability**Item Author:** Principal Specialist Governance and Assurance**Attachments:** Nil

Councillor Portfolio

Not applicable.

Local Government Area Division

This report relates to the whole Scenic Rim region.

Executive Summary

On 23 May 2023, Council passed a resolution granting the provision of legal assistance to Councillor McConnell for inappropriate conduct matter C-23-0041, conditional upon the amount provided being reimbursed to Council within 28 days of a finding of inappropriate conduct.

Due to the administrative processes beyond the control of the subject Councillor, it became evident that it would not be possible to meet the 28 day timeframe for reimbursement. As such, a Notice of Motion has been provided to address the anomaly by amending the wording of the resolution. The proposed change to the resolution is to require the subject Councillor, upon a finding of inappropriate conduct, to repay the legal costs within 28 days of receiving an invoice from Council.

Recommendation

That Council consider Councillor Christensen's proposed amendment to the resolution of Council, as follows:

That for item 3 of the resolution adopted under Late Item 10.14 at the Ordinary Meeting held on 23 May 2023, Council amend the resolution by deleting the words:

"Require Councillor McConnell to repay to Council all legal costs within 28 days, up to the total amount provided, upon a finding of inappropriate conduct for matter C-23-00041."

and replacing with the words:

"Require Councillor McConnell, that upon a finding of inappropriate conduct for matter C-23-00041, repay to Council all legal costs up to the total amount provided within 28 days of receiving the invoice from Council."

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 23 May 2023, it was resolved:

"That Council, in accordance with the Legal Assistance Policy and Guideline:

- 1. Approve the provision of legal assistance to Councillor McConnell for inappropriate conduct matter C-23-00041; and*
- 2. Limit the amount of legal assistance provided to a maximum cost of \$15,000; and*
- 3. Require Councillor McConnell to repay to Council all legal costs within 28 days, up to the total amount provided, upon a finding of inappropriate conduct for matter C-23-00041."*

Report / Background

An application for legal assistance was determined at the Ordinary Meeting held on 23 May 2023. The application was made by Councillor McConnell with regard to inappropriate conduct matter C-23-0041. Council passed a resolution granting the provision of legal assistance conditional upon the amount provided being reimbursed to Council within 28 days of a finding of inappropriate conduct for the matter in question.

On 18 July 2023, the inappropriate conduct matter C-23-0041 was determined by Council. The subject Councillor was found to have engaged in inappropriate conduct which then triggered the reimbursement condition of the legal assistance provided. Shortly after that finding, Governance officers became aware that, in order for the subject Councillor to make a payment to Council for the legal assistance, he would need to be issued an invoice from Council.

The administrative process for payment involves the Council's insurer, who is responsible in the first instance for making the payment for legal assistance to the subject Councillor's legal firm once the legal firm has invoiced the insurer. The insurer would then invoice Council for those legal costs that the insurer has paid. When Council receives the invoice from the insurer, an invoice is then raised and sent to the subject Councillor in order to facilitate payment. The subject Councillor is then able to pay the invoice for the legal costs satisfying the requirements of Council's legal assistance policy and the resolution to grant legal assistance made on 23 May 2023.

Due to the complexities of the provision of legal assistance and the subsequent invoicing by the insurer, the subject Councillor is faced with the possibility of not being able to comply with the resolution of Council. To address the uncertainty as a result of the administrative process, a Notice of Motion has been received by the CEO from Mayor Christensen to amend the 23 May 2023 resolution of Council. The proposed amendment provides for the repayment terms to be within 28 days of receiving an invoice from Council and not 28 days from the finding of inappropriate conduct.

Budget / Financial Implications

There is no financial implication with the proposed amendment to the resolution.

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 262 of the *Local Government Regulation 2012* (LGR) allows for a local government to repeal or amend a previous resolution. A Notice of Intention to propose the repeal or amendment must be provided to Councillors at least 5 days before the meeting at which the proposal is to be made. On 16 August 2023, the Councillors were provided with the Notice of Intention to amend the 23 May 2023 resolution. The notice has been provided in compliance with section 262 of the LGR.

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 Summary

Category	Explanation
Governance, Risk & Compliance Failure to comply with legislative compliance with the Local Government Regulation 2021.	The proposed amendment is in compliance with section 262 LGR. It has been proposed to address a situation where a Councillor may not be able to comply with a resolution of Council which would be a breach of the Councillor Code of Conduct. The amendment will address an administrative anomaly which is preventing the Councillor from making the timely reimbursement of legal costs as per a resolution. If Council do not amend the resolution, the Councillor will be placed in a position where he is unable to facilitate payment and possibly forced into a code of conduct breach through no fault of the Councillor.

Human Rights Implications

No human rights have been impacted by any actions recommended in this report.

Consultation

Council's insurer, JLT Risk Solutions Pty Ltd.

Conclusion

The amended wording to the repayment terms will provide for more certainty with regards to the repayment timeframe rather than placing a subject Councillor in a position where the requirement under the resolution is not able to be complied with through no fault of the subject Councillor.

Options

1. That for item 3 of the resolution adopted under Late Item 10.14 at the Ordinary Meeting held on 23 May 2023, Council amend the resolution by deleting the words:

"Require Councillor McConnell to repay to Council all legal costs within 28 days, up to the total amount provided, upon a finding of inappropriate conduct for matter C-23-00041."

and replace with the words:

"Require Councillor McConnell, that upon a finding of inappropriate conduct for matter C-23-00041, repay to Council all legal costs up to the total amount provided within 28 days of receiving the invoice from Council."

2. That Council does not adopt the proposed amendment to item 3 of the resolution adopted under Late Item 10.14 at the Ordinary Meeting held on 23 May 2023.

11.7 Notice of Motion by Councillor McConnell re Item 10.9, Ordinary Meeting held on 4 July 2023 - Request for Legal Assistance**Executive Officer:** General Manager Council Sustainability**Item Author:** Principal Specialist Governance and Assurance**Attachments:** Nil

Councillor Portfolio

Not applicable.

Local Government Area Division

This report relates to the whole Scenic Rim region.

Executive Summary

On 4 July 2023, Council passed a resolution granting the provision of legal assistance to Councillor Christensen for inappropriate conduct matter C-23-00238, conditional upon the amount provided being reimbursed to Council within 28 days of a finding of inappropriate conduct.

Due to the administrative processes beyond the control of the subject Councillor, it became evident that it may not be possible to meet the 28 day timeframe for reimbursement. As such, a Notice of Motion has been provided to address the anomaly by amending the wording of the resolution. The proposed change to the resolution is to require the subject Councillor, upon a finding of inappropriate conduct, to repay the legal costs within 28 days of receiving an invoice from Council.

Recommendation

That Council consider Councillor McConnell's proposed amendment to the resolution of Council, as follows:

That for item 3 of the resolution adopted under Item 10.9 at the Ordinary Meeting held on 4 July 2023, Council amend the resolution by deleting the words:

"Require Councillor Christensen to repay to Council all legal costs within 28 days, up to the total amount provided, upon a finding of inappropriate conduct for matter C-23-00238."

and replacing with the words:

"Require Councillor Christensen, that upon a finding of inappropriate conduct for matter C-23-00238, repay to Council all legal costs up to the total amount provided within 28 days of receiving the invoice from Council."

Previous Council Considerations / Resolutions

At the Ordinary Meeting held on 4 July 2023, it was resolved:

"That Council, in accordance with the Legal Assistance Policy and Guideline:

- 1. Approve the provision of legal assistance to Councillor Christensen for inappropriate conduct matter C-23-00238; and*
- 2. Limit the amount of legal assistance provided to a maximum cost of \$15,000; and*
- 3. Require Councillor McConnell to repay to Council all legal costs within 28 days, up to the total amount provided, upon a finding of inappropriate conduct for matter C-23-00238."*

Report / Background

An application for legal assistance was determined at the Ordinary Meeting held on 4 July 2023. The application was made by Councillor Christensen with regard to inappropriate conduct matter C-23-0238. Council passed a resolution granting the provision of legal assistance conditional upon the amount provided being reimbursed to Council within 28 days of a finding of inappropriate conduct for the matter in question.

Subsequent to the resolution regarding the repayment of legal costs, Governance officers became aware that, if the subject Councillor was required to reimburse Council for the legal assistance, he would need to be issued with an invoice from Council.

The administrative process for the payment involves the Council's insurer, who is responsible in the first instance for making any payment for legal assistance to the subject Councillor's legal firm once the legal firm has invoiced the insurer. The insurer would then invoice Council for those legal costs that the insurer has paid. When Council receives the invoice from the insurer, an invoice is then able to be raised and sent to the subject Councillor in order to facilitate payment. The subject Councillor would then be able to pay the invoice for the legal costs satisfying the requirements of Council's legal assistance policy and the resolution to grant legal assistance subject to reimbursement if the subject Councillor was found to have engaged in inappropriate conduct.

Due to the complexities of the provision of legal assistance and the subsequent invoicing by the insurer, the subject Councillor is faced with the possibility of not being able to comply with the resolution of Council should a finding of inappropriate conduct be made. To address the uncertainty as a result of the administrative process, a Notice of Motion has been received by the CEO from Councillor McConnell to amend the 4 July 2023 resolution of Council. The proposed amendment provides for the repayment terms to be within 28 days of receiving an invoice from Council and not 28 days from the finding of inappropriate conduct.

Budget / Financial Implications

There is no financial implication with the proposed amendment to the resolution.

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 262 of the *Local Government Regulation 2012* (LGR) allows for a local government to repeal or amend a previous resolution. A Notice of Intention to propose the repeal or amendment must be provided to Councillors at least 5 days before the meeting at which the proposal is to be made. On 16 August 2023, the Councillors were provided with the Notice of Intention to amend the 4 July 2023 resolution. The notice has been provided in compliance with section 262 of the LGR.

Risks

Strategic Risks

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

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Risk Summary

Category	Explanation
Governance, Risk & Compliance Failure to comply with legislative compliance with the Local Government Regulation 2021.	The proposed amendment is in compliance with section 262 LGR. It has been proposed to address a situation where a Councillor may not be able to comply with a resolution of Council which would be a breach of the Councillor Code of Conduct. The amendment will address an administrative anomaly which is preventing the Councillor from making the timely reimbursement of legal costs as per a resolution. If Council do not amend the resolution, the Councillor will be placed in a position where he is unable to facilitate payment and possibly forced into a code of conduct breach through no fault of the Councillor.

Human Rights Implications

No human rights have been impacted by any actions recommended in this report.

Consultation

Council's insurer, JLT Risk Solutions Pty Ltd.

Conclusion

The amended wording to the repayment terms will provide for more certainty with regards to the repayment timeframe rather than placing a subject Councillor in a position where the requirement under the resolution is not able to be complied with through no fault of the subject Councillor.

Options

That Council consider Councillor McConnell's proposed amendment to the resolution of Council, as follows:

That for item 3 of the resolution adopted under Item 10.9 at the Ordinary Meeting held on 4 July 2023, Council amend the resolution by deleting the words:

"Require Councillor Christensen to repay to Council all legal costs within 28 days, up to the total amount provided, upon a finding of inappropriate conduct for matter C-23-00238."

and replacing with the words:

"Require Councillor Christensen, that upon a finding of inappropriate conduct for matter C-23-00238, repay to Council all legal costs up to the total amount provided within 28 days of receiving the invoice from Council."

2. That Council does not adopt the proposed amendment to item 3 of the resolution adopted under Item 10.9 at the Ordinary Meeting held on 4 July 2023.