NOTICE OF
ORDINARY COUNCIL MEETING

Meeting #: 769
Date: 19 February, 2020
Time: 10:00 am
Location: Council Chambers
Level 3, Logan City Council Administration Centre
150 Wembley Road, Logan Central
1. Acknowledgement of Country

2. Reflection

3. Leave of Absence

4. Condolences

5. Congratulations

6. Confirmation of Minutes of Previous Ordinary Meeting

7. Business Arising from Minutes

8. Committee Recommendations
   8.1 City Governance Committee
   8.2 City Infrastructure Committee
   8.3 City Planning, Economic Development & Environment Committee
   8.4 City Lifestyle Committee

9. Council Reports
   9.1 Telecommunication Towers Lease Fees
   9.2 Executive Recruitment and Performance Management
   9.3 Gel Blasters and Other Replica Firearms
   9.4 Community Benefit Fund
   9.5 Covering Report - 2020-2021 Register of Cost Recovery Fees and Schedule of Commercial and Other Charges

10. Late Reports

11. Petitions

12. Consideration of Notified Motions

13. General Business

14. Confidential Documentation
   This section includes any supporting confidential documentation relating to specified Council reports.
MINUTES OF THE 768TH ORDINARY MEETING
OF THE COUNCIL OF THE CITY OF LOGAN
HELD AT THE COUNCIL CHAMBERS,
CITY ADMINISTRATION CENTRE, LOGAN CENTRAL
WEDNESDAY, 29 JANUARY 2019

MEETING COMMENCED
10.01 am, 29 January 2020

PRESENT
Interim Administrator, Tamara O'Shea (Chairperson)

IN ATTENDANCE
A/Chief Executive Officer D R Hansen
Director of Organisational Services R Strachan
A/Director of Road & Water Infrastructure D Ross
Director of Community Services K Barton-Harvey
A/Director of Strategy & Sustainability M Asnicar
Director of Innovation & City Transformation S Bourke
A/Meetings Services Coordinator K Reddy

ACKNOWLEDGEMENT OF COUNTRY

The Interim Administrator of the Logan City Council opened the meeting by acknowledging the Traditional Custodians of the land on which the meeting was gathered, including Elders past, present and emerging.

Statement from the Interim Administrator of the Logan City Council:

"Before we continue, I would like to make a short mention about the new technology we have in our Chamber.

As Interim Administrator, I have made it clear that I wanted to see improved transparency and accountability for this Council. For example, I have sought to reduce the number of matters that are dealt with as confidential items in committee, and also to make public as much information as possible regarding such items.

In keeping with this pursuit of transparency and accountability, thanks to the efforts of staff at Council, I am pleased to announce that today is the first time for live-streaming of our Ordinary Council meetings.

Going forward, decisions made by this Council can be widely and openly seen and scrutinised by the community, better holding to account all those who form part of Logan’s elected Councils into the future.

Confirmed at the Ordinary Meeting of Council held on 19 February 2020

Chairperson

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For those watching via live-stream who may not have seen a Council meeting under Interim Administration, I would like to assure you that while these meetings may at times seem perfunctory, I take my responsibilities and obligations in regards to making decisions very seriously. As Interim Administrator, I have the authority and responsibilities of the Mayor and all the Councillors.

Given the current circumstances, clearly the engagement and debate that occurred in the past with a full complement of elected representatives does not occur. That being said, please be assured that whilst this meeting may move much faster than in the past, it is done with the utmost consideration and regard for the responsibilities I have in my role as Interim Administrator.

If you would like to read the reports being considered today, or in fact any public reports to the committees or Council over the past 12 months, you can access them via Council's website which is at logan.qld.gov.au.

The agendas and reports can be found under the section 'About Council' then under 'Committees and Meetings'.

REFLECTION

Father David Batey from St Paul’s Catholic Parish Woodridge, led the Council in prayers.

The Interim Administrator of the Logan City Council, Tamara O'Shea, moved a vote of thanks to Father David Batey.

CONDOLENCES

CD1 File No: 58196-2 Id No: 13450158

CONDOLENCE REPORT

The Interim Administrator of the Logan City Council advised that messages of sympathy have been forwarded to the following residents of Logan City:

Grace Thompson late of Rochedale South.

The meeting observed a moment’s silence in respect for the deceased.

CONFIRMATION OF MINUTES OF THE 767TH ORDINARY MEETING HELD ON 11 DECEMBER 2019

1/2020 The Interim Administrator of the Logan City Council resolved:

That the Minutes of the 767th Ordinary meeting held on 11 December 2019 be confirmed.

RECOMMENDATIONS OF THE CITY GOVERNANCE COMMITTEE MEETING HELD ON 21 JANUARY 2020

2/2020 The Interim Administrator of the Logan City Council resolved:

That the Committee’s recommendations in respect of Items 8.1, 8.2, 10.1, 12.1 and 12.2 be adopted.

Confirmed at the Ordinary Meeting of Council held on 19 February 2020

Chairperson
RECOMMENDATIONS OF THE CITY INFRASTRUCTURE COMMITTEE MEETING HELD ON 21 JANUARY 2020

3/2020 The Interim Administrator of the Logan City Council resolved:
That the Committee’s recommendations in respect of Items IN1 and IN2 be adopted.

RECOMMENDATIONS OF THE CITY PLANNING, ECONOMIC DEVELOPMENT & ENVIRONMENT COMMITTEE MEETING HELD ON 22 JANUARY 2020

PL5 File No: 1010775-1 Id No: 13425038
WASTE COLLECTION SERVICES – AWARD OF CONTRACT HEW/02/2021

4/2020 The Interim Administrator of the Logan City Council resolved:

AMENDMENT

1. That the Acting Chief Executive Officer, or delegate, be authorised to negotiate satisfactory outcomes with the preferred tenderer, as identified in the confidential Tender Evaluation and Recommendation Report for the Provision of Waste Collection Services (Contract No. HEW/02/2021), regarding amendments, qualifications, departures and non-conformances.

2. That, subject to satisfactory outcomes being negotiated pursuant to Resolution 1, the Acting Chief Executive Officer be delegated authority to execute the Provision of Waste Collection Services (Contract No. HEW/02/2021) with the preferred tenderer.

3. That the Finance Manager be requested to include options for a green waste bin service, kerbside clean up services and business system updates associated with the Provision of Waste Collection Services (Contract No. HEW/02/2021), in the Future Budgets Register for further consideration, along with other budget matters, as part of the 2020/2021 budget process.

Statement from the Interim Administrator of the Logan City Council:

"I would like to make a short statement in relation to PL5: Council’s waste and recycling collection service has consistently been rated as a service of high importance and high satisfaction by the Logan community. It is one of Council’s highest value services contracts, and depending on the future service options that the next Council chooses to offer, this contract could be worth approximately $150 million over 10 years.

Council’s current waste collection services contract expires on 30 June 2021 and it is critical to provide the next contractor sufficient time to prepare for the commencement of the new contract, in particular the lead time required to purchase a new fleet of collection vehicles. In addition to the provision of waste and recycling bins, the next contract also includes an option to introduce a garden waste bin service in the city. This is a matter that will be considered by the incoming Council.

Following a comprehensive tender evaluation process which commenced in February 2019, a Tender Evaluation and Recommendation Report was produced by the Tender Assessment Panel identifying a preferred tenderer. This entire process was done under the supervision of a Probity Auditor.

Confirmed at the Ordinary Meeting of Council held on 19 February 2020

Chairperson...Page 3 of 72...
The resolutions being adopted today give due regard to the commercial-in-confidence and confidential nature of this procurement matter and pending contract negotiations with the preferred tenderer.

Upon satisfactory outcomes being negotiated in relation to the contract, the Acting Chief Executive Officer has been provided delegated authority to execute the contract.

The successful tenderer will be announced in due course.

I wish to thank the officers and tenderers involved in this significant tender process."

BALANCE OF THE RECOMMENDATIONS OF THE CITY PLANNING, ECONOMIC DEVELOPMENT & ENVIRONMENT COMMITTEE MEETING HELD ON 22 JANUARY 2020

5/2020 The Interim Administrator of the Logan City Council resolved:
That the Committee’s recommendations in respect of Items PL1 to PL4 inclusive be adopted.

RECOMMENDATIONS OF THE CITY LIFESTYLE COMMITTEE MEETING HELD ON 22 JANUARY 2020

6/2020 The Interim Administrator of the Logan City Council resolved:
That the Committee’s recommendations in respect of Items LI1 to LI8 inclusive be adopted.

LATE REPORTS

LA1 File No: 1131247-1, 1124821-1 Id No: 13472210
INAPPROPRIATE COUNCILLOR CONDUCT

7/2020 The Interim Administrator of the Logan City Council resolved:
That the report be received and adopted.

Statement from the Interim Administrator of the Logan City Council:
"I would like to make a statement in relation to Item LA1. This report pertains to an investigation into suspected inappropriate conduct by a former councillor.

This is the first of any such matters to be determined by this Council under the updated Local Government Act 2009.

For the benefit of everyone, I would like to take a moment to briefly describe the processes in relation to this matter.

Firstly, I would like to note that legislation identifies the following categories of Councillor conduct complaints:

- Level 1: Unsuitable meeting conduct
- Level 2: Inappropriate conduct: which includes when a councillor contravenes a behavioural standard or policy (such as the Code of Conduct for Councillors in Queensland)"
- Level 3: Misconduct
- Level 4: Corrupt Conduct.

As mentioned, this matter relates to allegations of (level 2) inappropriate conduct.

- It was alleged that former Councillor Jon Raven breached a behavioural standard and the Code of Conduct for Councillors in Queensland on two occasions on 18 October 2018 and 4 December 2018 in relation to the tone and content of conversations with, and about, Council staff.

These matters were referred to the Department of Local Government, Racing and Multicultural Affairs, and were subsequently referred to the Office of the Independent Assessor to deal with under their jurisdiction.

The Office of the Independent Assessor recommended that the matter be referred back to Logan City Council for investigation as inappropriate conduct. An investigation was subsequently undertaken with the report handed down concluding that, on the balance of probabilities, both instances of Councillor Raven's conduct constituted inappropriate conduct as defined in the Local Government Act 2009.

By this stage, the Council had been dissolved and Mr Raven was no longer a sitting Councillor.

In relation to my decision, I am guided by the Local Government Act 2009 which requires me to make a determination as to whether these instances constituted Inappropriate Conduct (in accordance with section 150AG and as described in section 176(4) of the superseded Local Government Act (as applicable at the time of the October conduct) and section 150K of the current Local Government Act (as applicable for the December conduct). Once I have made a decision, I am obligated under section 150AH to determine what, if any, disciplinary action should be taken.

In considering this matter, I accept the findings of the investigation report and have determined that former Councillor Raven’s actions in these two instances did constitute "inappropriate conduct".

Under section 150M, where a person who is no longer a Councillor is found to have engaged in inappropriate conduct (whilst a Councillor), the local government has three options under section 150AH in relation to disciplinary action. These are:

1 (a). that no action be taken against the councillor
1 (b)(i). that the councillor make a public admission that the councillor has engaged in inappropriate conduct; or
1 (b)(ii). that an order be made reprimanding the councillor for the conduct;

I have carefully considered all the information presented to me in this matter and, notwithstanding that I have found former Councillor Jon Raven to have engaged in inappropriate conduct, I have determined that:

- given Council is currently under Administration with no elected representatives;
- these were the first breaches by former Councillor Raven,
- and that he has offered to provide an apology to the relevant complainant;
that no action be taken against the former councillor.

In accordance with the requirements under the *Local Government Act*, this decision will be noted in Council’s next Annual Report and will be recorded in the Councillor Conduct Register."

**GENERAL BUSINESS**

There was no general business to discuss.

**CLOSE**

The meeting closed at 10.16 am.
1. **Welcome**

The Interim Administrator of the Logan City Council, Tamara O'Shea, welcomed attendees to the City Governance Committee. She declared the meeting open at 9.00 am.

2. **Acknowledgement of Country**

The Interim Administrator of the Logan City Council, Tamara O'Shea, opened the meeting by acknowledging the Traditional Custodians of the land on which the meeting was gathered, including Elders past, present and emerging.

3. **Leave of Absence**

There was no leave of absence recorded.
4. **Director of Innovation and City Transformation**

4.1 **Covering Report - Innovation and City Transformation Directorate Restructure 2020**

**Moved**

Interim Administrator - T O'Shea

1. That the Innovation and City Transformation Directorate Restructure proposal, as attached to the report of the Director of Innovation & City Transformation dated 11 February 2020, be approved.

2. That the redesignation of position number 103117 from the Digital Futures Program to the Corporate Innovation Program, as detailed in the report of the Director of Innovation & City Transformation dated 11 February 2020, be approved.

3. That the People & Culture Manager be requested to update Branch, Program Names and Position Titles in the organisational structure in accordance with Clause 1 above.

4. That the confidential background papers, as attached to the report of the Director of Innovation & City Transformation dated 11 February 2020, be deemed confidential and be treated as such in accordance with sections 171 and 200 of the *Local Government Act 2009* and that the documents remain confidential.

**Carried**

5. **Finance**

5.1 **First Budget Amendment 2019/2020**

**Statement from the Interim Administrator**

"Thank you Caroline. I am aware that depreciation will be an ongoing challenge for this Council given the growth being experienced, and it’s something the next elected representatives are going to have to get a good handle on. It is a two-edged sword in that while it reflects the increase in our infrastructure and assets, this also brings with it the liability to maintain and eventually replace these. I know when I handed down the budget back in June last year we had a buffer, however in spite of these latest amendments, we are still are still on track to deliver an operating surplus (albeit smaller). Please pass my thanks on to your team for their work in bringing these amendments forward."

**Moved**

Interim Administrator - T O'Shea

1. That the amended budget for 2019/2020, as attached to the report of the Finance Manager dated 11 February 2020, be endorsed.

2. That the amended Capital and Operational Major Projects Schedule (COMPES) for 2019/2020, as attached to the report of the Finance Manager dated 11 February 2020, be endorsed.
3. That the Finance Manager be requested to update future years of the Ten Year Capital and Operational Major Projects Schedule (COMPES) to incorporate the impact of amendments to the 2019/2020 COMPES, as attached to the report of the Finance Manager dated 11 February 2020.

Carried

5.2 Executive Financial Performance Report - December 2019

Moved Interim Administrator - T O'Shea
That the Financial Statements for the period ending 31 December 2019, as attached to the report of the Finance Manager dated 11 February, be endorsed.

Carried

5.3 Covering Report - Rate Exemption - Logan Village

Moved Interim Administrator - T O'Shea
1. That Council approve the exemption from general rates and separate charges for the property, as detailed in the confidential report of the Finance Manager dated 11 February 2020, under section 93(3)(i) of the Local Government Act 2009, while the property is used for charitable purposes.

2. That the confidential report of the Finance Manager dated 11 February 2020 and associated background papers be deemed confidential and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the documents remain confidential.

Carried

5.4 Covering Report - Rate Exemption Report

Moved Interim Administrator - T O'Shea
1. That Council approve the exemption from general rates and separate charges for Lot 1 RP 859595 (105-111 Johanna Street, Jimboomba) under section 93(3)(i) of the Local Government Act 2009 commencing 1 July 2020, while the property is used for charitable purposes.

2. That Council approve the exemption from general rates and separate charges for Lot 51 RP 887425 (121-137 Johanna Street, Jimboomba) under section 93(3)(i) of the Local Government Act 2009 commencing 1 July 2020, while the property is used for charitable purposes.

3. That the two exemptions, as detailed in Clauses 1 and 1 above, be reviewed in accordance with Council's annual review process.

4. That Council not exempt Lot 3 RP 887427 (Mount Lindesay Highway, Jimboomba) from general rates and separate charges under section 93(3)(i) of
the Local Government Act 2009, as the property is not used for charitable purposes.

5. That Council not exempt Lot 52 RP 887426 (113-119 Johanna Street, Jimboomba) from general rates and separate charges under section 93(3)(i) of the Local Government Act 2009, as the property is not used for charitable purposes.

6. That the confidential report of the Finance Manager dated 11 February 2020 and associated background papers be deemed confidential and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the documents remain confidential.

Carried

5.5 Covering Report - Rate Exemption - Springwood

Moved Interim Administrator - T O'Shea

1. That Council approve the exemption from general rates and separate charges effective from 1 July 2020 for the property, as detailed in the confidential report of the Finance Manager dated 11 February 2020, under section 93(3)(i) of the Local Government Act 2009 while the property is used for charitable purposes.

2. That the exemption, as detailed in Clause 1 above, is reviewed in accordance with Council’s annual review process.

3. That the confidential report of the Finance Manager dated 11 February 2020 and associated background papers be deemed confidential and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the documents remain confidential.

Carried

5.6 Covering Report - Rate Exemption - Kingston

Moved Interim Administrator - T O'Shea

1. That Council approve the exemption from general rates and separate charges for the property, as detailed in the confidential report of the Finance Manager dated 11 February 2020, under section 93(3)(i) of the Local Government Act 2009, while the property is used for charitable purposes.

2. That the exemption, as detailed in Clause 1 above, is reviewed in accordance with Council’s annual review process.

3. That the confidential report of the Finance Manager dated 11 February 2020 and associated background papers be deemed confidential and be treated as such in accordance with sections 171 and 200 of the Local Government Act 2009 and that the documents remain confidential.
Carried

6. Corporate Governance

6.1 Audit Committee Meeting November 2019

Moved Interim Administrator - T O'Shea

1. That the recommendations of the Audit Committee meeting held on 26 November 2019, as detailed in the report by the Corporate Governance Manager dated 11 February 2020, be noted.

2. That Ms Denise Dawson be appointed to the position of Audit Committee Member for a period of three (3) years subject to satisfactory performance and a confidentiality deed being executed, as detailed in the report by the Corporate Governance Manager dated 11 February 2020.

3. That Mr John Halliday be appointed to the position of Audit Committee Member for a period of two (2) years subject to satisfactory performance and a confidentiality deed being executed, as detailed in the report by the Corporate Governance Manager dated 11 February 2020.

Carried

6.2 Delegations of Authority - Local Government and Committee Meeting Code

Statement from the Interim Administrator

"When I first arrived here at Council, it was brought to my attention that a special delegation existed that allowed a Mayor to facilitate a Council resolution outside of the transparency of an Ordinary Council meeting.

They had the power to put forward and circulate resolutions behind closed doors, and not bring that outcome to light until a subsequent Council meeting – effectively silencing any debate until after the fact. Any reasonable person could argue that this mechanism has the potential to undermine the transparency and integrity of the elected Council’s decision-making processes, and that it is not in the public interest to allow this to continue.

As such, I am very pleased to see that should circumstances necessitate a Council resolution between meeting cycles, that this will now occur through the calling of a Special Council Meeting. There are provisions within the meeting code that ideally will see such meetings called with some days’ notice, however in urgent or extenuating circumstances, these meetings can be convened in a shorter timeframe."

5
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Moved
Interim Administrator - T O'Shea
1. That the following 'Council to CEO' delegations of authority as attached to the report of the Corporate Governance Manager dated 11 February 2020, be repealed:

   a. Confidential Agenda Items
   b. Local Law No. 1 (Meetings) 1997 - Authorisation to Include Agenda Items with Notices
   c. Local Law No. 1 (Meetings) 1997 - Authorisation to Issue Notices for Meetings of Council.

2. That 'Council to the Mayor' delegation of authority entitled 'Executive Powers of Mayor' as attached to the report of the Corporate Governance Manager dated 11 February 2020, be repealed.

3. That the Corporate Governance Manager be requested to update Council's Delegations of Authority Register in accordance with Clauses 1 and 2 above.

Carried

6.3 Donation to Bush Fire Relief Appeals

Moved
Interim Administrator - T O'Shea

That a donation of $5,000 each to the Red Cross, Rural Fire Services and Wildlife Rescue Bush Fire Appeals, as detailed in the report of the Director of Organisational Services, be endorsed.

Carried

6.4 Grants to Community Organisations

Statement from the Interim Administrator

"As the Governance Manager mentioned, in accordance with recent changes to the Local Government Act, Councillor Discretionary funding has been reduced by almost $350,000 per year to meet the 0.1% of general rates revenue limit as prescribed in the legislation.

However, having seen the tremendous good that this funding provides to so many in Logan each year, I wanted to ensure that the benefit to the community was not lost. I would like to thank the Governance team and the Grants Providers Working Group for developing these new processes so that Council can continue to widely support the community with minor grants through changes and extensions to Council’s various grants programs."
Moved

Interim Administrator - T O'Shea

1. That the policy titled 'Mayor's and Councillors' Community Benefit Fund', as attached to the report of the Corporate Governance Manager dated 11 February 2020, be repealed.

2. That the proposed new policy titled 'Community Benefit Fund Policy', as attached to the report of the Corporate Governance Manager dated 11 February 2020, be adopted.

3. That the policy titled 'Grants to Community Organisations', as attached to the report of the Corporate Governance Manager dated 11 February 2020, be repealed.

4. That the proposed new policy titled 'Grants to Community Organisations Policy' as attached to the report of the Corporate Governance Manager dated 11 February 2020, be adopted.

5. That the policy titled 'Environmental Grants', as attached to the report of the Corporate Governance Manager dated 11 February 2020, be repealed.

6. That the Corporate Governance Manager be requested to update Council's Policy Register in accordance with clauses 1 - 5 above.

7. That the revised amounts for the Community Benefit Fund, as detailed in the report of the Corporate Governance Manager dated 11 February 2020, be endorsed and come into effect from 1 April 2020.

8. That the trial of the proposed community grants funding as detailed in the report of the Corporate Governance Manager dated 11 February 2020, be endorsed.

Carried

6.5 Gifts, Benefits and Hospitality

Statement from the Interim Administrator

"Thank you to the Governance team for their work on this policy. This is one of those very important policies that needs to reflect the expectations of the community. They need confidence that the systems in place will ensure openness and integrity in regards to decision-making at both the elected representative and officer levels.

I believe these guidelines will certainly improve the transparency and accountability for both Councillors and Council staff when considering the receipt of any gift, benefit or hospitality."

Moved

Interim Administrator - T O'Shea

1. That the Gifts, Benefits and Hospitality Policy (Id: 13315254), as attached to the report of the Corporate Governance Manager dated 11 February 2020, be adopted.
2. That the Entertainment and Hospitality Expenditure Policy (Id: 5884626) and the Gifts, Entertainment and Gratuities Policy (Id: 6027719), as attached to the report of the Corporate Governance Manager dated 11 February 2020, be repealed.

3. That the Corporate Governance Manager be requested to update Council’s Policy Register in accordance with Clauses 1 and 2 above.

Carried

Meeting terminated at 9.11 am, 11 February 2020.
1. Welcome

The Interim Administrator of the Logan City Council, welcomed attendees to the City Infrastructure Committee. She declared the meeting open at 2:00 pm.

2. Acknowledgement of Country

The Interim Administrator of the Logan City Council, Tamara O'Shea, opened the meeting by acknowledging the Traditional Custodians of the land on which the meeting was gathered, including Elders past, present and emerging.

3. Leave of Absence

There was no leave of absence recorded.

4. Road Infrastructure Delivery

4.1 Capital Roadworks and Drainage Quarterly Report October to December 2019

Moved Interim Administrator - T O'Shea

That the Capital Roadworks and Drainage Program tables reflecting adjustment to date for the quarter ending 30 December 2019, as attached to the report of the Road Infrastructure Delivery Manager dated 11 February 2020, be adopted.

Carried
4.2 Chambers Flat Road Amendment to Project Allocation

Moved  Interim Administrator - T O'Shea
That the Proposed Priority Development Area – Trunk Infrastructure Program (Table 1.2), as attached to the report of the Road Infrastructure Delivery Manager dated 11 February 2020, be endorsed.

Carried

4.3 Woodlands Drive Project - Proposed Amendment to Project Timing

Moved  Interim Administrator - T O'Shea
That the Proposed Master Drainage Program (Table 1.2), as attached to the report of the Road Infrastructure Delivery Manager dated 11 February 2020, be endorsed.

Carried

5. Water Infrastructure

5.1 2019-2020 Water and Wastewater Capital Works Program-Mid Year Program and Budget Review

Moved  Interim Administrator - T O'Shea
1. That the amended 2019/2020 Water and Wastewater Capital Works Program, as attached to the report of the Water Infrastructure Manager dated 11 February 2020, be endorsed.

2. That the Finance Manager be requested to incorporate the amended 2019/2020 Water and Wastewater Capital Works Program, as detailed in Clause 1 above, into the Capital and Operational Major Projects Enhancement Schedule in the next budget amendment.

Carried

6. Water Business

6.1 Implementation of regional water restrictions

Statement from the Interim Administrator

"I understand that given the recent rains we’ve had, this might seem an unusual item to consider, however the situation remains that South East Queensland’s water storage is still below 60%. The recommendations in this report will allow Council to activate restrictions should the SEQ Drought Water Restriction Schedule trigger be reached in the coming months."
Moved

Interim Administrator - T O'Shea

That the implementation of water restrictions as per the Drought Water Restriction Schedules for South East Queensland, as detailed in the report of the Water Business Manager dated 11 February 2020, be approved.

Carried

6.2 Proposed Changes to the Logan Water Management Structure

Moved

Interim Administrator - T O'Shea

That the proposed changes to the Logan Water management structure, as detailed in the report of the Director of Road and Water Infrastructure dated 11 February 2020, and as supported by Council’s Executive Leadership Team at its meeting held on 16 January 2020, be approved.

Carried

Meeting terminated at 2.09 am, 11 February 2020.
1. **Welcome**

The Interim Administrator of the Logan City Council, Tamara O'Shea, welcomed attendees to the City Planning, Economic Development and Environment Committee. She declared the meeting open at 9.00 am.

2. **Acknowledgement of Country**

The Interim Administrator of the Logan City Council, Tamara O'Shea, opened the meeting by acknowledging the Traditional Custodians of the land on which the meeting was gathered, including Elders past, present and emerging.

3. **Leave of Absence**

There was no leave of absence recorded.
4. **Development Assessment**

4.1 **Creation of a new service by the Development Assessment Branch to provide development advice**

Moved Interim Administrator - T O'Shea

That the new services of the Parallel Assessment Model, being the pre-development service, the development advice service, and the compliance inspection service, as detailed in the report of the Development Assessment Manager, dated 12 February 2020 be endorsed, as services of the Development Assessment Branch and the 2019/2020 (and subsequent financial years thereafter) Fees and Charges for Development Assessment are amended to include:

**Development services – Priority development areas**

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Development Meeting</td>
<td>$650.00</td>
</tr>
<tr>
<td>Development Advice (including assessment advice site inspections)</td>
<td>$2000.00 Per Day or $250.00 Per Hour for Part Day (Minimum Fee 2.5 Hours)</td>
</tr>
<tr>
<td>Compliance Inspections (including asset handover inspections)</td>
<td>$1800.00 Per Day or $190.00 Per Hour for Part Day (Minimum Fee 3.5 Hours)</td>
</tr>
</tbody>
</table>

Carried

4.2 **Request for exemption for inviting tenders for the management of Backflow Prevention Devices and monitoring**

Moved Interim Administrator - T O'Shea

1. That subject to funding being allocated from 1 July 2020, the Development Assessment Manager be delegated authority to enter into agreement with Amtac Professional Services Pty Ltd for the management of Backflow Prevention Device and monitoring requirements of greywater use and on-site sewerage facilities, in accordance with exceptions to the requirement to seek tenders or quotations granted under Section 235 (b) of the *Local Government Regulation 2012*, as detailed in the report of the Development Assessment Manager, dated 12 February 2020.

2. That the exception granted to the requirement to seek tenders or quotations, as detailed in Clause 1 above, apply until 30 December 2020.

3. That the Finance Manager be requested to include funding for the automation of backflow prevention devices, on-site greywater use and on-site sewage
treatment facilities administration and monitoring, in the Future Budgets Register for further consideration, along with other budget matters, as part of the 2020/2021 budget process.

Carried

5. **Economic Development & Strategy**

5.1 **Japan 2019 Study Queensland Trade Mission**

Moved Interim Administrator - T O'Shea
That the report of the Economic Development and Strategy Manager dated 12 February 2020, providing an overview of the activities and outcomes from the Study Queensland Trade Mission to Japan from 16 to 20 November 2019, be noted.

Carried

5.2 **Logan Village Green Master Plan**

Statement from the Interim Administrator

"The consultation on this Plan has clearly been running for a very long time and has been widely informed by the community, businesses, and the decisions of the former Council. Given the significant consultation that has led to this final plan, I am comfortable supporting the recommendations, noting that this will enable a staged implementation under the direction of a future council."

Moved Interim Administrator - T O'Shea
That the final Logan Village Master Plan, February 2020, as attached to the report of the Economic Development & Strategy Manager dated 12 February 2020, be endorsed.

Carried

6. **Health, Environment & Waste**

6.1 **2012-2013 Advanced environmental (vegetation) offsets financial acquittal**

Moved Interim Administrator - T O'Shea
That the Health, Environment and Waste Manager, in consultation with the Finance Manager, be requested to reimburse $360,300.23 from the Environmental Offsets Constrained Income Reserve to the Environmental Levy Reserve to financially acquit Council’s 2012/2013 advanced environmental (vegetation) offsets, as detailed in the report of the Health, Environment and Waste Manager dated 12 February 2020.

Carried
6.2 Environmental (Vegetation) Offsets Delivery Policy

Moved Interim Administrator - T O'Shea

1. That the proposed new ‘Environmental (Vegetation) Offsets Delivery’ Policy, as attached to the report of the Health, Environment and Waste Manager dated 12 February 2020, be adopted.

2. That the Corporate Governance Manager be requested to update Council’s Policies Register in accordance with Clause 1 above.

Carried

6.3 Submission to Consultation Regulation Impact Statement - Phasing Out Certain Waste Exports

Moved Interim Administrator - T O'Shea

1. That the submission to the Federal Government's Consultation Regulation Impact Statement proposing to phase out certain waste exports, as attached to the report of the Health, Environment & Waste Manager dated 12 February 2020, be endorsed.


Carried

Meeting terminated at 9.12 am, 12 February 2020.
1. **Welcome**

The Interim Administrator of the Logan City Council, Tamara O'Shea, welcomed attendees to the City Lifestyle Committee. She declared the meeting open at 2:00 pm.

2. **Acknowledgement of Country**

The Interim Administrator of the Logan City Council, Tamara O'Shea, opened the meeting by acknowledging the Traditional Custodians of the land on which the meeting was gathered, including Elders past, present and emerging.

3. **Leave of Absence**

There was no leave of absence recorded.

4. **City Standards & Animal Care**

4.1 **Amendment to City Standards and Animal Care Fees**

**Moved**

Interim Administrator - T O'Shea

That Council’s Register of Cost Recovery fees for 2019/2020 be amended at:

1. Special Animal Keeping Approvals - delete the existing categories for “General Animal Keeping” and replace with those detailed in Table 1, as detailed in the report of the City Standards and Animal Care Manager dated 12 February 2020.

2. Release of Seized and Impounded Cats and Dogs – delete the existing categories and replace with those detailed in Table 2 below:
<table>
<thead>
<tr>
<th>Release of Seized and Impounded Cats and Dogs</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered, microchipped and desexed prior. Not impounded in last 2 years.</td>
<td>$0.00+ Sustenance</td>
</tr>
<tr>
<td>Registered, microchipped and desexed prior. Previously impounded in the last 2 years.</td>
<td>$134.00+ Sustenance</td>
</tr>
<tr>
<td>Registered, not microchipped, not desexed prior. Released microchipped and not desexed.</td>
<td>$134.00+ Sustenance + Microchip</td>
</tr>
<tr>
<td>Registered, microchipped, not desexed prior. Released not desexed.</td>
<td>$134.00+ Sustenance</td>
</tr>
<tr>
<td>Registered, not microchipped, not desexed prior. Released microchipped and desexed.</td>
<td>$62.00+ Sustenance + Microchip + Desex*</td>
</tr>
<tr>
<td>Registered, microchipped, not desexed prior. Released desexed.</td>
<td>$62.00+ Sustenance + Desex*</td>
</tr>
<tr>
<td>Registered, not microchipped, desexed prior. Released microchipped.</td>
<td>$62.00+ Sustenance + Microchip</td>
</tr>
<tr>
<td>Unregistered, microchipped, desexed prior. Released registered.</td>
<td>$62.00+ Sustenance + Registration</td>
</tr>
<tr>
<td>Unregistered, not microchipped, desexed prior. Released microchipped and registered.</td>
<td>$62.00+ Sustenance + Microchip + Registration</td>
</tr>
<tr>
<td>Unregistered, microchipped, not desexed prior. Released registered and desexed.</td>
<td>$62.00+ Sustenance + Registration + Desex*</td>
</tr>
<tr>
<td>Unregistered, not microchipped, not desexed. Released registered, microchipped and desexed.</td>
<td>$62.00+ Sustenance + Registration + Microchip + Desex*</td>
</tr>
<tr>
<td>Unregistered, microchipped, not desexed. Released registered, not desexed.</td>
<td>$154.00+ Sustenance + Registration</td>
</tr>
<tr>
<td>Unregistered, not microchipped, not desexed. Released registered, microchipped and not desexed.</td>
<td>$154.00+ Sustenance+ Registration+ Microchip</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Dog / Cat – Already registered with another Council and microchipped.</td>
<td>$62.00+ Sustenance</td>
</tr>
<tr>
<td>Dog / Cat – Already registered with another Council. Not microchipped. Released microchipped.</td>
<td>$62.00+ Sustenance+ Microchip</td>
</tr>
<tr>
<td>Cat / dog – Not registered with another Council, is microchipped.</td>
<td>*$134.00+ Sustenance</td>
</tr>
<tr>
<td>Cat / dog – Not registered with another Council. Not microchipped. Released microchipped.</td>
<td>*$134.00+ Sustenance+ Microchip</td>
</tr>
<tr>
<td>Microchip</td>
<td>$20.00</td>
</tr>
<tr>
<td>*Note for Desex: Desexing fees for release of impounded and seized cats and dogs (with owner’s consent)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DOG</th>
<th>0-15kg</th>
<th>15-30kg</th>
<th>30-45kg</th>
<th>&gt;45kg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>$150.00</td>
<td>$160.00</td>
<td>$170.00</td>
<td>$200.00</td>
</tr>
<tr>
<td>Female</td>
<td>$170.00</td>
<td>$185.00</td>
<td>$210.00</td>
<td>$230.00</td>
</tr>
</tbody>
</table>
CAT  All types  These fees are unique to cat and dog releases only to assist in the reunification with owners and are not applicable to other Council promotions and initiatives. Prices may be subject to additional veterinary requirements which will be discussed with the owner prior to surgery following their consent.

Carried

4.2 Amendment to Delegation of Authority

Moved       Interim Administrator - T O'Shea
1. That the amended Delegation of Authority titled 'Local Law No. 12 (Council Property and Other Public Places) 2003 – Administration of Permits', as attached to the report of the City Standards & Animal Care Manager dated 12 February 2020, be adopted.

2. That the Corporate Governance Manager be requested to update Council’s Delegation of Authority Register in accordance with Clause 1 above.

Carried

5. Sport, Leisure & Facilities

5.1 Active Logan Strategy Implementation Plan 2020-2024

Moved       Interim Administrator - T O'Shea
1. That the Active Logan Strategy Implementation Plan 2020-2024 (Id: 13454594), as detailed in the report of the Sport, Leisure & Facilities Manager dated 12 February 2020, be endorsed.

2. That the Sport, Leisure & Facilities Manager be requested to prepare a report to a future City Lifestyle Committee meeting detailing the progress of the Active Logan Strategy Implementation Plan 2020-2024.

Carried
6. **Customer Experience & Community Engagement**

6.1 **Broader Community Engagement - Revised draft Community Engagement Strategy and Community Engagement Framework**

**Statement from the Interim Administrator**

"I had flagged this piece of work at our Special Council Meeting in December as one that would be coming to committee before the caretaker period (so thank you), but I also recognised that it would need to be finalised under the direction of the next elected Council.

Councillors have an important role to play in engagement given their connection to the community and their understanding of local issues and community sentiment. I know the report acknowledges the value that input from elected members will bring to this framework, but I believe this draft document gives them a great head start so they can take it forward in a timely manner after April."

**Moved**

Interim Administrator - T O'Shea

That the report be received.

**Carried**

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7. **Marketing & Events**

7.1 **Our Logan Review**

**Statement from the Interim Administrator**

"Thank you – I’d like to make a short statement about the Our Logan magazine. I had concerns early on about how this publication had been increasingly used by Councillors as a personal advertisement. In this day and age, citizens rightly have little appetite for politicians who appropriate tax-payer or rate-payer funded advertising for their own benefit.

The value of this magazine to the community is not in promoting the achievements of a Councillor who is – frankly – being paid to do the job, but in meaningfully informing residents about their city’s events, Council services, and stories about Logan’s people and local businesses. This is what the feedback told us, so this is what we should do.

I am also supportive of the approach to reduce the number of issues to 6 per year, and also to focus efforts in the coming year and beyond to transition the magazine readership towards electronic media, and to also simplify the opt-out process."
I can see a lot of work has gone into ensuring that this review was founded on very comprehensive data and feedback from all sectors of the community. The robustness of this evidence gives me a lot of confidence about making a decision on the future direction of this valuable communication tool for Council."

Moved

Interim Administrator - T O'Shea

1. That the strategy to reduce the Our Logan production schedule from ten (10) editions to six (6) editions per year commencing at the start of the 2020/2021 financial year, as detailed in the report of the Marketing & Events Manager dated 12 February 2020, be endorsed.

2. That the strategy to utilise savings from the printing and distribution of the Our Logan magazine, as detailed in the report of the Marketing & Events Manager dated 12 February 2020, be endorsed.

3. That the content for the Our Logan magazine 2020/2021 and beyond, maintain a focus on community led features, events, program and activity listings as guided by community feedback with the Marketing and Events Team, to continue to investigate alternative channels to feature Elected Members, as detailed in the report of the Marketing & Events Manager dated 12 February 2020.

Carried

7.2 Review of Corporate Register Documents (Marketing and Events Branch)

Statement from the Interim Administrator

"Thank you – There are a number of very good new policy positions in this suite of updates, however I am particularly pleased to see the removal of Councillor attribution to community assets. Councillors and the community need to remember that these assets are ratepayer owned. They are not paid for from Councillors’ pockets and they are not there to provide a platform for electoral benefit. Decisions made by Councillors are for the benefit of the city, and Councillors should not benefit individually from the installation or purchase of city assets."

Moved

Interim Administrator - T O'Shea

1. That the following existing policies, as attached to the report of the Marketing & Events Manager dated 12 February 2020, be repealed:


   b. Advertising, Promotion and Publications;

   c. Signage for the Council’s Facilities;

   d. Sponsorship and Promotions; and

   e. Use of Council Logos and Branding.

Page 27 of 72
2. That the following new policies, as attached to the report of the Marketing & Events Manager dated 12 February 2020, be adopted:
   a. Advertising in Council Publications (Print and Electronic Media);
   b. Advertising, Promotions and Publications;
   c. Signage for Logan City Council;
   d. Incoming Sponsorship and Promotions;
   e. Outgoing Sponsorship and Promotions;
   f. Use of Council Logos and Branding; and
   g. Branding and Attribution on Assets Purchased or Provided by Council.

3. That the Corporate Governance Manager be requested to update Council’s Policies Register in accordance with Clauses 1 and 2 above.

Carried

Meeting terminated at 2.18 pm, 12 February 2020.
9.1 TELECOMMUNICATION TOWER LEASE FEES

REPORT OF: Administration Manager

REPORT OVERVIEW

PURPOSE OF REPORT
To establish an equitable and transparent process to manage income received from telecommunication tower leases.

Criteria: Direction

CORPORATE PLAN PRIORITY
Next Generation Governance

REPORT DETAILS

BACKGROUND
Council has contracted with a number of telecommunication providers to establish facilities on Council owned or controlled land. Those facilities range from high impact mobile telecommunications towers to antennae located on water reservoirs and other Council buildings. A schedule of the current contracts is included in this report.

At its meeting on 12 December 2006 (Minute No 394/2006), Council resolved:

"That annual lease and licence fees associated with the ongoing operation of mobile telephone facilities on Council owned or controlled land be held in the Constrained Works Reserve and allocated to the most relevant Branch for maintenance, upgrades and improvements within a reasonable proximity of the subject property in consultation with the local area Councillor."

At its meeting on 11 April 2017 (Minute No 90/2017), Council resolved:

"That the Finance Manager be requested to prepare a report investigating the creation of a register of funds available for community use from telecommunications tower leases on Council owned infrastructure and property."

During a recent internal audit regarding Councillor discretionary funding, the following management action was recommended:

"Review the telecommunication tower lease income process, specifically how funds are made available to Council for use and obtain approval for the process. Consider an equitable, transparent use for these funds (e.g. placing funds from the lease income into the recurrent budget)."

DISCUSSION

Legislative Change

In late 2019 the State Government enacted amendments to the Local Government Regulation 2012 (Qld) in relation to discretionary funding influenced by Councillors, including limits on the overall quantum of funds that can be allocated via Councillor discretionary actions.
The effect of these changes is that a local government may budget an amount of discretionary funds in a financial year for use by councillors of the local government to support the community, however the budgeted amount is 0.1% of the local government’s revenue from general rates for the previous year. In the financial year 2019/2020, this amount equates to a total budget of approximately $161,000. The annual telco tower income for the current financial year is $987,764, which exceeds the statutory threshold.

As continuation of the current arrangements where Councillors have discretion in respect of the use of those funds is not consistent with statutory requirements, it is necessary to review the current arrangements for the expenditure of income derived from telecommunication leases and licences.

**Current Portfolio**

The telecommunication lease portfolio is managed by Administration Branch (Corporate Property Program). Responsibilities include:

- negotiation and documentation of new leases (in compliance with the Major Telecommunication Installation Application) Management Directive approved by Council on 18 February 2016);
- management of lease renewals;
- management of facility upgrade requests;
- lease compliance throughout the term of each lease (including invoicing for rentals, maintenance of insurance compliance, etc).

The income from all telecommunications leases is currently managed in accordance with the 12 December 2006 resolution as outlined above. The table below sets out the current annual income from each of the current lease contracts, the Branch that receives the benefit of the income, the balance of funds currently held in the Constrained Works Reserve and commitments for those reserve funds.

**Table 1: Current Lease and Licence Agreements**

<table>
<thead>
<tr>
<th>No.</th>
<th>Carrier and Location</th>
<th>Division</th>
<th>Current Annual Rent (incl GST)</th>
<th>Branch</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>United Christian Broadcasters - 4 Karawatha Street, Springwood (Licence only)</td>
<td>1</td>
<td>$2,074.20</td>
<td>Water Business</td>
</tr>
<tr>
<td>2.</td>
<td>Satellite &amp; Wireless - 34 Telfer Street, Shailer Park (Licence only)</td>
<td>10</td>
<td>$2,321.72</td>
<td>Water Business</td>
</tr>
<tr>
<td>3.</td>
<td>Cirrus Communications - 34 Telfer Street, Shailer Park</td>
<td>10</td>
<td>$9,406.86</td>
<td>Water Business</td>
</tr>
<tr>
<td>4.</td>
<td>Axicom (Motorola) - 4 Karawatha Street, Springwood</td>
<td>1</td>
<td>$9,877.22</td>
<td>Water Business</td>
</tr>
<tr>
<td>5.</td>
<td>Axicom - 4 Karawatha Street, Springwood</td>
<td>1</td>
<td>$10,384.70</td>
<td>Water Business</td>
</tr>
<tr>
<td>6.</td>
<td>Axicom - 11 Paisley Court, Mt Warren Park</td>
<td>4</td>
<td>$29,186.28</td>
<td>Water Business</td>
</tr>
<tr>
<td>7.</td>
<td>Telstra - 11 Paisley Court, Mt Warren Park</td>
<td>4</td>
<td>$27,796.45</td>
<td>Water Business</td>
</tr>
<tr>
<td>No.</td>
<td>Carrier and Location</td>
<td>Division</td>
<td>Current Annual Rent (incl GST)</td>
<td>Branch</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------</td>
<td>----------</td>
<td>--------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>8.</td>
<td>Optus - 11 Paisley Court, Mt Warren Park</td>
<td>4</td>
<td>$27,796.45</td>
<td>Water Business</td>
</tr>
<tr>
<td>9.</td>
<td>Optus - 96-112 Chetwynd Street, Loganholme</td>
<td>10</td>
<td>$27,796.46</td>
<td>Water Business</td>
</tr>
<tr>
<td>10.</td>
<td>Telstra - 78 Wuruga Road, Beenleigh</td>
<td>12</td>
<td>$27,796.45</td>
<td>Water Business</td>
</tr>
<tr>
<td>11.</td>
<td>Telstra - 4 Karawatha Street, Springwood</td>
<td>1</td>
<td>$36,016.82</td>
<td>Water Business</td>
</tr>
<tr>
<td>12.</td>
<td>Telstra -34A Telfer Street, Shailer Park</td>
<td>10</td>
<td>$32,668.87</td>
<td>Water Business</td>
</tr>
<tr>
<td>13.</td>
<td>QUU - Bligh Place, Drewvale</td>
<td>N/A</td>
<td>$8,985.98</td>
<td>Water Business</td>
</tr>
<tr>
<td>14.</td>
<td>3GIS - 26-36 Winnetts Road, Daisy Hill</td>
<td>10</td>
<td>$15,803.52</td>
<td>Road Construction and Maintenance</td>
</tr>
<tr>
<td>15.</td>
<td>Cirrus - 17 Deen Street, Rochedale South</td>
<td>1</td>
<td>$10,371.05</td>
<td>Parks</td>
</tr>
<tr>
<td>16.</td>
<td>Cirrus - 3485-3493 Mt Lindesay Highway, Hillcrest</td>
<td>7</td>
<td>$10,371.05</td>
<td>Sport, Leisure &amp; Facilities</td>
</tr>
<tr>
<td>17.</td>
<td>Axicom - Underwood Park, Priestdale</td>
<td>1</td>
<td>$33,786.76</td>
<td>Parks</td>
</tr>
<tr>
<td>18.</td>
<td>Axicom - Compton Park, Woodridge</td>
<td>2</td>
<td>$18,294.57</td>
<td>Sport, Leisure &amp; Facilities</td>
</tr>
<tr>
<td>19.</td>
<td>Axicom - 31-49 Pohon Drive, Tanah Merah</td>
<td>3</td>
<td>$25,673.78</td>
<td>Parks</td>
</tr>
<tr>
<td>20.</td>
<td>Axicom - 3485-3493 Mt Lindesay Highway, Hillcrest</td>
<td>7</td>
<td>$26,607.13</td>
<td>Sport, Leisure &amp; Facilities</td>
</tr>
<tr>
<td>21.</td>
<td>Optus - 237-287 California Creek Road, Cornubia</td>
<td>10</td>
<td>$41,694.72</td>
<td>Disaster Management (SES)</td>
</tr>
<tr>
<td>22.</td>
<td>Optus - 26-36 Winnetts Road, Daisy Hill</td>
<td>10</td>
<td>$28,770.94</td>
<td>Road Construction and Maintenance</td>
</tr>
<tr>
<td>23.</td>
<td>Optus - 20 Sapium Street, Kingston</td>
<td>2</td>
<td>$27,796.45</td>
<td>Administration</td>
</tr>
<tr>
<td>24.</td>
<td>Optus - 17 Deen Street, Rochedale South</td>
<td>1</td>
<td>$12,353.98</td>
<td>Parks</td>
</tr>
<tr>
<td>25.</td>
<td>Optus - 3485-3493 Mt Lindesay Highway, Hillcrest</td>
<td>7</td>
<td>$48,266.81</td>
<td>Sport, Leisure &amp; Facilities</td>
</tr>
<tr>
<td>26.</td>
<td>Telstra - 10-18 Loane Drive, Edens Landing</td>
<td>6</td>
<td>$32,177.86</td>
<td>Sport, Leisure &amp; Facilities</td>
</tr>
<tr>
<td>27.</td>
<td>Telstra -341 Pub Lane, Greenbank</td>
<td>11</td>
<td>$23,652.67</td>
<td>Parks</td>
</tr>
<tr>
<td>28.</td>
<td>Telstra - Underwood Park, Priestdale</td>
<td>1</td>
<td>$17,021.95</td>
<td>Parks</td>
</tr>
<tr>
<td>29.</td>
<td>Telstra - 41 Recycle Way, Heritage Park</td>
<td>8</td>
<td>$11,608.59</td>
<td>Health, Environment &amp; Waste</td>
</tr>
<tr>
<td>No.</td>
<td>Carrier and Location</td>
<td>Division</td>
<td>Current Annual Rent (incl GST)</td>
<td>Branch</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------------------------</td>
<td>----------</td>
<td>--------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>30.</td>
<td>Telstra - 20 Sapium Street, Kingston</td>
<td>2</td>
<td>$47,252.93</td>
<td>Administration</td>
</tr>
<tr>
<td>31.</td>
<td>Telstra - 88-118 Station Road, Bethania</td>
<td>5</td>
<td>$27,796.45</td>
<td>Parks</td>
</tr>
<tr>
<td>32.</td>
<td>Telstra - 158 Hubner Road, Park Ridge</td>
<td>8</td>
<td>$41,694.79</td>
<td>Sport, Leisure &amp; Facilities</td>
</tr>
<tr>
<td>33.</td>
<td>Telstra - 927 Beenleigh-Redland Bay Roads, Carbrook East</td>
<td>10</td>
<td>$41,694.79</td>
<td>Parks</td>
</tr>
<tr>
<td>34.</td>
<td>Telstra - 17 Deen Street, Rochedale South</td>
<td>1</td>
<td>$38,915.03</td>
<td>Parks</td>
</tr>
<tr>
<td>35.</td>
<td>Vodafone - 3812-2818 Mt Lindesay Highway, Hillcrest</td>
<td>8</td>
<td>$45,612.00</td>
<td>Parks</td>
</tr>
<tr>
<td>36.</td>
<td>Vodafone - 17 Deen Street, Rochedale South</td>
<td>1</td>
<td>$23,536.35</td>
<td>Parks</td>
</tr>
<tr>
<td>37.</td>
<td>Vodafone - 20 Sapium Street, Kingston</td>
<td>2</td>
<td>$34,302.32</td>
<td>Administration</td>
</tr>
<tr>
<td>38.</td>
<td>NBN - Rosehill Court, Mundoolun</td>
<td>4</td>
<td>$25,300</td>
<td>Parks</td>
</tr>
<tr>
<td>39.</td>
<td>NBN - Travis Reserve, 116-126 Marks Road, Logan Village</td>
<td>4</td>
<td>$25,300</td>
<td>Water Business</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$987,764.95</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table 2: Current Balances Held in Constrained Works Reserve (as at December 2019)

<table>
<thead>
<tr>
<th>Branch</th>
<th>Balance</th>
<th>Committed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$558,495</td>
<td></td>
</tr>
<tr>
<td>Disaster Management (SES)</td>
<td>$558,744</td>
<td></td>
</tr>
<tr>
<td>Health, Environment and Waste</td>
<td>$30,665</td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>$1,950,159</td>
<td>$324,460</td>
</tr>
<tr>
<td>Road Construction and Maintenance</td>
<td>$356,790</td>
<td></td>
</tr>
<tr>
<td>Sport, Leisure and Facilities</td>
<td>$377,703</td>
<td>$34,386</td>
</tr>
<tr>
<td>Water Business</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,832,556.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

On the basis that the branch responsible for ownership of the property has a net loss of useable land and visual amenity, it is considered appropriate that the majority of income derived from a telco installation on that land be made available to that branch.

The Water Operations Branch is the only branch that has no balance in its constrained works reserve from telecommunication lease income. That is due to the maintenance costs of the critical water infrastructure on which the telecommunications facilities are located. Water Operations Branch commit all funding to maintenance on an annual basis.
Moving forward, it is proposed that:

1. Any legal, valuation and other professional costs incurred by Administration Branch in the negotiation and signing of new lease arrangements be recovered from the first rental payment.

2. In respect of the income from telecommunications leasing on properties managed by the Water Operations Branch, 100% of that income be allocated to the Water Operations Branch to ensure ongoing critical maintenance of the water infrastructure on which those facilities are located.

3. In respect of the income from telecommunication leasing on properties (other than properties managed by the Water Operation Branch) that:
   a. 5% of that income be retained by Administration Branch for the purposes of:
      i. conducting annual compliance checks and reporting;
      ii. undertaking required maintenance tasks of a minor nature arising through annual inspection and otherwise; and
      iii. ensuring adequate funds are available to enforce legal obligations and make good at the end of any lease arrangements; and
   b. the balance be transferred to the most relevant Branch’s program for maintenance, upgrades or improvements of facilities for the benefit of the community.

4. Based on the above, a Management Directive be put in place to provide an equitable and transparent process for internal management of the funds derived from the telecommunications leasing portfolio.

**CONSULTATION**

<table>
<thead>
<tr>
<th>Branch</th>
<th>Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance</td>
<td>Feedback from the Finance Branch has been incorporated into the body of the report.</td>
</tr>
<tr>
<td>Corporate Governance</td>
<td>Feedback from the Corporate Governance Branch has been incorporated into the body of the report.</td>
</tr>
<tr>
<td>Health, Environment &amp; Waste</td>
<td>The Health, Environment and Waste branch have indicated that the suggested 5% income retained by Administration Branch appears reasonable but possibly low depending on the nature and expected extent and level of work associated with maintenance and inspections.</td>
</tr>
<tr>
<td>Parks</td>
<td>Feedback from the Parks Branch has been incorporated into the body of the report.</td>
</tr>
<tr>
<td>Road Construction and Maintenance</td>
<td>The Road Construction and Maintenance Branch have been consulted in the preparation of this report.</td>
</tr>
<tr>
<td>Road Infrastructure Delivery</td>
<td>Feedback from the Road Infrastructure Delivery Branch has been incorporated into the body of the report.</td>
</tr>
<tr>
<td>Sport, Leisure and Facilities</td>
<td>Feedback from the Sport, Leisure and Facilities Branch has been incorporated into the body of the report.</td>
</tr>
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Branch | Feedback
---|---
Water Operations | The Water Operations Branch have been consulted in the preparation of this report.

CONCLUSION

To ensure compliance with recent statutory changes regarding Councillor discretionary funding, a new approach is required in respect of the management of income derived from telecommunication leases on facilities owned or controlled by Council. It is recommended that arrangements be put in place to ensure appropriate maintenance of those facilities, with the balance of the funds being made available to the impacted branches, to use those funds for maintenance, upgrades and improvements of the facilities that branch is responsible for.

RECOMMENDATIONS

IT IS RECOMMENDED:-

1. That 5% of the funding received from annual lease and licence fees associated with the ongoing operation of mobile telephone facilities on Council owned or controlled land (other than those managed by Water Operations Branch) be transferred to the Administration Branch to fund annual compliance checks and minor maintenance tasks associated with those facilities, as detailed in the report of the Administration Manager dated 19 February 2020.

2. That, after funding for costs are set aside with the Administration Branch, annual lease and licence fees associated with the ongoing operation of mobile telephone facilities on Council owned or controlled land be transferred to the most relevant Branch's program for maintenance, upgrades or improvements of facilities for the benefit of the community, as detailed in the report of the Administration Manager dated 19 February 2020.

3. That the Administration Manager, in consultation with the Corporate Governance Manager, be requested to prepare a Management Directive to put in place an equitable and transparent process for management of the funds derived from the telecommunications leasing portfolio, consistent with the position put forward, as detailed in the report of the Administration Manager dated 19 February 2020.
9.2 EXECUTIVE RECRUITMENT AND PERFORMANCE MANAGEMENT

REPORT OF: Director of Organisational Services

REPORT OVERVIEW

PURPOSE OF REPORT
The purpose of this report is to seek approval of the Chief Executive Officer Recruitment, Appointment and Performance Policy and to seek endorsement of a best practice framework for the recruitment, appointment and performance of the Chief Executive Officer which have been developed in accordance with the Interim Management Committee’s Transition to Council Plan June 2019 - March 2020.

Criteria: Policy

CORPORATE PLAN PRIORITY
Next Generation Governance

REPORT DETAILS

BACKGROUND
Council is currently implementing the Transition to Council Plan (the Plan) of the Interim Management Committee in preparation for the upcoming local government elections in March 2020.

The Plan identified the need to establish systems and processes for best-practice executive recruitment and performance management. The framework has been developed to improve transparency and accountability in management of the Chief Executive Officer.

DISCUSSION
The purpose of the framework is to provide Council with strategic considerations and best practice governance principles for the recruitment, appointment and management of the Chief Executive Officer. The framework will consist of:

a) Chief Executive Officer Recruitment, Appointment and Performance Policy;

b) Chief Executive Officer Performance and Contract Management Guidelines;

c) Chief Executive Officer Recruitment and Onboarding Guidelines; and

d) A suite of other supporting documents and templates.

CONCLUSION
The 'Chief Executive Officer Performance and Contract Management Guidelines' and 'Chief Executive Officer Recruitment and Onboarding Guidelines' have been developed in response to the Interim Management Committee’s Transition to Council Plan June 2019 - March 2020 with a view to providing best practice guidelines.
RECOMMENDATIONS

IT IS RECOMMENDED:-

1. That the Chief Executive Officer Recruitment, Appointment and Performance Policy, as attached to the report of the Director of Organisational Services dated 19 February 2020, be adopted.

2. That the Corporate Governance Manager be requested to update Council’s Policy Register in accordance with Clause 1 above.
1. **Policy Purpose**

The purpose of this policy is to establish an equitable and transparent approach to the recruitment, contract management and establishment of a Performance Management System (PMS) for the Chief Executive Officer (CEO).

This policy and associated guidelines have been developed to facilitate requirements under the *Local Government Act 2009 (the Act)* as they relate to CEO performance and employment matters.

2. **Scope**

This policy applies to all Councillors, employees and contractors working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors.

3. **Policy Statement**

Logan City Council is committed to promoting efficient and effective leadership within the organisation.

Under section 194 of the *Local Government Act 2009 (Act)*, appointing a chief executive officer (‘CEO’), it is the responsibility of Councillors to appoint and to set the conditions of employment for Council’s CEO. A person appointed as Council’s CEO must be qualified to be the CEO, having regard to the ability, experience, knowledge and skills that Councillors consider appropriate given the role. Councillors are also responsible for setting the standards by which the CEO’s performance will be measured pursuant to section 194 of the Act.

In order to assist Council with fulfilling its responsibilities under the Act, Councillors should have regard to the guidelines outlined below when considering the recruitment, appointment and performance management of Council’s CEO:

- Chief Executive Officer Performance and Contract Management Guidelines; and
- Chief Executive Officer Recruitment and Onboarding Guidelines.
The Recruitment and Onboarding Guideline and Performance and Contract Management Guideline detail an appropriate system for the recruitment, appointment and contract management of Council’s CEO, it includes the principles, processes and templates required to execute the guidelines.

The Performance and Contract Management Guideline outline a best practice Performance Management System (PMS) for the CEO at Logan City Council. The Guidelines establish the basis on which performance expectations and outcomes of the CEO are set, monitored and reviewed annually. The Guidelines detail the structure, key components and processes of the PMS, as well as providing base templates for a Performance Agreement and periodic reviews.

Councillors should also have regard to Council’s Decision Making Framework when making decisions with regard to the recruitment, appointment and performance management of Council’s CEO.

4. Reporting

Following completion of the annual review of the CEO’s performance and the setting of the new Performance Agreement, a report on the performance review, together with the new Performance Agreement, should be reported to Council in a closed committee by the Mayor.

Definitions

The following definitions apply to this policy.

<table>
<thead>
<tr>
<th>TERM</th>
<th>DEFINITION</th>
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<tr>
<td>Performance Agreement</td>
<td>An agreement negotiated between Council and the CEO detailing performance criteria and expectations.</td>
</tr>
<tr>
<td>Performance Management System</td>
<td>A system designed as the foundation on which performance expectations and outcomes of the CEO are set, monitored and reviewed.</td>
</tr>
<tr>
<td>CEO</td>
<td>The Chief Executive Officer of the Logan City Council</td>
</tr>
<tr>
<td>Councillor</td>
<td>All elected representatives including the Mayor</td>
</tr>
<tr>
<td>Performance Review Panel</td>
<td>A panel appointed by Council for the purpose of overseeing the CEO’s Performance Management System in accordance with the CEO Performance Guidelines.</td>
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Document Control

File: 1161156-1  Document Id: 13485991

Amendment History

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Logan City Council

Chief Executive Officer Performance and Contract Management Guidelines

Logan City Council
2020

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INNOVATIVE, DYNAMIC, CITY OF THE FUTURE
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1 Introduction and Overview

Efficient and effective local government requires efficient and effective local government leadership.

These guidelines outline a performance management system for the Chief Executive Officer (CEO) at Logan City Council as the basis on which performance expectations and outcomes of the CEO are set, monitored and reviewed annually. They also outline the basis upon which the CEO employment contract will be managed.

This includes:

- establishment of a performance review panel to facilitate the development and review of the CEO performance agreement, and the process by which the panel will operate;
- roles and responsibilities of key stakeholders in the CEO Performance Management system;
- key inputs to developing the CEO performance agreement; and
- the overarching process for establishing and reviewing CEO performance.

The CEO performance management system has consequences for performance, either recognition of above expectation performance, or performance management where performance is below expectations, and by disciplinary action if needed.

2 The Structure of the CEO Performance Management System

The Performance Agreement

The key to this system is in the setting and agreeing of performance expectations between the parties at the start of the financial year. The key documents underpinning this process may include:

- the Council’s current Corporate Plan and, in particular the annual Operational Plan that delivers on the Corporate Plan;
- annual organisational priorities set by the CEO / Executive Leadership Team;
- the Code of Conduct for staff;
- Council Value statements;
- the role statement / position description for the position of CEO;
- core competencies for the CEO position, linked to Councils Leadership and Performance Capability Framework; and
- a suite of relevant Corporate Key Performance Indicators.

These documents will be used to develop the CEO performance agreement.

The CEO performance management system philosophy is that the performance agreement will be used as the basis of encouraging relevant and rigorous conversations about performance at review time, with final assessments being evidence-based.

Competent Performance

The basis of the CEO performance management system is to ensure that the CEO achieving required levels of performance and meeting Council’s expectations as outlined in the
Of course, there is an expectation that a high performing CEO would achieve some higher ratings.

### Ratings

Performance objectives for the CEO will be evaluated objectively utilising relevant organisational data and inputs. An overarching five-point scale will be used to define descriptors of performance, and is summarised below:

<table>
<thead>
<tr>
<th>Rating</th>
<th>General Descriptor</th>
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</table>
| Above Competent Performance     | Generally defined as - outcomes consistently above the level of competence that would be acceptable in the role - consistently exceeds reasonable expectations. Excellent role model for others - what other staff should aspire to.  
  For projects - completed as required but with significant additional/better outcomes (E.g. major cost saving, winning major awards or significant positive community recognition). |
| Competent Performance With Some Highlights | Generally defined as - competent performance with some above competent outcomes / components (E.g. communicates competently but did an outstanding job facilitating the community forum).  
  For Projects – completed as required with some value-add (E.g. on time but under budget). |
| Competent Performance           | Generally defined as – what is expected of a person competently performing duties and undertaking responsibilities at the required level - outcomes meet objectives at the standard envisaged.  
  For projects - completed as required / expected. |
| Competent Performance With Some Exceptions | Generally defined as - outcomes generally at competent level, but with some below competent outcomes (E.g. personal management generally competent but regularly arrives late to meetings).  
  For projects - generally acceptable completion of project with some minor exceptions (E.g. delivered slightly over time or slightly over budget). |
| Unacceptable Performance        | Generally defined as - outcomes consistently below competent performance requiring significant remedial action. Potential negative impact on Councils reputation.  
  For projects - project not completed as required with no valid justification |
| Not Applicable                  | Did not proceed as originally envisaged for reasons beyond the CEO’s control. |

It is important to note that under the CEO Performance and Contract Management Guidelines a ‘competent’ rating means that the CEO is performing at the level of competence expected in the role.

An overall rating will be agreed for each objective in the performance agreement and rigorous conversation about performance will be undertaken to ensure objectivity through the review
process. Comments and supporting documentation will be captured throughout the performance review cycle to clearly establish criteria for performance, and resulting review ratings.

Performance-based remuneration, as detailed in the CEO’s contract of employment, is aligned to the rating system used in the CEO performance management system and the delivery of agreed annual key projects / priorities.

**Performance Agreement Format**

Within three months after the commencement date, the CEO and Council will sign a performance agreement setting out agreed performance criteria and expectations. This provides time for the CEO to observe the structure, culture and performance of the organisation and make a judgement on initiatives to be taken in the first performance agreement for consideration by the Performance Review Panel.

The Performance Agreement is subsequently negotiated between the Council and the CEO at the start of each financial year, with the Performance Review Panel having the delegation from the Council to conduct the review process.

The performance agreement has six key components:

<table>
<thead>
<tr>
<th>Component</th>
<th>Description</th>
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<tbody>
<tr>
<td>Significant Annual Projects and Priorities</td>
<td>Achievement of a small number of significant projects and priorities agreed with the Council</td>
</tr>
<tr>
<td>Roles and Responsibilities</td>
<td>Achievement of roles and responsibilities as contained in the role statement/position description for the position</td>
</tr>
<tr>
<td>Core Competencies</td>
<td>Performance against generic responsibilities and core competencies for the CEO</td>
</tr>
<tr>
<td>Behavioural Expectations</td>
<td>Consistent with Council’s Values and the Code of Conduct for Staff</td>
</tr>
<tr>
<td>Personal Development</td>
<td>An improvement plan for personal leadership development</td>
</tr>
<tr>
<td>Key Corporate Performance Indicators</td>
<td>Key operational measures that underpin organisational performance</td>
</tr>
</tbody>
</table>

The key components of the CEO performance agreement will be aligned to key projects and priorities identified from the annual Operational Plan and the annual organisation priorities set by the Executive Leadership Team, as well as the specific projects and priorities as determined by Council.
**Significant Annual Projects and Priorities**

Significant annual projects and priorities may include:

- generic projects and priorities, wherein a project or priority is set for the wider Executive Leadership Team; and
- CEO-specific projects and priorities.

Significant annual projects and priorities would normally stem from:

- key projects / identified by Council from the annual Operational Plan;
- the annual organisation priorities set by the Executive Leadership Team;
- specific projects / priorities for the CEO as determined by Council; and / or
- remedial / carry-forward action identified as part of the previous year’s review.

**Position-Specific Roles and Responsibilities**

Position-specific roles and responsibilities are contained in the position description / role statement for the CEO role and are extracted into the performance agreement.

In particular, the following fundamental responsibilities of the CEO are highlighted:

- articulate a vision and sense of purpose for the staff of the Council based on the Council’s Corporate and Strategic plans;
- motivate and inspire the staff of the Council to achieve the aims and objectives contained within the Corporate and Strategic plans;
- demonstrate excellence in leadership and management to ensure the efficient and effective operations of the Council organisation are aimed at providing high levels of value for money service delivery and continuing to build a higher performing organisation;
- work respectfully with, provide high quality advice to and be accountable to the Council to assist Council in its decision making and to efficiently and effectively implement Council decisions; and
- provide an important link between the Council, the community, other key stakeholders and the Council staff.

It is important to note that the Local Government Act 2009 clearly distinguishes between the roles and responsibilities of the executive (elected councillors) and the administrative (Council employees) areas of local government. This is sometimes referred to as the separation of powers.

The primary role of Councillors is to focus on policy development and strategic delivery of services in the public interest. Local government decisions are made to direct the operational work and realise the planned goals that are set out in the local government’s Corporate Plan.

Councillors are responsible for:

- planning and developing corporate plans and strategies to deliver outcomes to the community; and
- providing strategic vision and leadership.
The internal day-to-day work of the local government is carried out by local government employees under the direction of the Chief Executive Officer.

Responsibilities and Core Competencies

Responsibilities and core competencies are linked to Council’s Leadership and Performance Capability Framework, and are divided into the following key areas, with additional description and detail to ensure clarity of expectations and thorough assessment of performance is delivered:

1. Safety focus
2. Strategic focus and alignment
3. Commitment to Excellence
4. Leadership and Culture
5. Commitment to High Performing Teams
6. Working in the local government context
7. Financial Management
8. Personal Management

An overall rating will be agreed for each competency area in the performance agreement and rigorous conversation about performance will be undertaken to ensure rigour and objectivity through the review process. Comments and supporting documentation will be captured throughout the performance review cycle to clearly establish criteria for performance, and resulting review ratings.

Values and Behaviours

The CEO is expected to behave in accordance with the Code of Conduct for staff, and to exhibit Council’s agreed values. It is through the ‘walking the talk’ leadership of the CEO and ELT members that movement towards the required values-based culture will be achieved.

Behavioural objectives aligned to Council’s values will be established and reviewed as part of the CEO performance agreement.

Corporate Key Performance Indicators

A series of key performance indicators will form part of the performance agreement for the CEO. These will be developed by the Council through the Performance Review Panel.

The selected corporate key performance indicators will provide a broad overview of how the organisation is performing.

Personal and Professional Development Plan

We live in changing times and circumstances, so it is essential that a CEO keeps skills and knowledge contemporary at all times. Accordingly, there is a mutual obligation on the Council and the CEO to make a strong commitment to the ongoing personal and professional development of the CEO.

Council and the CEO will work together to ensure the CEO skills and knowledge are at the required competency standard and that the CEO is keeping appropriately abreast of contemporary issues and trends. The performance agreement for the CEO will therefore include a personal development plan which could include such aspects as participating in
executive coaching, provision of a mentor, undertaking a course of study, visiting best practice organisations to bring back ideas for implementation, attending conferences or seminars, and membership of professional or leadership organisations relevant to the role.

There is an obligation on the Council to support the CEO in the acquisition of competencies and contemporary skills and knowledge.

**Managing Diminished Performance**

Should performance expectations not be met, then a process to address diminished performance and to elevate performance to an acceptable level will be followed.

Council will clearly identify areas where performance is not at the required standard, supported by appropriate evidence, including clarity on the level of performance expected.

From there the Council will support the CEO to bring performance up to the required level through actions such as support for personal / professional development / assistance (which may include mentoring), regular feedback meetings with the Mayor or Performance Review Panel, or other agreed initiatives.

Should performance not improve to the required standard following the above development actions, the Council will consider other actions which, at its ultimate conclusion could see the dismissal of the CEO for failure to perform under the contract of employment.

Whenever CEO performance is an issue, the Council may engage appropriate external and experienced assistance in setting and actioning a Diminished Performance Plan. The Performance Review Panel will make that engagement on Council’s behalf.

**Changes to Performance Agreements**

Any changes to the CEO performance agreement will be negotiated, agreed and documented when they occur. In particular, this is an important function of the mid-year performance review.

**3 Performance Review Process**

**Director and Manager Inputs to the CEO Performance Agreement**

Once the performance agreement for the CEO has been established at the commencement of the annual performance cycle, the Chief Executive Officer will ensure that his or her performance objectives are appropriately cascaded to each of the Directors, who will in turn cascade these to the appropriate level of detail with the managers that report to them.

As inputs to mid-year and annual performance review discussions the CEO will undertake the review of Director performance, and Directors will undertake the review of Manager performance. This information will ultimately roll up to inform the review of CEO performance where applicable.

**Preparation and review meetings**

The CEO performance management system operates based on all parties being well-prepared for reviews. The CEO will prepare a written self-assessment report prior to the review being undertaken and that self-assessment distributed (along with any relevant attachments or
supporting documentation) to each member of the performance review panel well in advance of the review meeting so each person can be well prepared for that meeting.

At the review meeting the CEO will formally present the self-assessment in summary, and also refer to actions taken on issues arising from the review meeting held 12 months ago. The CEO will then engage in discussion and answer any questions panel members might have and then leave the meeting so that the panel can consider the performance of the CEO in the review period. The Panel will make a judgement on CEO performance using the ratings provided in the performance agreement.

The CEO will then re-join the meeting to be provided with an overview of the assessment and ratings by the review panel.

The timing of the performance review should be considered and determined by the Council, having regard to relevant local factors. All parties to the review should be made aware of the timeline and process to be used.

**Periodic and Annual Reviews**

Periodic CEO performance reviews will be undertaken during the year, including a mid-year review. Any agreed changes to the performance agreement will be documented at these reviews.

The detailed annual review will be scheduled by the Performance Review Panel in sufficient time to ensure both parties are well prepared for the review meeting. The outcomes of the annual review will be recorded and agreed by the Performance Review Panel. The periodic review outcomes will be considered as an input at the annual review.

Outcomes of the annual review may also contribute to the setting of projects and priorities for the next year (including any remedial action required as a result of the previous year’s review), as well as agreeing the personal development plan for the next year.

**Reporting to Council**

Following completion of the annual review of the CEO’s performance and the setting of the new Performance Agreement, a report on the performance review, together with the new Performance Agreement, should be reported to Council in closed committee by the Mayor. This report is confidential and must not be debated in open Council. Any issues raised at the Council meeting should be referred back to the Review Panel for consideration at its next meeting, or a special meeting if required.

4 **Roles and Responsibilities in the CEO Performance Management System**

**Role of the Mayor**

The Mayor has responsibility for day to day oversight of the CEO, and the specific responsibilities relating the Chief Executive Officer;

- leading, managing and providing strategic direction to the Chief Executive Officer;
- directing the Chief Executive Officer in line with Council’s approved policy position or decisions; and
- conducting an annual performance review for the Chief Executive Officer.
The Mayor will ensure that any performance related matters are brought immediately to the CEO’s attention, to discuss, agree and record actions to address this. Where appropriate, the Mayor may call the Performance Review Panel together to discuss performance related matters outside of review meetings.

**Role of Councillors**

All Councillors have a fundamentally important role to play in the CEO review and setting of the new performance agreement for the CEO. The Performance Review Panel will facilitate a process that enables input from all Councillors on the performance of the CEO.

**Membership and Role of Performance Review Panel**

The Performance Review Panel is appointed by Council and is responsible for:

- overseeing the implementation of the CEO Performance Management system processes in accordance with these guidelines;
- undertaking the periodic and annual reviews of the Chief Executive Officer with appropriate input from Councillors;
- setting the CEO performance agreement for the following year;
- facilitating feedback from Councillors and other stakeholders regarding the performance of the CEO (using 360 degree feedback or a similar mechanism) for use as an input to the annual CEO performance review; and
- recommending changes to the CEO Performance and Contract Management Guidelines for Council’s consideration.

The Performance Review Panel will comprise the Mayor and Deputy Mayor, as well as at least two other Councillors and reflect the composition of interests on the Council.

Membership will also be extended to an external person experienced in performance management and/or the role of a local government CEO to help bring both expertise and independence to the review.

An external facilitator experienced in executive performance management in local government, will be used to advise and support the Performance Review Panel in undertaking the annual CEO performance review, and in the setting of the performance agreement for the following year. This brings both experience and independence to the process. The facilitator is not a voting member of the Performance Review Panel.

**Training for Members of the Performance Review Panel**

All members of the Performance Review Panel and the CEO will be trained in processes associated with the CEO Performance Management Guidelines and in effective performance management principles and practices, which will include fairness, equity, perspective, merit and natural justice. All Councillors will be invited to attend this training for their own professional development.

5 **Management of the Chief Executive Officer Contract of Employment**

**The Contract of Employment**

The contract forms the basis of employment of the CEO by Council and once signed by both parties it can only be varied by mutual consent, unless specifically stated in the contract.
Performance Management

The CEO’s contract of employment requires the implementation of a formal performance management process with this guideline being used as the basis of setting, monitoring and reviewing the CEO’s performance.

Under the contract the CEO is required to perform at least at a competent standard in accordance with the performance agreement adopted by Council for the role. This is a fundamentally important component of the management of the CEO by Council.

Contract Variations

Under the terms of the CEO’s contract, variations can be made to the contract where both parties agree and any such variations should be reported to Council for endorsement.

Reviewing the Contract

Considerations

The timeline process for contract negotiation/renewal is clearly set out in the contract of employment and should be followed meticulously by Council.

In considering whether or not to offer a new contract of employment to the CEO Council should consider the following:

- the outcomes of performance reviews over the period of the current contract – perhaps the most important consideration;
- any change in Council priorities which may have occurred during the course of employment or any change in skills or abilities required in the role;
- any relevant changes needed to the contract, which may include remuneration and/or employment conditions/benefits. Council should consider the prevailing market for CEO’s and Job value of the position for a Council the size and complexity of Logan (an external person could be engaged to provide advice on this if required);
- the potential impact of losing a competently performing CEO, and the potential uncertainty of finding a better alternative;
- the message that would be sent to staff and impact the culture of the organisation if the CEO was not offered a new contract – either a negative or positive message, but unlikely to be positive if the CEO has been given positive performance reviews over the period of the contract and is a popular leader;
- the impact on Councils reputation as a fair and equitable employer; and
- the potential impact on the CEO’s reputation.

Process

The Mayor should prepare a report to Council recommending that a new contract of employment be offered to the CEO and detailing any changes to the current contract that the Council might consider. The Mayor must undertake this in accordance with the timelines and processes contained in the CEO’s contract of employment.

The Council should formally resolve to offer a new contract of employment to the CEO and detail the terms of such contract.
Terminating the Contract

This can be either during the contract or at the end of the contract in accordance with the process and timelines outlined in the contract.

Termination provisions are set out in the contract and can occur by:

- mutual agreement;
- the CEO resigning;
- summary dismissal;
- incapacitation;
- failure to perform;
- termination without cause; or
- non-renewal of contract.

Process for termination for failure to perform

The following process should be followed by Council where the CEO is not performing at the required level of competence and where Council may consider termination of the CEO’s contract:

- Documented failure to perform at performance review meetings, or special meeting of the CEO performance review panel, with supporting evidence documented and examples given of required level of performance
- Opportunity given to the CEO to improve and appropriate support provided by Council
- At subsequent review meeting(s) where an assessment is made by the CEO performance review panel that performance has not improved to the required level, with substantiating evidence provided. If this failure is, in the performance review panel’s view, significant, then the matter should be formally escalated to Council
- Report provided to Council by the Panel and notice to terminate resolved by Council in accordance with the relevant clause of the CEO’s contract
- Council considers paying out the notice period (this is recommended)
- Arrangements for CEO’s exiting are made, including the return of Council property etc in accordance with the contract of employment
- Council appoints an Acting CEO
- Recruitment and appointment process commenced for a new CEO in accordance with these Guidelines

Process to terminate without cause

This should only be used in extenuating circumstances as it most often involves an unfair outcome for the CEO and opens up the potential for significant legal and other costs for the Council if an unfair dismissal action is commenced. The subsequent reputational damage for the Council may be something to avoid.

There are other options for termination that should be considered by Council to avoid the consequences of unfair dismissal. At the same time, depending on the circumstances this may be an option that the Council wishes to pursue in extenuating circumstances.
Should this action be taken a report should be provided to Council and Council should resolve to terminate the contract and pay out the notice period under the contract. It will be important for the Councillors to receive reliable legal and industrial advice before making the decision to terminate.

Arrangements should be made for the timely exit of the CEO and return of Council property in accordance with the contract should this occur.

6 Related Documents

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<th>Document Management System Reference</th>
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<tr>
<td>Chief Executive Officer Recruitment and Onboarding Guidelines</td>
<td>13512307</td>
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<td>Chief Executive Officer Performance Review Panel Terms of Reference</td>
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<td>Chief Executive Officer Performance Agreement Template</td>
<td>13512260</td>
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<tr>
<td>Chief Executive Officer Periodic Performance Review Template</td>
<td>13512274</td>
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<tr>
<td>Chief Executive Officer Employment Contract Template</td>
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<tr>
<td>Chief Executive Officer Recruitment Panel Terms of Reference</td>
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1 Introduction and Overview

Efficient and effective local government requires efficient and effective local government Leadership. Leadership is the most critical success factor in business today, and local government is no exception.

However, it can become somewhat confused in local government due to the different roles and responsibilities resident in leaders within the Council. In simple terms the Mayor of a Council is regarded as the first citizen in a community and provides leadership to that community along with the Councillors. On the other side is the role of the Chief Executive Officer of a Council and again in simple terms the CEO provides leadership to the Council organisation and its staff and in support of the Mayor and Councillors.

A high performing Chief Executive Officer will:

- articulate a vision and sense of purpose for the staff of the Council based on the Council’s Corporate and Strategic Plans;
- motivate and inspire the staff of the Council to achieve the aims and objectives contained within the Corporate and Strategic Plans;
- demonstrate excellence in leadership and management to ensure the efficient and effective operations of the Council organisation are aimed at providing high level value for money service delivery and continuing to build a higher performing organisation;
- work respectfully with, provide high quality advice and be accountable to the Council to assist in its decision making and to efficiently and effectively implement Council decisions; and
- provide an important link between the Council, the community, other key stakeholders and the Council staff.

The following guidelines detail an appropriate system for the recruitment and appointment of Council’s Chief Executive Officer (CEO).

The guidelines make provision for the establishment by Council of a recruitment panel to undertake and oversee the recruitment process and to make a recommendation to the Council on the appointment of a Chief Executive Officer. All Members of the panel must be trained in the CEO recruitment and appointment processes outlined in these guidelines, as well as the key principles of recruitment including equity, fairness, confidentiality and merit.

All Councillors will be invited to this training and strongly encouraged to attend.

The guidelines also outline the processes associated with onboarding of the new CEO and management of the CEO’s contract of employment.

At the outset it is important to note that in undertaking the recruitment process the members of the recruitment panel and indeed all Councillors, and any administrative staff who support the process, understand and appreciate the need for confidentiality. Many applicants will be currently employed in another role and they have the right to have their interest in this role kept confidential. Breaches of this confidentiality requirement should be regarded as breaches of the Code of Conduct for Councillors or Staff as appropriate.
2 Recruitment and Appointment Process

2.1 Recruitment and Appointment Process Overview

Council will appoint a recruitment panel to undertake the recruitment and recommendation process as outlined in these guidelines.

The recruitment panel will make a recommendation to the Council for the formal interview by the Council of one or more candidates selected by the recruitment panel after the panel has concluded its recruitment process. This process will include a comprehensive assessment of candidates and interview by the panel of a short list of candidates considered to meet the criteria established for appointment to the position.

The Council will undertake a formal interview with the recommended applicant/applicants, following which Council will resolve an appointment to the position (or otherwise if Council does not believe any of the applicants are suitable).

The key steps involved in the recruitment process are summarised below:

- Vacancy occurs in Chief Executive Officer position
- Council appoints an Acting CEO
- Council appoints an external facilitator experienced in executive local government recruitment to assist in the recruitment process in accordance with the Council Recruitment and Onboarding Guidelines
- Council resolves to appoint a recruitment panel, including an external independent member, to undertake and oversee the recruitment and recommendation process in accordance with the Guidelines
- Training for recruitment panel, with all Councilors invited and encouraged to attend
- Recruitment panel workshop conducted, with all Councilors invited, to identify key attributes desired of the new Chief Executive Officer, and the challenges and priorities facing the CEO and the organisation
- Recruitment panel undertakes the recruitment process in accordance with the Guidelines, selects and interviews a short list of candidates for the role (and more than one interview may be desirable) and determines the candidate or candidates to be formally and finally interviewed by the whole Council
- Council undertakes the formal interview with the selected candidate or candidates and makes a determination – for appointment of a preferred candidate or for a continuation of the process
- Negotiations with the preferred CEO and contract signed
- Onboarding process for the new CEO
- A workshop with Council and the new CEO within 3 months after commencement to identify priorities in the role in that first year of appointment to be incorporated into the Performance Agreement.
Further details of each of these components of the process are outlined below.

2.2 Statutory Provisions for Appointment of the Chief Executive Officer

Sections 194 and 195 of the Local Government Act 2009 make provision for the appointment of a Chief Executive Officer:

194 Appointing a chief executive officer

(1) A local government must appoint a qualified person to be its chief executive officer.

(2) A person is qualified to be the chief executive officer if the person has the ability, experience, knowledge and skills that the local government considers appropriate, having regard to the responsibilities of a chief executive officer.

(3) A person who is appointed as the chief executive officer must enter into a written contract of employment with the local government.

(4) The contract of employment must provide for—

(a) the chief executive officer to meet performance standards set by the local government; and

(b) the chief executive officer’s conditions of employment (including remuneration).

195 Appointing an acting chief executive officer

A local government may appoint a qualified person to act as the chief executive officer during—

(a) any vacancy, or all vacancies, in the position; or

(b) any period, or all periods, when the chief executive officer is absent from duty or cannot, for another reason, perform the chief executive officer’s responsibilities.

2.3 The Recruitment Panel

Roles and Responsibilities

The recruitment panel will undertake and oversee the recruitment process in accordance with these guidelines.

External assistance and facilitation

Council will, after implementing an agreed process, appoint an external recruitment firm or person experienced in the recruitment of executive positions in local government (the external facilitator) to assist the recruitment panel and Council in the recruitment and appointment processes outlined in these Guidelines (which may be tailored by Council based on advice from the recruiter and / or recruitment panel).

Local Government is a somewhat unique working environment and a specialist executive recruitment agency experienced in local government, government and not for profit executive recruitment is likely to have a keen knowledge of the executive recruitment market across Australia. Their knowledge of high performing CEOs will ensure a broad cross section of interest can be identified and encouraged to apply for the role. The external
facilitator will also be able to have confidential discussions with potential candidates and ensure that their potential interest in the CEO role can be discussed privately.

The external facilitator will not be a voting member of the recruitment panel but will organise, facilitate and conduct meetings of the panel and help the Mayor to ensure the recruitment process is run in accordance with these guidelines and based on the principles of equity, fairness, confidentiality and merit.

The external facilitator should recommend an extensive advertising strategy to Council to ensure the vacancy is well promoted throughout Australia and more broadly to attract the very best interest and applications.

**Membership**

The recruitment panel will comprise the Mayor, Deputy Mayor and at least two other Councillors nominated by the Council. The Panel membership should where practicable be representative of the different interests on the Council.

As a matter of best practice, the recruitment panel should also contain an external person selected by Council and experienced in recruitment of senior executives and/or the role of a local government CEO in a Council such as Logan. The external facilitator, the LGAQ, the LGMA or the Public Service Commissioner may identify potentially suitable external independents for Councils consideration.

**Draft resolutions in the recruitment and appointment process**

**First set of recommendations**

1. That Council note the vacancy in the position of Chief Executive Officer
2. That Council appoint... as Acting Chief Executive Officer (if necessary)
3. That the Mayor and Deputy Mayor be delegated authority to engage an external facilitator experienced in local government executive recruitment to assist in the recruitment and appointment process in accordance with the guidelines adopted by Council

**Second set of recommendations**

1. That a recruitment panel comprising the Mayor, Deputy Mayor, Councilors... and external member... be appointed to undertake and oversee the recruitment and recommendation process for the vacant CEO position in accordance with the Guidelines adopted by Council
2. That the recruitment panel report to Council on the preferred applicant or applicants for formal interview by the Council and appointment of the new Chief Executive Officer by Council

**Final set of Recommendations**

1. That the identified candidate be offered the position of Chief Executive Officer with Logan City Council and the Mayor and Deputy Mayor, in consultation with the facilitator, be authorised to negotiate and finalise the appointment based on the approved terms and conditions.
2. That a public announcement of the name of the successful candidate be made to staff and the media when the Mayor has obtained written acceptance of the offer from the preferred candidate.

2.4 Mandatory Training for Members of the Recruitment Panel

Under these Guidelines all members of the recruitment panel must be trained in Council’s recruitment and appointment processes as outlined in these guidelines. It is desirable that all Councillors attend this training as they will be involved in the final interview(s) and making the appointment to the position.

The training will outline the requirements of these guidelines as well as detailing important recruitment principles such as equity, fairness, confidentiality and merit.

The external facilitator will deliver this training at the commencement of the recruitment process, desirably at the initial workshop to agree key attributes and priorities for the Chief Executive Officer (see below).

2.5 Workshop to Agree Key Attributes and Priorities and Other Matters

At the commencement of the recruitment process the facilitator will arrange a workshop with the recruitment panel, with all Councillors invited to attend.

The objectives of this workshop would be:

- to undertake training in the requirements of these Guidelines as well as detailing important recruitment principles such as equity, fairness, confidentiality and merit – if such has not already been provided;
- to discuss and agree the key attributes required in the new CEO and agree key challenges and opportunities;
- to agree an appropriate remuneration range; and
- to confirm the process and timelines.

A key purpose of the workshop is to agree the key attributes required for a successful Chief Executive Officer and the significant challenges and opportunities facing the organisation and the position so as to excite potential candidates about the role.

In considering the key attributes, workshop participants should be mindful of the position description for the Chief Executive Officer role which outlines the roles, responsibilities and competencies required in the position.

It is important that workshop participants recognise the fundamentally important role of the Chief Executive Officer in leading a high performing Council organisation. Appointments made to CEO positions based around a particular priority of Council should be acknowledged but should not predominate the attributes. Such priorities should be resourced in the organisation by Council, rather than being seen as a key attribute of the Chief Executive Officer per se.

Similarly, Local Government is a unique working environment and a good understanding of this unique environment is desirable.

The workshop should also identify the key challenges, opportunities and priorities for the Chief Executive Officer. These will give an insight into what the focus will be for the
successful applicant, and they should be framed to motivate and excite the right person for the role.

The Council should also confirm the remuneration range envisaged for the successful applicant. The Council should obtain external and independent expertise in valuing the remuneration range for the position based on the prevailing market.

Finally, at this workshop the Council should confirm the process and timelines to be implemented – commencement of advertising, closing of advertising, shortlisting date, interview date with the recruitment panel and the date of interviews with the Council. It is important these dates are agreed and documented upfront so they can be placed in the diaries of recruitment panel members and Councillors (for the final interview) and for aspiring candidates to set interview dates aside in their diary.

2.6 Selection Criteria

Agreeing selection criteria is one of the most important steps in the recruitment process.

The selection criteria should relate to the key attributes identified at the recruitment panel workshop (aligned to the CEO position description) and outstanding leadership skills should be listed as the key attribute. In framing the selection criteria consideration should be given to the importance of the CEO being able to:

- Articulate a vision and sense of purpose for the staff of the Council based on the Council’s Corporate and Strategic Plans
- Motivate and inspire the staff of the Council to achieve the aims and objectives contained within the Corporate and Strategic Plans
- Demonstrate excellence in leadership and management to ensure the efficient and effective operations of the Council organisation are aimed at providing high levels of value for money service delivery and continuing to build a higher performing organisation
- Work respectfully with, provide high quality advice and be accountable to the Council to assist in its decision making and to efficiently and effectively implement Council decisions
- Provide an important link between the Council, the community, other key stakeholders and the Council staff.

In determining key selection criteria, Council should also consider the responsibility areas and competencies outlined in in the CEO Performance and Contract Management Guidelines:

- Safety focus
- Strategic focus and alignment
- Commitment to Excellence
- Leadership and Culture
- Commitment to High Performing Teams
- Working in the local government context
- Financial Management
- Personal Management
All applicants should be required to address the selection criteria in their application and be asked to clearly identify their motivation and interest in the role and the location.

2.7 Preparation of the Information Package to Send to Interested Applicants

A quality information package should be seen by Council as a key step in this process. The information package is an ideal vehicle to not only promote the role and the key challenges facing the organisation but also the lifestyle and family benefits that will be of interest to the candidate’s partner and family.

This package should contain, as a minimum, details about the Logan area, the Council and its operations, the Council organisation, specific details about the key attributes required in a successful Chief Executive Officer and a listing of challenges, opportunities and initial priorities for the CEO position.

The package should also clearly outline the recruitment process, including key dates.

2.8 Shortlisting of Preferred Candidates

The primary role of the recruitment panel is the evaluation of all applications and the shortlisting of preferred applicant/applicants for interview(s) by the Recruitment Panel and to then make a recommendation to Council of a preferred candidate or candidates for formal Council interview. The process should include the following:

**Shortlisting report**

The facilitator will prepare a detailed assessment report on all applications received as the basis of the panel reviewing all applications and agreeing a shortlist of candidates to be interviewed by the panel. That report should contain a summary of each applicant, their qualifications and experience, desirably with a head-shot photo (which should be presented with their application), and comments from the facilitator relating to both the suitability of the candidate based on the key attributes identified at the recruitment panel workshop, and included in the information package, and the personal discussions and interview the facilitator had conducted with the candidate.

There is an expectation that the facilitator will have spoken personally with all applicants prior to preparing the shortlisting report.

The shortlisting report should contain the facilitators recommendations – in 3 parts – those who meet the attributes desired and who should be interviewed by the Recruitment Panel; those who the facilitator will discuss with the Panel to clarify their suitability as they may be on the edge of being recommended; and those candidates who are not recommended for interview based on their non-compliance with the attributes sought or knowledge of the candidate’s inter-personal skills which may not align with the culture of the Council.

As part of preparing the shortlist report the facilitator should undertake a global social media search and check of applicants recommended for shortlist interview to confirm there is nothing in social media or on the web that might be relevant to consideration of the candidate by the Panel.

**Selection of applicants for interview by the Recruitment Panel**
The panel should carefully review all application details as summarised in the shortlisting report, together with assessing their resumes, application, and recommendation by the facilitator.

Applicants who meet the required level of competency and experience as detailed in the selection criteria should be identified by the Panel and a decision then reached on how many candidates should be interviewed.

**Referee checking and Leadership profiling prior to shortlist interview**

Prior to interview with the Recruitment Panel, it is highly desirable that initial referee checking be conducted so any issues raised by referees can be considered and explored at interview.

It is also highly desirable that each short listed candidate undertake a leadership and personality profile to provide an important insight into their leadership style and personality traits. Other psychometric testing may also be undertaken.

The personality profiling provides a valuable insight to each short-listed candidate and also enables any specific behavioural or leadership issues to be explored at interview.

The results of the referee checks and leadership profiling are then made available to Recruitment Panel members in advance of the interviews. This ensures a range of perspectives on the candidate can be assessed and used at interview to explore with candidates any particular features which emerged from the checks and profile.

**Interview structure**

The way the interview is structured is very important to a successful outcome.

The recruitment panel will decide on not only how many candidates are to be interviewed but also how the interviews are to be conducted.

It may be that the recruitment panel conducts a two stage process with candidates before the final interview with the Council. This should be agreed at the commencement of the recruitment process with advice from the facilitator on what might constitute a best practice approach. The facilitator should discuss with the recruitment panel the most appropriate interview venue.

Questions to be asked at the interview should be agreed by the Panel in advance of the interview and relate directly to the selection criteria. Panel members should look for applicants to provide details in support of any claims made at the interview – desirably the applicant should be able to provide a good answer to the question, and then support that with examples detailing their actual experience and achievements.

**Preparation for Interview**

The panel should convene at least 30 minutes before the first interview to receive a briefing by the facilitator on the interview process so every member of the Panel is clear on expectations. Interview panel members need to be aware they are being interviewed too by the candidate – and the conduct of panel members will be under review by each candidate.
It is the facilitator’s responsibility for interviews to start and finish on time. Judgement is needed here on what time might be needed to draw out of a candidate the information needed.

2.9 Recommendations from the Recruitment Panel to Council

The Recruitment Panel, through the facilitator, will prepare a report on the recruitment process and outcomes for the Council, clearly detailing the process followed, and the outcome of interviews, with an overview of the candidate or candidates selected for final interview.

Prior to formalising this report, the facilitator should undertake the first stage of a further probity check of the candidates referred for final interview.

An important additional due diligence process is for the Mayor, with the assistance of the facilitator, to undertake some final referee checks. If 1 or 2 candidates are being recommended to the Council for final interview and selection for appointment the Mayor (and desirably with the Deputy Mayor) should personally speak with the candidate’s referees, and if possible the Mayor of the Council where the candidate is coming from, or the chair of the board if a private sector candidate or a CEO supervisor if coming from a level below CEO.

This will enable the Mayor, on behalf of the Governing Body, to enquire of any issues that may have been unearthed at earlier interview, or to confirm earlier impressions or otherwise regarding the candidate’s leadership style or key attributes.

2.10 Formal Interview by Council and Consideration of Appointment

Council will meet and undertake a formal final interview with the applicant/applicants recommended by the recruitment panel.

An opportunity should be given to individual Councillors to ask any specific questions they may have, but these must relate directly to the Chief Executive Officer role.

Following formal interview, the Council should determine if it has a preferred applicant to negotiate with. If so, the Mayor and Deputy Mayor, with advice from the facilitator, should be delegated authority to conclude the negotiations and finalise the appointment in accordance with Council’s decision. The draft contract will have been agreed by the Council at an earlier meeting, and the range of remuneration that might be applicable to each preferred candidate will have been discussed by the recruitment panel. Any benefits, such as the private use of the Council motor vehicle, the use of a mobile phone and laptop computer will have been included in the contract. Reimbursement of relocation expenses may apply to a candidate travelling inter-state or of a distance and this should be agreed by the Council.

If after this comprehensive process the Council is unable to select one preferred candidate then the Council will need to agree the next steps, which could involve follow up interviews, clarification of any concerns regarding the preferred candidate(s), selecting another applicant or applicants to interview from the shortlisting report, or re-advertising the position.
2.11 Making the Offer of Employment

The Mayor should be delegated the role of finalising the appointment process with the preferred applicant, and this may also include the Deputy Mayor in an advisory capacity, and with assistance from the facilitator.

The offer should be made in writing through a letter of offer setting out the key terms of the offer (period, remuneration, etc.) with 2 copies of the contract of employment attached – one for Council and one for the CEO.

The applicant should be asked to confirm acceptance in writing and return the signed and witnessed copies of the contract to Council. The Mayor should then sign the contract and return a copy to the successful applicant.

Once the offer has been formally accepted there needs to be agreement with the successful applicant when the formal announcement of appointment can be made simultaneously at the Council and at the successful applicant’s workplace. This will be by way of a media release and advice to all staff containing comments from both the Mayor and new CEO.

3 Onboarding of the New Chief Executive Officer

3.1 Onboarding After Appointment and Beyond Commencement

The Mayor should arrange for background information to be sent to new CEO, to include copies of relevant plans and strategies, corporate plan, current operational plan, recent studies or reviews of the Council organisation, recent Council meeting business papers, and other relevant documentation or reports.

Each Director should also be asked by the Mayor to provide a briefing paper for the new CEO containing details of any “hot issues” for the Council, the Executive Leadership Team and their Department. It should also give an overview of the status of their department and any recent performance reviews or internal audits conducted. These should be sent to the new CEO in advance of commencement.

If possible, the new CEO might visit the Council and the region prior to commencement for the purpose of “breaking the ice” in meeting the executive and some other key staff such as in the CEOs office, and to provide an opportunity to explore residential accommodation options. This may also be an ideal opportunity for the new CEO to explore schools and recreation facilities for the family. The Mayor should offer to provide assistance with this and arrange interviews with schools or accommodation providers or the like. The Acting CEO and staff in the CEO’s office may assist the Mayor with those arrangements.

Prior to commencement the new CEO might arrange with their Executive Officer to make a range of appointments in the first 2 weeks:

- Meeting with CEO office staff
- Meeting with ELT members together and ELT team members individually
- Meeting with the Management Team members together, and Managers individually
- Meeting with each individual Councillor, desirably through a tour together around their division.
- Touring the Council area and facilities, in particular, priority to visiting the Council depots and meeting with outdoor staff (perhaps at a barbecue breakfast)
• Meetings with key external people – local members of parliament, key community representatives, chair of the chamber of commerce, etc.
• Meeting with all staff by way of visits to work areas and work sites.

3.2 Commencement of the Performance Management Process

The 3 month Workshop

A best practice process within 3 months of the CEO commencing in the role is to conduct a workshop with Councillors and the CEO so that:

• the CEO can present an overview of their findings in the early months;
• the Councilors can provide feedback to the CEO on their perspective of the CEO’s performance in that period – and highlight the beneficial changes which have already been observed - as well as providing a critique on what the CEO might have changed and areas requiring greater attention; and
• the Council and CEO can agree projects and priorities to be included in the CEO’s performance agreement. To assist in this the CEO should provide a list of potential projects and priorities for Council’s consideration based on the CEO’s experience and early time in the role.

4 Related Documents

<table>
<thead>
<tr>
<th>Document</th>
<th>Document Management System Reference</th>
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</thead>
<tbody>
<tr>
<td>Chief Executive Officer Recruitment, Appointment and Performance Policy</td>
<td>13485991</td>
</tr>
<tr>
<td>Chief Executive Officer Performance and Contract Management Guidelines</td>
<td>13512288</td>
</tr>
<tr>
<td>Chief Executive Officer Performance Review Panel Terms of Reference</td>
<td>13512265</td>
</tr>
<tr>
<td>Chief Executive Officer Performance Agreement Template</td>
<td>13512260</td>
</tr>
<tr>
<td>Chief Executive Officer Periodic Performance Review Template</td>
<td>13512274</td>
</tr>
<tr>
<td>Chief Executive Officer Employment Contract Template</td>
<td>13512252</td>
</tr>
<tr>
<td>Chief Executive Officer Recruitment Panel Terms of Reference</td>
<td>13512281</td>
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REPORT OVERVIEW

PURPOSE OF REPORT
The purpose of this report is to provide Council with an overview of the use of gel blasters in the Logan community and to formalise Council’s position on the matter to guide a submission to the Queensland Government regarding the legislation surrounding the use of gel blasters and other replica firearms in the Queensland community.

Criteria: Direction

CORPORATE PLAN PRIORITY
Quality Lifestyles

REPORT DETAILS

BACKGROUND
In November 2019, it became apparent to Council of rising concerns in the City of Logan community in respect of the use of gel blasters. Gel blasters are categorised as a toy gun that fires a gel pellet that has been soaked in water. In terms of appearance, the Queensland Police Service advise that gel blasters look identical to various handguns, shotguns and rifles from around the world. The colour, size and detail of a gel blaster makes it difficult to note the difference between a toy and a real firearm.

The community concern that has arisen regarding gel blasters is in relation to:

- Their real-life appearance;
- Their rising use in criminal offences;
- The fear and risk they may cause in the community; and
- The risk they pose to Queensland Police Service officers.

Research into gel blaster use and legislation comparison
Research conducted by Council in relation to gel blasters has found that they are currently only legal for use without appropriate licensing in 2 Australian states, being Queensland and South Australia.

In Queensland, the Weapons Act 1990 does not require persons who own or use a gel blaster to have a permit or licence.

Currently in Queensland under other existing legislation, certain uses or actions by a person in possession of a gel blaster may be classified as an offence. The following are offences that a person in possession of, or using a gel blaster in a certain manner or location, may be charged with under current Queensland legislation:
<table>
<thead>
<tr>
<th>Legislation</th>
<th>Offence</th>
<th>Context</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary Offences Act 2005</td>
<td>Part 2, Division 1, Section 6: Public nuisance.</td>
<td>This may apply if a person is using a gel blaster in a public place in a manner that is considered disorderly, offensive, threatening or violent in any way or if the person’s behaviour with the gel blaster interferes or is likely to interfere with a member of the public’s peaceful passage through or enjoyment of that public place. A complaint is not required for a person to be charged with this offence.</td>
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</table>
|                             | Part 2, Division 3, Section 15: Possession of implement in relation to particular offences. | A person may be charged with committing an offence under this section of the Act if the gel blaster they carry is being, or is to be or has been used:  
  - for burglary of a dwelling;  
  - for unlawfully entering a place;  
  - for entering a vehicle with intent to commit an indictable offence;  
  - to steal or unlawfully use a vehicle;  
  - to unlawfully injure a person; or  
  - to unlawfully damage property. |
| Weapons Act 1990            | Part 2, Section 57: Particular conduct involving a weapon in a public place prohibited. | A person must not, without reasonable excuse, carry a weapon exposed to view in a public place. A person must not, without reasonable excuse, carry in a public place a loaded firearm or a weapon capable of being discharged. A person must not, without reasonable excuse, discharge a weapon in, into, towards, over or through a public place.  
  A public place includes a vehicle that is in or on a public place.  
  Under the Act, a weapon includes a replica of a weapon. A gel blaster could potentially meet this description, however is not specifically listed/classified as a weapon requiring regulation or licensing under this Act. |
| Criminal Code Act 1899      | Chapter 9, Section 75: Threatening violence – discharge firearms.       | This may apply if a person in the possession of a gel blaster, uses it to threaten violence or acts in a manner likely to cause any person in the vicinity to fear bodily harm to any person or damage to property.  
  Additionally, if a person points a gel blaster at another person who believes the toy is a real weapon, this may also be considered common assault under the Act. |
|                             | Chapter 30, Section 335: Common assault.                                | This may apply if a person uses a gel blaster by discharging it or via other means, to unlawfully assault another person.  
  Additionally, if a person points a gel blaster at another person who believes the toy is a real weapon, this may also be considered common assault under the Act. |
|                             | Chapter 30, Section 339: Assault occasioning bodily harm.              | This may apply if a person uses a gel blaster to assault another causing bodily harm and/or if a person does bodily harm and is in the possession of a gel blaster.  
  Additionally, if the offender does bodily harm, and is or pretends to be armed with any dangerous or offensive weapon or instrument or is in company with 1 or more other person or persons, harsher penalties apply under this Act. |
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<thead>
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<tbody>
<tr>
<td>Chapter 29, Section 320: Guierous bodily harm.</td>
<td>Chapter 29, Section 320: Guierous bodily harm.</td>
<td>This may apply if a person uses a gel blaster to cause grievous bodily harm to another person. \nGrievous bodily harm describes any injuries that result in: \n• The loss of a distinct part or an organ of the body; \n• Serious disfigurement; or \n• Any bodily injury of such a nature that, if left untreated, would endanger or be likely to endanger life, or cause or be likely to cause permanent injury to health.</td>
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<tr>
<td>Chapter 9, Section 69: Going armed so as to cause fear.</td>
<td>Chapter 9, Section 69: Going armed so as to cause fear.</td>
<td>Any person who goes armed in public without lawful occasion, such as, with a gel blaster, which may be viewed as a replica weapon, and behaves in such a manner as to cause fear to any person may be charged under this section of the Act.</td>
</tr>
<tr>
<td>Animal Care and Protection Act 2001.</td>
<td>Chapter 3, Part 2, Section 18: Animal cruelty prohibited.</td>
<td>This may apply if a person uses a gel blaster to commit an act of cruelty to an animal. \nA person is taken to be cruel to an animal if the person causes it pain that, in the circumstances, is unjustifiable, unnecessary or unreasonable, beats it so as to cause the animal pain or abuses, terrorifies, torments or worries it. \nAmphibians, birds, fish, mammals other than humans and reptiles are all considered animals under the Act.</td>
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Additionally, the Queensland Police Service have initiated a 'STOP and Think' campaign, which encourages community members to STOP and Think before using a gel blaster:

• S - Safety and security aspects of possessing a gel blaster;  
• T - The legislation relevant to gel blasters; 
• O - Offences for misusing a gel blaster; and 
• P - Penalties for misusing a gel blaster.

Whilst it would appear the current legislation does not support the illegitimate use of a gel blaster, research has demonstrated that in comparison to the legislation of Victoria and New South Wales, the Queensland legislation is inferior.

In regards to gel blaster use in Victoria, gel blasters are banned under the Firearms Act 1996 and Control of Weapons Act 1990 respectively, as they are classified as an imitation firearm. That is, a device that has the appearance of and could reasonably be mistaken for that of an operable firearm but which is not designed or adapted to discharge a shot or a bullet or other missile; but the expansion of gases produce in the device by igniting strongly combustible materials or by the compressed air or other gases, whether stored in the device in pressurised containers or produced in device by mechanical means, and is not capable of being made to do so.

According to the Victorian Police, under the Control of Weapons Act 1990, if an item cannot be mistaken for a working firearm by a reasonable person and does not have the function of a firearm, it will be treated as a toy firearm or other firearm-themed paraphernalia and can be owned without a licence or other authority. However, items that have the appearance of a working firearm, even where they do not function as one, are classified as imitation firearms. As imitation firearms can cause public alarm, only people with a Chief Commissioner's Weapons Approval or Governor in Council Exemption can possess, carry or offer them for sale in the State of Victoria.

In New South Wales, the New South Wales Police Force Firearms Registry have determined that, under the Firearms Act 1996, a gel blaster has been classified as an air gun, which is defined as a firearm.
In addition, gel blasters that substantially duplicate in appearance a military style firearm are classified as a prohibited firearm. The gel ball has been similarly classified as ammunition under the Firearms Act 1996 and is prohibited.

**Logan City Council actions taken to date regarding gel blaster use**

On 14 January 2020, Council coordinated a meeting with local community stakeholders who had been involved in the gel blaster space to further understand what was currently happening in the Logan community regarding gel blaster use. The stakeholders present advised of concerns regarding the easy availability of gel blasters (being sold at local shops), as well as how they were displayed as authentic looking weapons. Engagement with local stores by community stakeholders has subsequently led to some gel blaster merchandise being removed from highly visible locations and has also seen the display of the Queensland Police Service 'STOP and Think' notices in store windows and on counters. The concern around the use of gel blasters in the community was also raised, which confirmed that in the Logan area gel blasters have been used in criminal offences, such as reports of weapons in public, car stealing and armed robberies.

On 12 February 2020, a further meeting was coordinated by Council with the Queensland Police Service to discuss the use of gel blasters in the Logan community. At this meeting, the Queensland Police Service shared numerous stories of close call interactions between Police Officers and gel blaster users, where the gel blaster was mistaken for a real firearm and vice versa.

**Logan City Council strategic alignment**

In considering Council's role in respect of this emerging issue, Council at its meeting of 8 December 2015 (Minute No 346/2015) adopted the City of Logan Safe City Strategy and Action Plan 2016-2020. The strategy and action plan has been developed with the objective of increasing community safety and preventing crime throughout the City of Logan.

The work undertaken by Council's Community Safety Program is focused on delivering the strategy and action plan, so that residents of the City of Logan feel safe.

The strategy and action plan outlines an action in relation to Council playing a key role in advocating and making submissions to peak bodies on community safety and crime prevention issues impacting the community.

Additionally, Council's City of Logan Advocacy Strategy provides Council with a framework to plan and deliver advocacy activities to progress identified priorities that will contribute to the vision of the City of Logan becoming an innovative, dynamic, city of the future.

**DISCUSSION**

It has come to the attention of Council that the Queensland State Government, through their 'Get Involved' consultation website are currently seeking feedback in regards to the ownership and use of gel blasters and other replica firearms and is seeking views on regulatory measures recommended by the Queensland Police Service.

The regulatory measures recommended by the Queensland Police Service include:

- Transportation of gel blaster or a replica firearm in public - Should be carried in a suitable bag or case, away from public view.
- Owners of gel blasters or a replica firearms should keep them secured when stored at home.
- Owners of gel blasters should have a reasonable excuse for their possession. A reasonable excuse would be, for example, that the owner of the gel blaster is a member of a gel blaster club and owns it for taking part in club activities.
Whilst these regulatory measures are considered to be a step in the right direction for Queensland, in comparison to the stance taken by other states in Australia, it is of the belief of Council officers that these recommendations are not sufficient.

**Recommended Council position regarding gel blaster use in Queensland**

In considering the information preceding in this report, the following position in respect of gel blaster use in Queensland is proposed:

1. Gel blasters are currently posing a significant community safety concern to the Logan and broader Queensland community, predominately due to their appearance being identical to a real firearm;
2. The Queensland legislation regarding gel blaster or replica firearm use should be amended to match that of Victoria, New South Wales and other Australian states and territories where a licence is required for its use; and
3. If a legislation change is unachievable, Council is supportive of the regulatory measures put forward by the Queensland Police Service, as mentioned previously in this report.

**Next steps**

It is proposed that Council prepare a submission to the Queensland Police Minister, which outlines Council’s position regarding gel blaster use and advocating for the Queensland legislation to be changed in this respect. It is proposed that a copy of this submission will also be sent to the Queensland Police Service Commissioner and the Queensland Police Service Logan District Chief Superintendent.

**CONCLUSION**

This report has provided an overview into the use of gel blasters in Queensland and has provided comparative research regarding the current legislation in Queensland, Victoria and New South Wales on the use of gel blasters. Council acknowledges that the use of gel blasters are currently posing a risk in the Logan community and in alignment with Council’s strategic direction believes further advocacy work can be undertaken by Council to the Queensland State Government to lobby legislation change regarding the use of gel blasters.

**RECOMMENDATIONS**

**IT IS RECOMMENDED:**

1. That the position of Logan City Council in respect of gel blasters, as detailed in the report of the Community Services Manager dated 19 February 2020, be endorsed.
2. That the Community Services Manager be delegated authority to prepare a submission to the Queensland Minister for Police, with a copy to the Queensland Police Service Commissioner and Queensland Police Service Logan District Chief Superintendent, outlining Logan City Council’s position in respect of gel blaster use in the community, as detailed in the report of the Community Services Manager dated 19 February 2020.
9.4 COMMUNITY BENEFIT FUND

REPORT OF: Corporate Governance Manager

REPORT OVERVIEW

PURPOSE OF REPORT

The purpose of this report is to notify a variation to the items being purchased pursuant to the Community Benefit funding allocated to the Centre Against Sexual Violence Inc.

Criteria: Policy

CORPORATE PLAN PRIORITY

Next Generation Governance

REPORT DETAILS

BACKGROUND

The Community Benefit Fund (CBF) is a discretionary fund that was established to allow Council to meet requests for financial assistance from eligible applicants for community purposes. Support for such requests is decided upon at the discretion of the Interim Administrator.

CBF is managed in accordance with the requirements of the Local Government Act 2009, Local Government Regulation 2012 and Council's policies titled "Community Benefit Fund" and "Grants to Community Organisations".

On 26 June 2019, Min No 132/2019, Council adopted the following resolution:

That, subject to meeting all funding requirements, funding for the Community Benefit Fund requests, as detailed in the report of the Corporate Governance Manager dated 24 May 2019 (Id: 12847808), be approved.

The application referred to in this resolution included a funding request for the Centre Against Sexual Violence Inc. in the amount of $1,860.54. The funding purpose supported was the purchase of a new banner and printed t-shirts to enable the group to be visible when attending community information stalls in an effort to raise awareness and educate the community about the impacts and prevalence of sexual violence in the Logan Community.

The Centre Against Sexual Violence Inc. has requested a variation to the items being purchased through the allocated funding. The Centre has advised it intends to purchase promotional items such as stickers, drink coasters, calico bags and stationery items as well as banners and printed t-shirts as per its original application. There is no change to the purpose of the funding, which is to purchase promotional items to enable the group to be visible when attending community information stalls. There is also no new allocation of funding as part of this request.

As the original funding allocation was made by Council resolution for a banner and t-shirts, a further resolution is required to note the variation to the promotional items being purchased.
RECOMMENDATIONS

IT IS RECOMMENDED:-

That the Centre Against Sexual Violence Inc. intend to purchase promotional items such as stickers, drink coasters, calico bags and stationery items, as well as banners and printed t-shirts, in the amount of $1,860.54 from the Whole of City and Divisions 1 to 8 and 12’s Community Benefit Funds, as detailed in the report of the Corporate Governance Manager dated 19 February 2020, be noted.
9.5 Refer to Confidential Agenda in accordance with Section 275 (1) (c) of the Local Government Regulation 2012
2020/2021 REGISTER OF COST-RECOVERY FEES AND SCHEDULE OF COMMERCIAL & OTHER CHARGES

REPORT OF: Finance Manager

REPORT OVERVIEW

PURPOSE OF REPORT

Each year, Council publishes a Register of Cost-Recovery Fees and Schedule of Commercial and Other Charges to take effect from 1 July.

Criteria: Direction

CORPORATE PLAN PRIORITY

Next Generation Governance

Submitted under separate cover is confidential documentation relating to the above matter. This documentation is considered confidential due to the information relating to Council’s annual budget.

For consideration.