



ATTACHMENTS TO MINUTES SPECIAL COUNCIL MEETING

30 JUNE 2020

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
5.1	Policies Review	
Attachment 1.	PL-GV087 Complaints About a Public Official (Chief Executive Officer) - Section 48A of the Crime and Corruption Act 2001.....	3
Attachment 2.	PL-FS025 Related Party Disclosure Policy	9
Attachment 3.	PL-GV012 Advertising Expenditure Policy	15



Complaints About A Public Official (Chief Executive Officer) - Section 48A of the Crime and Corruption Act 2001

Policy Number:	PL-GV087
Department:	Corporate and Commercial Services
Section:	Governance
Responsible Manager:	Manager Corporate and Commercial Services
Date Adopted:	26 June 2019
Date to be Reviewed:	29 June 2021
Date Reviewed:	30 June 2020
Date Rescinded:	N/A

REVISION RECORD

Date	Version	Revision description
12/06/20	1.0	Minor amendments – amend Mayor's details and include provisions relating to the Human Rights Act 2019

Complaints About A Public Official (Chief Executive Officer) - Section 48A of the Crime and Corruption Act 2001

Policy no: PL-GV087

Updated: 30 June 2020

Page 1 - 5

© Southern Downs Regional Council

CONTENTS

1	Purpose.....	3
2	Scope	3
3	Legislative Context	3
4	Policy Details.....	3
4.1	Nominated Person.....	3
4.2	Detection.....	4
4.3	Investigation and resourcing.....	4
4.4	Liaison with the CCC.....	5
5	Definitions.....	5
6	Related Documents.....	5

1 Purpose

The purpose of this policy is to set out how Southern Downs Regional Council (Council) will deal with a complaint that involves or may involve corrupt conduct of its Chief Executive Officer (CEO) as required by section 48A of the *Crime and Corruption Act 2001* (the *CC Act*).

This policy seeks to promote:

- public confidence in the way suspected corrupt conduct of the CEO is dealt with; and
- accountability, integrity and transparency in the way the Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

2 Scope

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of Council;
- to all persons, employees, contractors and Councillors who hold an appointment with Council who may report a complaint in accordance with this policy.

For the purpose of this policy, a complaint includes information or a matter.

3 Legislative Context

Crime and Corruption Act 2001
AS 8001 – 2008 Fraud and Corruption Control
Human Rights Act 2019

4 Policy Details

4.1 Nominated Person

In accordance with section 48A (2) and (3) of the *CC Act*, Council nominates the Mayor as the nominated person to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the *CC Act*.

Once Council nominates a person, the *CC Act* applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person as per section 48A (3) of the *CC Act*.

If a complaint may involve an allegation of corrupt conduct of the CEO, the complaint may be reported to the nominated person. If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- notify the CCC of the complaint; and
- deal with the complaint, subject to the CCC's monitoring role, when:
 - directions issued under section 40 of the *CC Act* apply to the complaint, if any, or
 - the CCC refers the complaint to the nominated person to deal with (section 46 of the *CC Act*).

Complaints About A Public Official (Chief Executive Officer) - Section 48A of the Crime and Corruption Act 2001

Policy no: PL-GV087

Updated: 30 June 2020

Page 3 - 5

© Southern Downs Regional Council

If the CEO reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:

- report the complaint to the nominated person as soon as practicable and may also notify the CCC, and
- take no further action to deal with the complaint unless requested to do so by the nominated person.

If directions are issued under section 40 of the CC Act which apply to the complaint, the nominated person is to deal with the complaint and the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person.

4.2 Detection

Council will maintain an internal control structure to minimise exposure to corruption. The primary mechanism for this control will be within the Fraud and Corruption Control Plan, operating in conjunction with established audit and financial management practices.

4.3 Investigation and resourcing

If the nominated person has responsibility to deal with the complaint (under sections 40 and 46 of the CC Act):

- the Council will ensure sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately, including the engagement of external resources to investigate the complaint;
- the nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without authorisation under a law of the Commonwealth or the State;
- the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to:
 - the purposes of the CC Act;
 - the importance of promoting public confidence in the way suspected corrupt conduct in the Council is dealt with; and
 - this policy, the Code of Conduct Policy, Fraud and Corruption Control Policy, the Crime and Corruption Commission's *Fraud and Corruption Control: Guidelines for Best Practice (2005)* and any other relevant policies.

If the nominated person has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the CEO to direct and control staff of the Council as if the nominated person is the CEO of the Council for the purpose of dealing with the complaint only;
- are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of the Council for the purpose of dealing with the complaint;
- do not have any authority, function or power that cannot under the law of the Commonwealth or the State be delegated by the Council or the CEO to the nominated person.

Investigations will be carried out in accordance with the Crime and Corruption Commission's Corruption in Focus guidelines, Council's Fraud and Corruption Control Policy (PL-FS065), Council's obligations under the *Human Rights Act 2019* and the rules of procedural fairness or natural justice.

4.4 Liaison with the CCC

The CEO is to keep the CCC informed of:

- the contact details for the CEO and the nominated person; and
- changes to this policy.

In accordance with section 48A of the *CC Act*, the CEO will consult with the CCC when preparing any policy about how the Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.

5 Definitions

Term	Meaning
Corrupt conduct	As per section 15 of the <i>Crime and Corruption Act 2001</i> .
Nominated person	<p>As per section 4.1 of this Policy, means the person nominated by Council to manage and report complaints of corrupt conduct by the CEO to the CCC. Council has nominated the Mayor of Council. The Mayor's contact details are:</p> <p>Cr Vic Pennisi PO Box 26 WARWICK QLD 4370</p> <p>Ph: 4661 0351 Mob: 0412 909 882 Email: vic.pennisi@sdrc.qld.gov.au</p> <p>All written correspondence should be marked 'Private and confidential' to assist in maintaining confidentiality.</p>

6 Related Documents

- Fraud and Corruption Control Policy
- Fraud and Corruption Investigation Procedure
- Code of Conduct Policy
- Complaints Management Policy

Complaints About A Public Official (Chief Executive Officer) - Section 48A of the Crime and Corruption Act 2001

Policy no: PL-GV087

Updated: 30 June 2020

Page 5 - 5

© Southern Downs Regional Council



Related Party Disclosure Policy

Policy Number:	PL-FS025
Department:	Corporate and Community Services
Section:	Finance
Responsible Manager:	Manager Finance & Information Technology
Date Adopted:	23 June 2016
Date to be Reviewed:	29 June 2021
Date Reviewed:	30 June 2020
Date Rescinded:	N/A

REVISION RECORD

Date	Version	Revision description
26/06/18	1	Annual Review
03/06/19	2	Annual Review
24/06/19	3	Annual Review – minor amendments to section 5.2.3

Related Party Disclosure Policy

Policy no: PL-FS025

Updated: 30 June 2020

Page 1 - 6

© Southern Downs Regional Council

CONTENTS

1	Policy Background.....	3
2	Purpose.....	3
3	Scope	3
4	Legislative Context	3
5	Policy Details.....	3
5.1	Identifying related parties and transactions.....	3
5.1.1	Entities related to Council	3
5.1.2	Key Management Personnel (KMP)	3
5.1.3	Close family members of KMP	4
5.1.4	Entities controlled or jointly controlled by close family members of key management personnel	4
5.1.5	Types of related party transactions that are to be included	4
5.2	Assessment of Related Party Transactions	4
5.2.1	Materiality.....	4
5.2.2	Ordinary Citizen Transactions	5
5.2.3	Identification of all related party transactions.....	5
5.2.4	Privacy	5
5.3	Disclosure	5
6	Definitions.....	6
7	References.....	6

1 Policy Background

Councils are required to prepare financial statements annually and these must be prepared in compliance with the Local Government Act, the Local Government Regulation and Australian Accounting Standards. AASB 124 – Related Party Disclosures has been amended to include Public Sector entities from 1 July 2016.

2 Purpose

This policy is to provide guidance for determining who are the related parties of Council, what equates to related party transactions and how to record them.

3 Scope

This policy applies to key management personnel and related parties of Southern Downs Regional Council.

4 Legislative Context

- AASB 124 – Related Party Disclosures
- *Local Government Act 2009*
- *Local Government Regulation 2012*, Part 3, Division 1

5 Policy Details

5.1 Identifying related parties and transactions

5.1.1 Entities related to Council

These are entities that are controlled by Council, jointly controlled by Council or over which Council has significant influence. Payments to these entities will be identified through Council's accounts payable system, with non-monetary transactions reviewed through Council's document management system.

5.1.2 Key Management Personnel (KMP)

Key management personnel have been defined for this policy as elected members, the chief executive officer, directors and managers.

All key management personnel are responsible for self-assessing their own related parties and close family members on an annual basis. All related parties must be included in the self-assessment. Key management personnel are responsible for keeping the Chief Executive Officer updated when any changes to those related parties occur outside of those times.

Self-assessment will be recorded on the Related Party Declaration form.

Transactions with related parties will be identified through Council's accounts payable, accounts receivable, applications, payroll and document management systems.

5.1.3 Close family members of KMP

Close family members are people who can be expected to influence or be influenced by key management personnel.

Key management personnel will identify close family members (see definitions) through the self-assessment process.

Transactions with those applicable close family members will be identified through Council's accounts payable, accounts receivable, applications, payroll and document management systems.

5.1.4 Entities controlled or jointly controlled by close family members of key management personnel

Key management personnel will identify all entities that are controlled or jointly controlled by close family members through the self-assessment process.

Transactions with those applicable entities will be identified through Council's accounts payable, accounts receivable, applications, payroll and document management systems.

5.1.5 Types of related party transactions that are to be included

The types of transactions that need to be captured for analysis to be included in the related party disclosure are as follows:

- Grants and subsidy payments made to associated entities of Council
- Non-monetary transactions between Council and associated entities of Council
- Other goods and services provided by Council to associated entities of Council
- Compensation made to key management personnel
- Fees and charges charged to related parties
- Infrastructure contributions and application fees from related parties
- Purchase of materials and services from related parties
- Employee expenses for close family members of key management personnel

5.2 Assessment of Related Party Transactions

5.2.1 Materiality

Once the related party transactions have been identified they will be analysed by the CEO and those found to be of a material nature will be disclosed in the financial statements.

For the purposes of this policy any transaction where the aggregate amount involved will be expected to exceed \$10,000 in any financial year will be disclosed in the annual financial statements.

5.2.2 Ordinary Citizen Transactions

Ordinary citizen transactions (see definitions) are those transactions that are made on an arm's length basis between Council and related parties that an ordinary citizen of the community would transact with the Council. Examples of these are rates payments for properties owned by the related party and dog registration payments.

Council will identify all transactions between Council and related parties. Any that are deemed to be ordinary citizen transactions (see definitions) will not be required to be disclosed in the annual financial statements.

Transactions between Council and related parties that would normally be considered to be ordinary citizen transactions but where the terms and conditions differ from normal practice will not be considered to be an ordinary citizen transaction for the purposes of this policy. These will be disclosed in Council's annual financial statements in the related party disclosure.

5.2.3 Identification of all related party transactions

Capture of all related party transactions will be completed to allow a full assessment of related party transactions. This will allow Council's external auditors to perform a full analysis of the entire process that results in the related party transaction disclosure in the annual financial statements.

5.2.4 Privacy

Council's Finance Manager will endeavour to ensure that only those staff and external auditors that are involved in preparing the related party disclosure will have access to the Related Party Declarations and related party transactions.

5.3 Disclosure

The related party disclosure will include the nature of the relationship and information about transactions, outstanding balances and commitments.

Transactions will only be included in the disclosure within the annual financial statements if the transaction has occurred or there is a commitment that it will occur. The types of disclosures will be relationships, transactions, outstanding balances and commitments.

If an elected member or staff member is affected by the related party disclosure they will be given a copy of the disclosure for comment before the external audit is finalised. All comments will be considered however any deviations from the standard or policy will not be included in the final disclosure. The CEO will give the final approval of what will be contained in the disclosure.

6 Definitions

Term	Meaning
Related parties	A person or entity that is related to the entity that is preparing its financial statements (taken from AASB 124). For the purpose of this policy related parties are entities related to council, key management personnel and close family members of key management personnel of Southern Downs Regional Council.
Key Management Personnel	People that have authority and responsibility for planning, directing and controlling the activities of the entity, either directly or indirectly (taken from AASB 124). For the purposes of this policy key management personnel are elected members, the chief executive officer, directors and managers.
Close family members	Close family members are people who can be expected to influence or be influenced by key management personnel. This includes but is not limited to spouse or partner, children and dependents, children and dependents of spouse or partner and possibly parents and grandparents and other family members. Other family members that would expect to influence or be influenced by KMP need to be included as close family members.
Arm's Length Transaction	A transaction between two related parties that is conducted as if they were unrelated, so that there is no question of conflict of interest.
Ordinary Citizen Transactions	Transactions that are made on an arm's length basis between the Council and key management personnel and their close family members that an ordinary citizen of the community would transact with the Council. This includes but is not limited to payment of rates for properties owned by the key management personnel and dog registration.
Normal Terms and Conditions	The standard rules governing transactions between Council and all external bodies. These can be governed by policies, legislation or accepted business practices.

7 References

State of Queensland, Department of Infrastructure, Local Government and Planning fact sheets and examples on Related Party Disclosures



Advertising Expenditure Policy

Policy Number:	PL-GV012
Department:	Executive Services
Section:	Governance
Responsible Manager:	Media and Consultation Officer
Date Adopted:	25 June 2008
Date to be Reviewed:	29 June 2021
Date Reviewed:	30 June 2020
Date Rescinded:	N/A

REVISION RECORD

Date	Version	Revision description
19/09/12	2	Revision
29/04/14	3	Revision
26/10/16	4	Reviewed and Updated.
17/06/20	5	Revision

Advertising Expenditure Policy

Policy no: PL-GV012

Updated: 30 June 2020

Page 1 - 6

© Southern Downs Regional Council

CONTENTS

1	Purpose.....	3
2	Scope	3
3	Legislative Context	3
4	Policy Details.....	4
4.1	Advertising Expenditure.....	4
4.2	Acceptable Advertising Expenditure	4
4.3	Unacceptable Advertising Expenditure	5
5	Definitions.....	5
6	Related Documents.....	6

1 Purpose

This policy provides for the control of expenditure on advertisements placed by Council in various media. The *Local Government Regulation 2012* outlines requirements that must be adhered to in relation to advertising expenditure, which ensures that Council advertising is in accordance with the public interest and Council policies.

The objectives of this policy, in line with accountability, transparency and good governance, are:

- to meet the requirements of the legislation;
- to ensure appropriate authorisation of advertising expenditure; and
- to ensure that Council obtains value for money in placing advertising.

2 Scope

This policy applies to any paid advertisement or notice in any media, to promote goods or services (including facilities) provided by Council.

This policy does *not* apply to:

- advertising for recruitment;
- advertising for the acquisition or disposal of property plant and equipment used, or to be used by Council in its business;
- matters required by legislation to be advertised;
- advertisements for tenders or expressions of interest under Council's Procurement Policy or under the *Local Government Act 2009*; or
- reports published in the media where no payment is made for the report.

3 Legislative Context

- *Local Government Regulation 2012*, s 197 states:

197 Advertising spending

(1) A local government must prepare and adopt a policy about the local government's spending on advertising (an ***advertising spending policy***).

(2) The local government may spend money on advertising only—

a) if—

- i. the advertising is to provide information or education to the public; and

- ii. the information or education is provided in the public interest; and
 - (b) in a way that is consistent with the local government's advertising spending policy.
- (3) **Advertising** is promoting, for the payment of a fee, an idea, goods or services to the public.

4 Policy Details

Advertising should be used where the purposes of the Council or the benefit of the community is advanced. It should not be used to promote the particular achievements or plans of individual Councillors or groups of Councillors. In particular, advertising should not be used to influence the voters in an election.

4.1 Advertising Expenditure

Council may incur expenditure for advertising only if:

- a) the advertising is for provision of information or education to the public; and
- b) the information or education is provided in the public interest; and
- c) the Authorising Officer has approved the expenditure.

The Authorising Officer must ensure that:

- i. the expenditure is in accordance with this policy; and
 - ii. the cost of the advertisement is appropriate for the audience and provides a benefit to the Council or to the public; and
 - iii. the cost is budgeted for and subsequently accounted appropriately.
- d) the advertising falls into one of the categories set out in section 4.2.

4.2 Acceptable Advertising Expenditure

Acceptable uses of Council money for advertising are:

- a) to advise the public of a new or continuing service or facility provided by the Council; or
- b) to increase the use, or inform the public of a service or facility provided by the Council on a commercial basis with a view to profit; or
- c) to inform the public about endorsed regional marketing, events or activities; or
- d) to advise the public of the decisions made by Council at its meetings; and/or

- e) to request comments or feedback on proposed policies, services, facilities or activities of Council; or
- f) where the advertisement facilitates the administration of the Council.

4.3 Unacceptable Advertising Expenditure

Council must not:

- a) during the period of three months preceding an election of the local government other than a by-election; or during the period after the date of a by-election is advertised until the day of the election:
 - i. place advertisements relating to future plans unless, and only to the extent that those plans have been formally adopted by Council;
 - ii. advertise the activities of Council other than in the manner and form it is customary for the Council to advertise its activities;
 - iii. place advertisements which seek to influence support for particular candidates, groups of candidates or potential candidates in the election;
- b) bear the cost of advertisements featuring one or more Councillors or containing quotations attributed to individual councillors (Note: This does not preclude Councillors appearing in unpaid publicity or other publicity where the cost is not borne by the Council) except those deemed acceptable by Council approval.

5 Definitions

Term	Meaning
Advertising	Promoting to the public an idea, goods or services for which a fee is paid.
Medium	Commonly used media for advertising consists of magazines, newspapers, radio, television and promotional products such as magnets and brochures.
Authorising Officer	Council officer with adequate financial delegation.

6 Related Documents

- Procurement Policy