



# **SOUTHERN DOWNS REGIONAL COUNCIL POST-ELECTION SPECIAL MEETING OF COUNCIL**

Dear Councillors

Your attendance is hereby requested at the Post-Election Special Meeting of Council to be held via Video-Link in the Council Chambers, Southern Downs Regional Council, 64 Fitzroy Street, Warwick and 61 Marsh Street, Stanthorpe on **Wednesday, 15 April 2020 at 9:00AM.**

Notice is hereby given of the business to be transacted at the meeting.

**David Keenan**

**CHIEF EXECUTIVE OFFICER**

12 April 2020



**ORDER OF BUSINESS:**

<b>1.</b>	<b>ATTENDANCE .....</b>	<b>1</b>
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- 1. ATTENDANCE**
- 2. APOLOGIES**
- 3. DECLARATIONS OF CONFLICTS OF INTEREST**

## 4. EXECUTIVE SERVICES REPORTS

### 4.1 Appointment of Deputy Mayor

#### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: Special Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 15 April 2020
	Chief Executive Officer	<b>File Ref:</b>

#### Recommendation

THAT Council consider the appointment of a Deputy Mayor.

#### Report

In accordance with Section 175(1) of the *Local Government Act 2009* and Section 8.2.2 of *Council Meeting Policy PL-EX036*, Council must, by resolution, appoint a Deputy Mayor from its Councillors at the Post Election Meeting of Council.

Nominations will be called from the elected members for the position of Deputy Mayor. Councillors may nominate themselves or another Councillor for the position. Voting will be by a show of hands.

#### Budget Implications

Nil

#### Policy Consideration

Council Meeting Policy PL-EX036

#### Community Engagement

Nil

#### Legislation/Local Law

*Local Government Act 2009*

#### Options


1. Appoint a Deputy Mayor.

#### Attachments

Nil

## 4.2 Council Meeting Schedule

### Document Information

 Southern Downs REGIONAL COUNCIL	<b>Report To: Special Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 15 April 2020
	Chief Executive Officer	<b>File Ref:</b> 01.08

### Recommendation

THAT Council adopt the attached General Council Meeting and Briefing Session dates for the remainder of 2020.

### Report

Meetings of Council are scheduled and comply with the *Local Government Act 2009* (the Act), *Local Government Regulation 2012* (the Regulation) and the Council Meeting Policy PL-EX036. The adopted Council Meeting Policy states at 8.5.1(2) that at a Post-Election Meeting the dates and times of General Meetings of Council need to be considered.

Prior to the 2020 Local Government Election, Council generally held its Council Meetings as follows:

- General Council Meetings were held on the fourth Wednesday of each month.
- Briefing Sessions were held on the first, second and fourth Monday of each month and in the event a Monday was a public holiday, the meeting was moved to the Tuesday.
- Special Council Meetings were held as and when required (e.g. budget deliberations often taking place at a Special Council Meeting and/or urgent Council business).

Council Briefing Sessions are Chaired by the Mayor. They are not a formal meeting of Council and decisions cannot be made at those Briefing Sessions. They are provided to better inform Councillors of issues, strategic planning and to allow questions to staff that would often be passed in normal Council debate environments. The Briefing Sessions are not open to the public unless Council agrees prior to the Briefing Session to allow at least two days' notice.

At the November 2019 General Meeting, in accordance with *Section 8.1.1* of the Council Meeting Policy PL-EX036, Council adopted its annual schedule of dates for Council Meetings. Accordingly, and with consideration to Council's post-election meeting schedule, the proposed dates for the remainder of the 2020 are as follows:–

<b>MONTH</b>	<b>BRIEFING SESSION 1</b>	<b>BRIEFING SESSION 2</b>	<b>BRIEFING SESSION 3</b>	<b>GENERAL MEETING</b>
April	No Session	No Session	28/4/2020	29/4/2020 Warwick
May	5/5/2020	11/5/2020	25/5/2020	27/5/2020 Stanthorpe
June	1/6/2020	8/6/2020	22/6/2020	24/6/2020 Warwick
July	6/7/2020	13/7/2020	20/7/2020	22/7/2020 Stanthorpe
August	3/8/2020	10/8/2020	24/8/2020	26/8/2020 Warwick
September	7/9/2020	14/9/2020	21/9/2020	23/9/2020 Stanthorpe
October	6/10/2020	12/10/2020	26/10/2020	28/10/2020 Warwick
November	2/11/2020	9/11/2020	23/11/2020	25/11/2020 Stanthorpe
December	7/12/2020	14/12/2020	No Session	16/12/2020 Warwick

Council may however decide to review the calendar of meetings for the remainder of 2020, in which case Council could adopt the recommended meeting dates for April and May 2020 which would allow for Council to further consider its meeting schedule at the May 2020 General Meeting.

### **Budget Implications**

Nil

### **Policy Consideration**

Council Meetings Policy PL-EX036

### **Community Engagement**

Nil

### **Legislation/Local Law**

Local Government Regulation 2012



## **Options**

Council:

1. Adopt the recommended General Council Meeting and Briefing Sessions dates for the remainder of 2020.
2. Adopt the recommended General Council Meeting and Briefing Session dates for April and May 2020.
3. Consider the schedule of General Council Meetings and Briefing Sessions for the remainder of 2020 at the May 2020 General Council Meeting.

## **Attachments**

1. Calendar for Council Meetings April to December 2020 [↓](#)




## Calendar for Council General Meetings and Briefing Sessions

### April to December 2020

MONTH	BRIEFING SESSION 1	BRIEFING SESSION 2	BRIEFING SESSION 3	GENERAL MEETING
April	No Session	No Session	27/4/2020	29/4/2020 Warwick
May	5/5/2020	11/5/2020	25/5/2020	27/5/2020 Stanthorpe
June	1/6/2020	8/6/2020	22/6/2020	24/6/2020 Warwick
July	6/7/2020	13/7/2020	20/7/2020	22/7/2020 Stanthorpe
August	3/8/2020	10/8/2020	24/8/2020	26/8/2020 Warwick
September	7/9/2020	14/9/2020	21/9/2020	23/9/2020 Stanthorpe
October	6/10/2020	12/10/2020	26/10/2020	28/10/2020 Warwick
November	2/11/2020	9/11/2020	23/11/2020	25/11/2020 Stanthorpe
December	7/12/2020	14/12/2020	No Session	16/12/2020 Warwick

### 4.3 Appointment of Chairman and Deputy Chairman of Local Disaster Management Group

#### Document Information

 Southern Downs REGIONAL COUNCIL	Report To: Special Council Meeting	
	Reporting Officer:	Meeting Date: 15 April 2020
	Chief Executive Officer	File Ref:

#### Recommendation

THAT Council appoint:-

1. The Chair of the Local Disaster Management Group.
2. A Councillor/s as the Deputy Chair/s of the Local Disaster Management Group.

#### Report

Council is responsible for the establishment and coordination of the Local Disaster Management Group (LDMG) for the Southern Downs Regional Council area. Council has the primary responsibility to manage and respond to disasters at the community level.

Southern Downs LDMG members include the Queensland Police Service, Queensland Ambulance Service, Queensland Fire and Emergency Services, State Emergency Service and Department of Communities, Child Safety and Disability Services.

The requirements of Council and the LDMG are set down in accordance with the Disaster Management Act 2003, Disaster Management Regulation 2014 and the Queensland Local Disaster Management Guidelines. Section 33 of the Disaster Management Act 2003 with Section 9 of the Disaster Management Regulation 2014 requires Local Government appoint the Chair and a Deputy Chair of the LDMG as follows:

*9 Membership of local groups—Act, s 33*

- (1) For section 33(1) of the Act, the following persons are members of a local group—*
- (a) the persons appointed as the chairperson and deputy chairperson of the group under section 10;*
  - (b) the other persons appointed as members of the group by the relevant local government for the group.*
- (2) At least 1 person appointed under subsection (1)(b) must be a person nominated by the chief executive of the department.*
- (3) At least 1 person appointed under subsection (1)(b) must be a councillor of a local government.*
- (4) The relevant local government for a local group may appoint a person as a member only if satisfied the person has the necessary expertise or experience to be a member.*

In the previous Council, these roles were held by the Mayor as Chair and by Cr Cameron Gow as Deputy Chair.

Council is required to appoint these positions once Council is sworn in.

**Budget Implications**

Nil

**Policy Consideration**

Nil

**Community Engagement**

Nil

**Legislation/Local Law**

The appointments are required by the Disaster Management Act 2003

**Options**

Council:

1. Appoints the Chair of the LDMG.
2. Appoints a Councillor/s as the Deputy Chair/s of the LDMG


**Attachments**

Nil

## 5. CORPORATE SERVICES REPORTS

### 5.1 Audit and Risk Management Committee - New Representatives

#### Document Information

 <b>Southern Downs</b> REGIONAL COUNCIL	<b>Report To: Special Council Meeting</b>	
	<b>Reporting Officer:</b>	<b>Meeting Date:</b> 15 April 2020
	Governance, Risk And Land Coordinator Manager Corporate and Commercial Services	<b>ECM Function No/s:</b> 04.01

#### Recommendation

THAT Council consider the appointment of two Councillors as members of the Audit and Risk Management Committee.

#### Report

By virtue of section 105(2) of the *Local Government Act 2009* each large local government must establish an Audit Committee. Southern Downs Regional Council is a Category 3 Council, which deems it to be a large local government.

Section 210 of the *Local Government Regulation 2012*, requires the following:

- (1) The audit committee of a local government must –
  - a. Consist of at least 3 and no more than 6 members; and
  - b. Include –
    - i. 1, but no more than 2, councillors appointed by the local government; and
    - ii. At least 1 member who has significant experience and skills in financial matters.
- (2) The chief executive officer cannot be a member of the audit committee but can attend meetings of the committee.
- (3) The local government must appoint 1 of the members of the audit committee as chairperson.

The current Audit and Risk Management Committee (ARMC) consists of two (2) Councillor representatives and four (4) external independent representatives. The external independent representatives are:

- Mr Stephen Coates (Chairperson)
- Mr Darren Laarhoven
- Mr Graham Mathews
- Ms Kylie Smith

Mr Coates is the current Chairperson of the ARMC as appointed by Council at the General Meeting on 26 September 2018. Since this appointment Mr Coates has been an effective Chairperson for this Committee.

The current ARMC Charter, reviewed and adopted in February 2020, states that the membership shall comprise of a minimum of five and a maximum of six members, the majority which shall be independent. One of the independent members will be Tenterfield Shire Council to exchange staff resources for representation on the respective ARMC's.

The ARMC Charter is attached for Councillors' information which details more information in relation to the Committee's scope and purpose.

### **Budget Implications**

Each external independent member is entitled to a meeting fee of which an allocation has been made within the 2019/2020 Internal Audit Budget.

### **Policy Consideration**

Nil

### **Community Engagement**

Nil

### **Legislation/Local Law**

The ARMC is established under the authority of section 105 of the *Local Government Act 2009*. Sections 207 to 211 of the *Local Government Regulation 2012* provides further detail about Audit Committees.

### **Options**

Council:

1. Appoint two Councillors as a member of the Audit and Risk Management Committee.
2. Appoint one Councillor as a member of the Audit and Risk Management Committee.

### **Attachments**

1. Audit and Risk Management Committee Charter - February 2020 [📄](#)



## **Audit and Risk Management Committee Charter**

### **1.0 INTRODUCTION**

This Terms of Reference establishes the authority and responsibilities conferred on the Audit and Risk Management Committee by the Council, the Principles for an Audit Committee as required by the *Local Government Act 2009* and *Local Government Regulation 2012*, and explains the role of the Audit and Risk Management Committee within the Council.

### **2.0 TERMS OF REFERENCE**

#### **2.1 General**

2.1.1 The Southern Downs Regional Council Audit and Risk Management Committee ("the Committee") is an advisory committee to Council, and as such is a formally appointed committee of the Council and is responsible to that body.

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions.

2.1.2 The Committee should meet at least quarterly each year.

2.1.3 The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to assist Council in relation to the discharge of its financial and operational responsibilities, particularly with respect to ensuring accuracy, accountability and transparency in these matters.

2.1.4 The Committee shall evaluate its performance annually by conducting a self-evaluation survey, and by seeking input on its performance from Council.

2.1.5 The Committee's scope and purpose includes regular review of the following:

- i. the Internal Audit Plan for the Internal Audit for the current financial year;
- ii. the Internal Audit Progress Report for the Internal Audit for the preceding financial year including the recommendations in the report and the actions to which the recommendations relate;
- iii. a draft of the Local Government's Financial Statements for the preceding financial year before the Statements are certified and given to the Auditor-General under section 212;
- iv. the Auditor-General's Audit Report and Auditor-General's Observation Report about the Local Government's Financial Statements for the preceding financial year;

- v. Regular review of Risk Management and Fraud and Corruption Control in accordance with the Risk Management and Fraud Policies;
- vi. Monitoring of all outstanding internal and external audit recommendations;
- vii. Review management's approach to maintaining an effective internal control framework (including policies, procedures and delegations), ensuring that it is sound and effective;
- viii. Review the effectiveness of the system for monitoring Council's compliance with relevant laws, regulations and government policies.

2.1.6 The Committee's access to Council records, Council staff, and Council information is to be requested through the Chief Executive Officer.

2.1.7 In accordance with section 105 (4) of the *Local Government Act 2009*, the Committee's objectives are as follows:

- i. monitors and reviews -
  - (a) the integrity of financial documents; and
  - (b) the internal audit function; and
  - (c) the effectiveness and objectivity of the Local Government's internal auditors; and
- ii. makes recommendations to the Local Government about any matters that the Audit Committee considers need action or improvement.

### **3.0 MEMBERSHIP**

3.1 The Committee shall comprise of a minimum of five and a maximum of six members, the majority which shall be independent. One of the independent members will be Tenterfield Shire Council's Chief Corporate Officer, as part of an ongoing arrangement between Southern Downs Regional Council and Tenterfield Shire Council to exchange staff resources for representation on the respective Audit and Risk Management Committees. The Chief Corporate Officer and the two Councillor members can have a proxy attend in their absence, provided the proxy member is suitably qualified and experienced.

The Chief Executive Officer or his/her proxy will be required to attend each meeting, when available, but is not a member of the Committee and does not have voting rights. At the discretion of the Chief Executive Officer and the Chair, other Councillors and Council officers may attend meetings to listen to and provide information on matters of interest/relevance to their particular duties. However Councillors who are not members of the Audit and Risk Management Committee are precluded from voting, as are Council officers.

A Queensland Audit Office and Internal Audit representative shall be invited to attend meetings as required, however shall not be a member and shall not have voting rights.

Invitations to all Committee members, including the external representatives, all regular invitees and all visitors to the meeting approved by the Chair, shall include the following clause:



*Please note that all discussions in relation to any matter dealt with at Audit and Risk Management Committee meetings or any matters or information to which you become party as a result of your relationship with Council are strictly confidential*

**3.2** Councillors will be appointed to the Committee by Council as part of the committee selection process:

- At least one member of the Committee should possess significant experience and skill in financial matters;
- Any changes to Committee membership must be approved by Council;
- The Committee will recommend a member of the Committee be appointed as a Chairperson. In accordance with section 210 (3) of the *Local Government Regulation 2012*, Council will appoint one of the members as Chairperson. Prior to this appointment by Council, the Chairperson will be an Interim Chairperson appointed by the Committee. In the absence of the Chairperson at a meeting, the Committee shall appoint an Acting Chairperson from the members present.
- Members of the Committee shall be appointed for a minimum period of two years.
- Council reserves the right to stagger appointments and the period of the contract for any external member.
- The appointment of external members must be undertaken in accordance with Council's Procurement Policy and relevant legislation.
- At least one month prior to the expiration of a member's term on the Committee, the Council shall seek nominations for a replacement, with the successful appointee being approved by Council.

**3.3** The independent members of the Audit Committee will meet with representatives of the Queensland Audit Office, External Auditor and Internal Auditor at least once a year or at the request of the Queensland Audit Office, External Auditor and/or Internal Auditor. Any recommendations arising will be discussed with the Chief Executive Officer.

**4.0 AUTHORITY**

Council shall authorise the Committee, within the scope of its responsibilities to:

- Establish its agenda and facilitate the establishment of an audit program;
- seek any information it requires from Council staff and external sources;
- obtain whatever advice it requires, including advice from external sources (including legal advice);
- request the attendance of Council officers and other appropriate persons at committee meetings;

**5.0 MEETINGS**

- The Committee should meet at least quarterly each year and in addition, an annual special meeting will be convened for consideration of the draft final financial report and results of the external audit.
- A schedule of meetings shall be developed and agreed to by the members, and additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the

committee or the external auditor. The Chairperson has the discretion, in consultation with the Chief Executive Officer, to amend the meeting dates if required.

- The quorum will be the smallest integer greater than half the members.
- Each member of the Committee is entitled to one vote only. In the case of an equality of votes on any issue, the Chairperson shall have the casting vote.
- Representatives of the external auditor should be invited to attend at the discretion of the Committee, but must attend meetings considering the draft financial report and results of the external audit.
- Council's Governance and Risk Officer shall provide secretarial and administrative support to the Committee.

## **6.0      REPORTING**

- The Committee minutes shall be considered by Council at the most suitably scheduled General meeting.
- Minutes of the Committee meeting will be issued to the Committee members as soon as possible after each meeting and will not be recorded for public perusal.
- The Chairperson of the Committee will review the minutes prior to them being released to Council for review and acknowledgement.
- The Chairperson will determine the agenda for each meeting in consultation with the Chief Executive Officer and Committee members.
- The Committee shall report annually to the Council summarising the activities of the Committee during the previous financial year, and the Chairperson shall be in attendance at the relevant Council meeting either personally or by teleconference to speak to the report.

## **7.0      REVIEW**

The Charter will be reviewed annually for relevance and accuracy.

## **8.0      CONFIDENTIALITY**

- All matters discussed at Committee meetings together with all material provided to members of the Committee is of a confidential nature.
- All material provided to the Committee is to be stamped 'Confidential'.
- The external members of the Committee will be required to sign a Confidentiality Agreement with Council, which will confirm requirements.
- Committee reports to Council will be discussed in a closed session of the General Council Meetings.

## **9.0      RELATIONSHIP WITH INTERNAL AND EXTERNAL AUDIT**

By virtue of the provisions of the *Local Government Act 2009 and Local Government Regulation 2012*, each Local Government must establish an efficient and effective internal audit function. Consequently, in order to achieve its objectives and to satisfy the requirements placed upon it, the audit Committee may seek independent reports on specific areas of interest. These may include aspects relating to financial and compliance and operational effectiveness which are traditionally performed as an internal audit function. This initiative is to assist the Committee in discharging its objectives under this charter.

Any difficulties encountered in the course of audits, including any restrictions on the scope of their work or access to required information will be brought to the attention of the Committee.

When the Internal Auditor believes that senior management has accepted a level of current risk that is unacceptable to the organisation, the Internal Auditor should report the matter to the Committee.

Any serious difficulties or disputes with management encountered during the course of the external audit will be brought to the attention of the Committee.