811

CITY OF GOLDCOAST.

AGENDA

GOVERNANCE, ADMINISTRATION AND FINANCE COMMITTEE MEETING

THURSDAY 18 NOVEMBER 2021

2PM

City of Gold Coast Council Chambers
135 Bundall Road Surfers Paradise

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1 ATTENDANCE/APOLOGIES

Cr W Owen-Jones	Chairperson
Cr B Patterson	
Cr M Hammel	
Cr R Bayldon-Lumsden	
Cr D Gates	
Cr D Taylor	
Cr D McDonald	
Cr PC Young	
Mr G Mather	Acting Chief Operating Officer
Ms C Drinkwater	Acting Director Organisational Services
Mr J McCabe	Acting Chief Executive Officer

2 LEAVE OF ABSENCE

3 CONFIRMATION OF MINUTES

That the Minutes of the 810 Governance, Administration and Finance Committee Meeting held on 28 October 2021 be confirmed.

CITY OF GOLDCOAST.

UNCONFIRMED MINUTES

GOVERNANCE, ADMINISTRATION AND FINANCE COMMITTEE MEETING

THURSDAY 28 OCTOBER 2021

2PM

City of Gold Coast Council Chambers
135 Bundall Road Surfers Paradise

810 UNCONFIRMED MINUTES

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810 UNCONFIRMED MINUTES

Officer's recommendation changed at Committee Meeting.

1 ATTENDANCE/APOLOGIES

Cr W Owen-Jones	Chairperson
Cr B Patterson	
Cr M Hammel	
Cr R Bayldon-Lumsden	
Cr D Gates	
Cr D Taylor	
Cr D McDonald	
Cr G O'Neill	Visitor – Left the meeting at 3:43PM
Cr G Tozer	Visitor – Left the meeting at 4:08PM
Cr PJ Young	Visitor – Left the meeting at 4:41PM
Mr J McCabe	Acting Chief Executive Officer
Mr G Mather	Acting Chief Operating Officer
Ms C Drinkwater	Acting Director Organisational Services
Ms C Watt	City Solicitor
Mr R McInnes	Manager Property Services
Ms A Ewens	Director Lifestyle and Community
Ms A Swain	Director Economy, Planning and Environment
Mr A Twine	Director Transport and Infrastructure
Mr M Tilly	Manager Transport and Traffic

Note: This meeting was held by teleconferencing in accordance with section 277B of the *Local Government Regulation 2012.*

COMMITTEE RECOMMENDATION GAF21.1028.001

Moved: Cr W Owen-Jones

Seconded: Cr D Gates

That the apology for Cr PC Young be received and accepted.

CARRIED

2 LEAVE OF ABSENCE

Nil.

3 CONFIRMATION OF MINUTES

COMMITTEE RECOMMENDATION GAF21.1028.002

Moved: Cr B Patterson

Seconded: Cr R Bayldon-Lumsden

That the Minutes of the 809 Governance, Administration and Finance Committee Meeting held on 07 Oct 2021 be confirmed.

CARRIED

810 UNCONFIRMED MINUTES

4 CONFLICT OF INTEREST DECLARATIONS

Nil.

5 COMMITTEE FORWARD PLANNING SCHEDULE

5.1 GOVERNANCE, FINANCE AND ADMINISTRATION COMMITTEE FORWARD PLANNING SCHEDULE
A71175478
LG115/1215/01/2021

COMMITTEE RECOMMENDATION GAF21.1028.003

Moved: Cr D Gates

Seconded: Cr M Hammel

That the list of proposed Agenda Items for the Governance, Administration and Finance Committee be noted.

CARRIED

6 REPORTS AND PRESENTATIONS

Item 6.1 was dealt with after Item 7.2.

6.1 RESPONSE TO PETITION: REQUEST FOR AN AMENDMENT TO LOCAL LAW FOR ADVERTISING DEVICES
A70828167
LG/222/365/17

COMMITTEE RECOMMENDATION GAF21.1028.004

Moved: Cr D Gates

Seconded: Cr D McDonald

1 That no change is made to *Subordinate Local Law No. 16.8 (Advertising Devices) 2016.*

2 That the Chief Petitioner be advised of Council's decision and be requested to inform other petitioners.

CARRIED

810 UNCONFIRMED MINUTES

6.2 CITY CONTRACTING PLAN 2020-21 FINAL AND CITY CONTRACTING PLAN 2021-22 AMENDMENT JULY TO SEPTEMBER 2021
A71062197
LG314/-/-

COMMITTEE RECOMMENDATION GAF21.1028.005

Moved: Cr D Gates

Seconded: Cr M Hammel

1 That the final amendments (1 April to 30 June 2021) to the City Contracting Plan 2020-21 be noted (Attachment 1).

2 That the amendments (1 July 2021 to 30 September 2021) to the City Contracting Plan 2021-22 be noted (Attachment 2).

3 That Council adopts the amended City Contracting Plan 2021-22 (Attachment 3)

CARRIED

6.3 SEPTEMBER 2021 MONTHLY FINANCIAL REPORT
A71062708
FA4009585

COMMITTEE RECOMMENDATION GAF21.1028.006

Moved: Cr D Gates

Seconded: Cr M Hammel

That Council note the Special Purpose 2021-22 Statement of Income and Expenditure and Statement of Financial Position as presented for September 2021.

CARRIED

6.4 2022 SCHEDULE OF COUNCIL, STANDING COMMITTEE AND SPECIAL BUDGET COMMITTEE MEETINGS
A71162541
LG115/1215/01/2021

COMMITTEE RECOMMENDATION GAF21.1028.007

Moved: Cr D Gates

Seconded: Cr M Hammel

1 That the Schedule of Council, Standing Committee and Special Budget Committee meetings for the 2022 calendar year, as detailed in Attachment A, be adopted.

2 That public attendance at Council meetings continue to be suspended until further notice as provided by section 277E of the *Local Government Regulation 2012* with audio / audio visual link services provided.

3 That Council authorises the Chief Executive Officer (Chief Operating Officer) to arrange appropriate advertising in accordance with the *Local Government Regulation 2012* following any alterations to the 2022 Schedule of Meetings, and to make any alterations required to the 2022 Schedule of Meetings that may become necessary, subject to consultation with Councillors.

CARRIED

810 UNCONFIRMED MINUTES

6.5 GOLD COAST BRAND GUIDE UPDATE
A71040220
CM787/790/11/04

COMMITTEE RECOMMENDATION GAF21.1028.008

Moved: Cr D Gates

Seconded: Cr M Hammel

That Council endorse the Gold Coast Brand Guide Version 5.

CARRIED

6.6 NEW CORPORATE PLAN
A69385023
LG449/756/15/08

COMMITTEE RECOMMENDATION GAF21.1028.009

Moved: Cr M Hammel

Seconded: Cr D Gates

1 Approve the proposed approach; outcomes; scope and timeline for the development of a new Corporate Plan to be adopted by 30 June 2022 (as set out in section 5.1 and 14 of this agenda item)

2 Approve the subscription to the *Living in Place* liveability index tool in 2021-22, which involves an independent survey of approximately 1500 residents across the city, to inform forward planning, strategic development, and advocacy.

CARRIED

6.7 WASTE SERVICES SEPTEMBER 2021 BUDGET REVIEW
A70635071
FN334/252/22

COMMITTEE RECOMMENDATION GAF21.1028.010

Moved: Cr D Gates

Seconded: Cr M Hammel

1 That Council approve the decrease of $0.5 million to be transferred to the Waste Management Infrastructure Reserve, with total anticipated transfer to Reserve now being $3.3 million for the 2021-22 financial year.

2 That Council note budget variations per Attachments 2 and 3 will be included in the September 2021 Budget Review.

CARRIED

810 UNCONFIRMED MINUTES

6.8 ENERGY MANAGEMENT UNIT SEPTEMBER 2021 BUDGET REVIEW
A70635189
FN334/252/22

COMMITTEE RECOMMENDATION GAF21.1028.011

Moved: Cr D Gates

Seconded: Cr M Hammel

1 That Council approve the movements outlined in this budget review with the participation return decrease of $0.4 million to $2.1 million.

2 That Council note budget variations per Attachment 2 and 3 will be included in the September 2021 Budget Review.

CARRIED

6.9 WATER AND SEWERAGE SERVICES SEPTEMBER 2021 BUDGET REVIEW
A70726417
FN334/252/22

COMMITTEE RECOMMENDATION GAF21.1028.012

Moved: Cr D Gates

Seconded: Cr M Hammel

1 That Council approve the decrease of $0.9 million to be transferred from the Water and Sewerage Infrastructure Reserve, with total anticipated transfer from Reserve now being $18.4 million for the 2021-22 financial year.

2 That Council note budget variations per Attachments 2 and 3 will be included in the September 2021 Budget Review.

CARRIED

810 UNCONFIRMED MINUTES

7 CLOSED SESSION REPORTS AND PRESENTATIONS

PROCEDURAL MOTION

Moved: Cr W Owen-Jones

Seconded: Cr D Taylor

That Committee move into Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012*, for consideration of the following item/s for the reasons shown:

CARRIED

7.1 PROPOSED SALE OF THE SURFERS PARADISE TRANSIT CENTRE AND BRUCE BISHOP CAR PARK
A69763541
PN240206/856/CF

BASIS FOR CONFIDENTIALITY

I recommend that this report be considered in Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012* for the reason that the matter involves:

(e) legal advice obtained by the local government or legal proceedings involving the local government, for example, legal proceedings that may be taken by or against the local government;

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

OVERVIEW

The report recommends the sale of the Surfers Paradise Transit Centre (SPTC) and Bruce Bishop Car Park (BBCP) site (the Property) on the basis it is surplus to the City's needs.

7.2 SEPTEMBER 2021 BUDGET REVIEW
A71112632
FN334/375/23(P1)

BASIS FOR CONFIDENTIALITY

That this report be considered in Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012* for the reason that the matter involves:

(c) the local government's budget;

OVERVIEW

Discussion in this report relates to the City's budget and some matters may be confidential in nature.

PROCEDURAL MOTION

Moved: Cr R Bayldon-Lumsden

Seconded: Cr B Patterson

That Committee move into Open Session.

CARRIED

810 UNCONFIRMED MINUTES

Following resumption into Open Session, Items 7.1 and 7.2 were moved and carried as shown on the following pages.

7.1# PROPOSED SALE OF THE SURFERS PARADISE TRANSIT CENTRE AND BRUCE BISHOP CAR PARK
A69763541
PN240206/856/CF

Changed Recommendation

COMMITTEE RECOMMENDATION GAF21.1028.013

Moved: Cr W Owen-Jones

Seconded: Cr D Gates

1 That the report/attachments be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (4) of the *Local Government Act 2009*.

2 That Council confirms that Surfers Paradise Transit Centre and Bruce Bishop Car Park is surplus to the City's requirements and can be disposed of by public tender.

3 That a suitably qualified Probity Advisor be appointed by the City Solicitor to oversee the public tender process.

4 That the Chief Executive Officer be delegated the power to determine the outcome of the tender process and the terms of the contract of sale.

5 That the proceeds from the sale be transferred to the Strategic Priorities Reserve.

CARRIED

A division was called

For:	4	Cr W Owen-Jones, Cr B Patterson, Cr M Hammel and Cr D Gates
Against:	3	Cr R Bayldon-Lumsden, Cr D Taylor and Cr D McDonald
Absent:	1	Cr PC Young
Abstained:	0	

FORESHADOWED MOTION by Cr D Taylor

That the matter be deferred to a future council meeting subject to the completion of the following reports:

1 Undertake an assessment of the impacts of the reduction in supply of car parks.

2 That a report be bought back to committee that outlines the current and future open space needs in Surfers Paradise.

a The significant population growth

b An analysis of the impact to the surrounding properties of a high quality public civic space being developed and activated on part of the site

c A business case and funding model to continue the site at Bruce Bishop as a carpark.

810 UNCONFIRMED MINUTES

The above Foreshadowed Motion was included in the minutes at the request of the Chair.

7.2 SEPTEMBER 2021 BUDGET REVIEW
A71112632
FN334/375/23(P1)

COMMITTEE RECOMMENDATION GAF21.1028.014

Moved: Cr W Owen-Jones

Seconded: Cr B Patterson

1 That the report/attachments be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (4) of the *Local Government Act 2009*.

2 That Council adopt the September 2021 Budget Review adjustments presented in this report and Attachment 1, resulting in a balanced budget.

3 That Council approve and adopt the following reserve transfers:

- **a $4,296,744 from the Strategic Priorities Reserve, including;**
  - **i $500,000 for the Brisbane 2032 Olympics and Paralympics**
  - **ii $1,502,653 for Economic Stimulus and Recovery Package initiatives ($250,000 Screen Access Program, $122,000 External Awards Sponsorship and $1,130,653 Investment Attraction program)**
  - **iii $1,569,347 for Tourism & Economic Development initiatives ($270,500 for GCHKP Investment Attraction Program and $1,298,847 Investment Attraction program)**
  - **iv $971,144 for the Customer Experience Strategy**
- **b $2,814,164 from the Waste Management Reserve;**
- **c $902,125 to the Water and Sewerage Infrastructure Reserve;**
- **d $2,500 from the Coomera River Dredging Contribution Reserve;**
- **e $1,582,500 from the Infrastructure Charges Reserve.**

CARRIED

Attachments (Tabled)

1 Presentation - Item 7.1 - Proposed Sale of the Surfers Paradise Transit Centre and Bruce Bishop Car Park (Confidential)

810 UNCONFIRMED MINUTES

8 GENERAL BUSINESS

There being no further business the meeting closed at 5:27PM.

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These Pages

Numbered 1 to 11

Constitute The Minutes Of The Meeting

Of The Governance, Administration and Finance Committee

Held Thursday 28 October 2021

810 UNCONFIRMED MINUTES

4 CONFLICT OF INTEREST DECLARATIONS

5 COMMITTEE FORWARD PLANNING SCHEDULE

5.1★ GOVERNANCE, FINANCE AND ADMINISTRATION COMMITTEE FORWARD PLANNING SCHEDULE

Objective ID: **A71707132**

Author: **Grant Mather, Acting Chief Operating Officer, Office of the COO**

Authoriser: **Grant Mather, Acting Chief Operating Officer, City Administration and Governance**

Attachments: **Nil**

Item	Directorate
(812) Governance, Administration and Finance Committee 1 December 2021	
Making of Subordinate Local Law No. 7.5 (Public Dive Precincts) 2021	LC
Propose to Make Local Law No. 9 (Parks and Reserves) 2008 and Subordinate Local Law No. 9.2 (Public Camping Areas) 2008	LC
October 2021 Monthly Financial Report	CAG
Covid-19 Local Roads and Community Infrastructure Program – Phase 3	CAG
2021-22 Q1 City Operational Plan Progress Report	CAG
Updated Delegation - Environmental Protection Regulation 2019	CAG
2021-2022 Quarter One Report – Debt Management	OS
(813) Governance, Administration and Finance Committee 27 January 2022	
Making of Regulated Parking (Amendment) Subordinate Local Law (No.1) 2021	LC
Propose to make Animal Management (Amendment) Local Law No. 1 and Subordinate Local Law (No. 1) 2021	LC
Animal Control Register amendments	LC

1 RECOMMENDATION

It is recommended that Council resolves as follows:

That the list of proposed Agenda Items for the Governance, Administration and Finance Committee be noted.

6 REPORTS AND PRESENTATIONS

6.1 AUDIT & RISK COMMITTEE CHAIR ANNUAL REPORT 2020-21

Objective ID: **A71521796**

File Number: **LG115/1384/01/21**

Author: **Karen Farquhar, Acting Manager Risk, Integrity and Assurance, Risk, Integrity and Assurance**

Authoriser: **Grant Mather, Acting Chief Operating Officer, City Administration and Governance**

Attachments:
1 2020-21 Internal Audit Plan Status ⇩
2 2021-22 Internal Audit Plan ⇩
3 Audit Actions Status as at 30 Sept 2021 ⇩

1 BASIS FOR CONFIDENTIALITY

Not applicable.

2 EXECUTIVE SUMMARY

The Audit and Risk Committee considers that 2020-21 was a productive year in terms of contributing to improvements in the Council's financial management and reporting as well as enhancing the maturity of risk management and governance processes.

The Committee considers that it has continued to meet its legislative obligations and the responsibilities contained in the Audit and Risk Committee Charter during 2020-21.

The financial statements for Council as well as Major Events Gold Coast Pty Ltd (MEGC) and City of Gold Coast Insurance Company Ltd were issued with unmodified opinions by the external auditors. At the time of writing this report the audit of the financial statements for HOTA Gold Coast Pty Ltd (HOTA) had not been completed. Some agreed timelines relating to Council were also not met, highlighting the need for respective management to have greater discipline in planning and resourcing to ensure the deliverables and timelines agreed by management with the external auditors are accomplished.

There were four Significant Deficiencies raised by Queensland Audit Office (QAO) with Council (see 6.1 for more detail). Three of these were matters carried over from prior years that were not fully resolved. The other was a repeat of a control failure that management believed had been addressed. The Significant Deficiencies were:

- monitoring of active infrastructure charges including limitations of system reporting (2018/19),
- general IT controls around the Pathways system (2018/19),
- inadequate processes for the timely recognition of contributed assets and associated disposals from the Department of Transport and Main Roads (2019/20); and
- Payroll master data changes not being validated (2019/20, repeat for 2020/21).

The Committee exercised oversight and provided input, where appropriate, to other financial management and reporting matters including revaluation plans for the City's assets and planning for a comprehensive valuation of the Roads, Bridges & Major Culverts as well as Pathways and Water & Sewerage Infrastructure - Active assets.

The Committee also exercised oversight of enterprise risk management activities and processes and provided commentary, focussed on enhancing the maturity and effectiveness of Council's risk management framework. The Committee considers that additional investment will be required by Council to improve risk management capability.

The Committee were pleased that there had been further improvement in the timeliness of implementation of outstanding audit recommendations in relation to internal controls and will continue to closely monitor management responses particularly those which have remained outstanding for some time.

In addition to the above matters, the Committee continued to exercise broad oversight of other key matters set out in its Charter including:

- conduct of internal audits and the implementation of relevant recommendations. The Committee noted that the planned program of audits was largely completed although the outcomes remained varied. Given the demands on the Internal Audit Unit for assistance with several ad hoc and complex matters (including COVID-19), the Committee considers that the Unit has again performed exceptionally well;
- the outcomes of QAO performance audits;
- corporate governance matters including performance reporting;
- procurement activities;
- fraud and corruption risk assessment, management and control;
- cyber resilience activities and risk issues;
- work, health and safety performance and plans (including COVID-19 WHS Plan);
- business continuity and disaster recovery plans;
- legislative amendments of relevance to the City; and
- legislative, regulatory and policy compliance.

For 2021-22, the Committee recognises the need for further enhancement of the internal control environment and will again place further emphasis on various internal control, risk and financial reporting matters including, but not limited to:

- further enhancement of policies and procedures for management of the infrastructure charges register including clear guidelines for recognition of related revenue;
- general ICT and SAP controls and reconciliations between the Pathways system and SAP;
- asset revaluation methodologies, especially activity associated with the Flood Mitigation & Drainage, Water & Sewerage – Passive Assets, as well as Land and Buildings;
- detailed follow up of outstanding audit matters relating to internal controls;
- development of the annual Internal Audit plan;
- monitoring of policies, processes and activities designed to avoid fraud and corruption;
- risk management processes, including the response to the various reviews in relation to risk appetite, application of the framework and the overall management approach to manage and report on risk management effectiveness;
- cyber resilience and risks; and

- implementation of the corporate compliance framework.

3 PURPOSE OF REPORT

The Audit and Risk Committee Chair's annual report is designed to provide all Councillors with a summary of the responsibilities, operations, activities and deliberations of the Audit and Risk Committee for the 2020-21 meeting cycle. The report is also intended to inform Council of any significant relevant issues and/or matters which were addressed or which will be the focus of the Committee's attention during 2021-22.

4 PREVIOUS RESOLUTIONS

GA20.1119.001 (in part)

That the annual report of the Audit and Risk Committee Chair for 2019-20 is noted.

5 THE AUDIT AND RISK COMMITTEE

5.1 Legislative Framework and Responsibilities

The Local Government Act 2009 (Act) requires all large local governments to establish an audit committee that:

- *monitors and reviews the -*
  - (i) *integrity of financial documents;*
  - (ii) *internal audit function; and*
  - (iii) *effectiveness and objectivity of the local government's internal auditors; and*
- *make recommendations to the local government about any matters that the audit committee considers need action or improvement.*

The Local Government Regulation 2012 (Regulation) requires an audit committee to:

(a) consist of at least 3 and no more than 6 members
(b) include 1, but no more than 2, councillors appointed by the local government

The *Regulation* also requires the Committee to *meet at least twice each financial year*.

Notwithstanding the legislative obligations, the Audit and Risk Committee has much broader responsibilities as articulated in the Committee's Charter, which was most recently adopted by Council on 23 March 2021. Those greater responsibilities include oversight, monitoring, review and advice in relation to financial management and reporting (including Council's controlled entities), enterprise risk management, governance and internal control, fraud and corruption control as well as legislative and policy compliance. This is consistent with Council's intent to use the Committee as a broader governance tool rather than just a legislative compliance tool. Council's Audit and Risk Committee represents a vital part of good governance practice.

5.2 Committee meetings

The Audit and Risk Committee met six times in relation to the 2020-21 reporting cycle as follows:

#	Date	Meeting
1	7 December 2020	General Meeting
2	1 March 2021	General Meeting
3	5 May 2021	General Meeting plus Annual Planning Workshop
4	28 June 2021	General Meeting
5	30 August 2021	Draft Financial Statements for 2020-21
6	27 September 2021	Final Financial Statements for 2020-21

5.3 Composition and Attendance

Attendance by members at meetings and workshops was as follows:

Member	Meetings and workshops attended
Councillor William Owen-Jones	5
Councillor Pauline Young	6
Mr Bill Turner, independent member (until 31 December 2020)	1
Mr Geoff King, independent member and Chair	6
Ms Kerry Phillips, independent member	6
Mr Geoff Hirst, independent member (since 1 December 2020)	6
Mr Ian Rodin, independent member (since 1 January 2021)	5

Mr Turner has extensive senior financial, audit, probity and risk management experience within the public service particularly in infrastructure and being a resident of the Gold Coast, brought valuable local knowledge and insights to Committee discussions. Mr Turner's tenure on the Committee concluded on 31 December 2020.

Mr King has extensive executive management experience in audit, risk management and governance, with particular emphasis on information and communication technology, across a diverse range of industries in the private and public sectors including local government. Mr King is Chair of the Committee.

Ms Phillips has had highly relevant financial management experience with a wide range of local government bodies both as an employee and audit committee member and has had an extensive active involvement with professional accounting bodies.

Mr Hirst is the Managing Partner of a specialist governance, risk advisory and business transformation company.

He has extensive expertise in business risk advisory, strategic asset management, finance, business resilience, digital transformation and implementation of complex governance programs and change. Mr Hirst joined the Committee on 1 December 2020.

Mr Rodin is a former partner of a major international accounting firm and has significant experience in corporate governance, including internal audit, risk management and financial reporting. He is a member of numerous boards and audit committees. Mr Rodin joined the Committee on 1 January 2021.

The Committee values highly the continuing and active participation and input of Councillor William Owen-Jones and Councillor Pauline Young. The elected members participation provides valuable insight to the Committee's understanding and appreciation of the Council's objectives and perspectives.

In addition to the members of the Committee, the Chief Executive Officer (CEO), who under the *Regulation* cannot be a member of the Committee, is a standing invitee and regular attendee. The Committee greatly appreciates the time the former CEO and Acting CEO make available to provide valuable insights into corporate directions and current and emerging issues. Other management and staff are also invited to attend meetings as required.

Council's Internal Audit function is represented at Committee meetings by the Manager Risk, Integrity and Assurance (formally Corporate Assurance), Mr Grant Mather, Executive Coordinator Internal Audit, Ms Karen Farquhar and other Internal Audit staff as required.

Council's Manager Corporate Finance, Mr John Blair and other Corporate Finance staff also attend Committee meetings on a regular basis, particularly those meetings where financial statements, financial management and internal and external audit matters are discussed.

Representatives of the Queensland Audit Office (QAO) are invited to attend meetings or part thereof and contribute commentary and background to issues, where relevant and appropriate. It is a responsibility of the Committee to undertake appropriate liaison with the QAO on matters raised or arising from their audit. The Committee also undertakes closed sessions with only representatives of the QAO present to allow a free and open exchange of views concerning the performance of the City of Gold Coast and its Controlled Entities in relation to audit and financial management as well as broader corporate governance issues.

The Committee has continued to take a strategic focus to the conduct of its responsibilities and operations via a Forward Meeting Schedule and review cycle which ensures all elements outlined in Council endorsed Audit and Risk Committee Charter are effectively addressed in desired timeframes.

6 THE COMMITTEE'S ACTIVITIES DURING 2020-21

6.1 Financial statements and reporting

The Audit and Risk Committee reviewed the financial statements of Council as well as City of Gold Coast Insurance Company Ltd and MEGC. The financial statements for HOTA were not available for review by the Committee.

The Council's draft financial statements and financial sustainability ratios for 2020-21 were completed and made available to the Committee in late August 2021. As required by Regulation, the Committee reviewed the draft financial statements and accompanying notes and provided comments and suggested changes prior to their presentation to QAO.

Changes were incorporated in the final audited version made available to the Committee on 27 September 2021 and endorsed as appropriate for certification by the CEO and the Mayor, who signed the statements on 28 September 2021. The QAO provided an unmodified audit opinion on Council's financial statements and the current year financial sustainability statement on 29 September 2021. QAO assessed Council's financial statement preparation maturity as being 'Established/Integrated'.

Whilst the controlled entities have their own Boards and sub-Committees and fiduciary responsibilities under relevant Corporations legislation, the Audit and Risk Committee review the process of preparation of the entities' financial statements, in accordance with the Committee's Charter.

The Committee noted that the financial statements of the City of Gold Coast Insurance Company Ltd for 2020-21 had been audited by PricewaterhouseCoopers CI LLP and that an unmodified audit opinion had been issued on 25 August 2021.

The financial statements for MEGC for 2020-21 were provided with an unmodified audit opinion and signed by QAO on 21 September 2021. It was pleasing to see that MEGC had met all financial reporting obligations, given its first full year of operation.

The financial statements for HOTA and HOTA Gold Coast Services Pty Ltd had not been finalised at the time of preparing this report.

As noted above, the QAO identified the following four matters as Significant Deficiencies for Council. Three of these are matters carried over from prior years. The other item re-raised this year, related to control failures for Payroll master file changes. These matters are included in the QAO Final Management Report for 2020-21, which was tabled with Council on 12 October 2021. The Committee will again closely monitor progress in resolving these matters during 2021-22.

(a) Payroll master data changes

QAO re-examined the controls in place to ensure changes to Payroll master files are validated for legitimacy. However, they again found that established procedures were not followed to verify the validity of the change requested. The Committee were particularly disappointed with this finding, given that this control failure had been previously identified in 2019-20 by QAO and procedures had been reinforced and staff retrained following a fraudulent email requesting a change to an employee's bank account being processed, which resulted in the fraud being successful.

Further training with relevant staff has been performed to reinforce established procedures to validate and document master file change requests.

(b) Inadequate processes for the timely recognition of contributed assets and associated disposals from the Department of Transport and Main Roads (DTMR)

In 2019-20, QAO identified a number of asset disposals that should have been recorded in the prior period. Upon further investigation by the Finance team for the associated asset additions, it was identified that contributed assets from a DTMR project had not been recorded in the fixed asset register. Management continues to work with DTMR to ensure all contributed assets are correctly recorded and processes are established to ensure timely and accurate information is provided by DTMR.

(c) Monitoring of active infrastructure charges including limitations of system reporting and lack of guidance regarding revenue recognition

The status of the infrastructure charges register was the subject of audit and Committee concern in the 2018-19 year. The register records details of all infrastructure charges attributable to approved developments with charges becoming payable once the development has occurred in accordance with the development application and approval.

Extensive work has been performed by management over the past two years to analyse the status of the various records and establish disciplined processes to ensure timely revenue recognition. progress has been reported to the Committee. Although the analysis revealed that most revenue had been appropriately recognised and accounted for, it has been a time consuming and resource intensive exercise.

The City has devoted considerable resources to improving the management of the register and has made significant progress over the monitoring and invoicing of infrastructure charges.

However, QAO continued to assess this matter as a Significant Deficiency, as further work is required to enhance systems and related reporting, to support timely monitoring of infrastructure charges.

(d) General IT controls for the Pathways system as identified by Internal Audit

Deficiencies in general IT controls around the Pathways system were identified in an audit conducted by Internal Audit during the 2018-19 year. Although further QAO testing did not identify any control issues, the Committee was disappointed that learnings from the implementation of SAP systems did not appear to have been adopted when implementing the Pathways system. Whilst management are still mitigating controls and engaging with the service provider for control improvements, QAO deemed that for the 2020-21 year, this matter remained a Significant Deficiency. Because of these deficiencies, QAO performed additional substantive testing. Resolution of the control deficiencies are continuing and are expected to be completed during 2021-22.

Other financial reporting matters

During financial year 2020-21, comprehensive revaluations of numerous infrastructure asset classes were performed. These included Roads, Bridges & Major Culverts, which is approximately 26% of Council's asset base; Water & Sewerage Infrastructure - Active Assets, which is approximately 4% of Council's asset base; as well as Pathways, which is approximately 2% of Council's asset base. The Committee focussed on the need for timely planning and preparation for this activity and monitored the completion of the project plans that would meet the timeframes agreed with the external auditors, including the requirement for comprehensive peer review as well as compliance with accounting standards.

The Committee also monitored the interim valuation activities for all other asset classes, in light of movements in relevant indices and current contract rates. Particular attention focussed on the indexation and valuation activities of Land assets, given that the independent valuations provided were not adopted by management, as they believed they were inconsistent with movements in the market. The Committee sought further analysis from the Manager Property Services to understand management's position.

Although information was provided that generally met agreed timeframes, there were shortcomings with the documentation to support some valuations. This resulted in additional audit effort by QAO, resulting in additional cost to Council.

The Finance, Risk, Audit & Governance Committee Chair and the CEO of HOTA Gold Coast Pty Ltd provided an update to the Committee on actions being taken to improve financial management and recent corporate structure changes at HOTA. It was noted that the HOTA external audit was again delayed due to deficiency of financial accounting expertise at the time of statement preparation.

The Committee were briefed by the CEO and the City Solicitor on the performance of the City of Gold Coast Insurance Company Ltd and the City's insurance program. The Committee note that the Company's financial reserves continue to strengthen which will allow the Company to review its reinsurance arrangements to potentially reduce premiums.

6.2 External Audit

The Audit and Risk Committee, management and the Internal Audit Unit continue to work closely with the QAO, ensuring a strong and effective working relationship.

During the year, QAO kept management and the Committee informed of their audit strategy and plans as well as specific matters requiring attention. QAO also formally advises the Mayor and Chief Executive Officer of any major matters they have raised with management during the interim and final stages of the audit by issuing observation reports. These reports, when received by the Mayor, are tabled with Council, as required by legislation.

Committee members appreciate the opportunity to liaise extensively with representatives of the QAO through their attendance at Committee meetings. In addition, the Committee meet "in camera" with QAO representatives to ensure that open and honest communication can be undertaken without management being present. No issues of major concern were identified during these sessions.

The Committee acknowledges the valued advice, assistance and cooperation provided by QAO staff throughout the 2020-21 year.

The Auditor-General regularly tables reports to Parliament that deal with both sector wide issues and specific performance audits, which may have application to more than one organisation/sector. These reports are analysed by the Manager Risk, Integrity and Assurance and the Committee to establish whether the findings and recommendations have relevance to the operations of the Council. Where they have relevance, action is taken to draw the attention of management to the findings and to implement actions where necessary.

Reports tabled during 2020-21 which had some relevance to Council included:

- Effectiveness of audit committees in state government entities
- Awarding of sports grants
- Delivering successful technology projects
- Local Government 2020 (Results of the financial audit of councils for 2019-20)

6.3 Internal Audit Function

The Internal Audit function continues to be an integral function underpinning the governance framework of Council and provides extensive and valuable support to the work of the Audit and Risk Committee.

Internal Audit services have continued to be provided through a mix of skilled professional internal staff supported by external specialist services as required particularly where a specific review or specialist technical skillset is involved.

The Internal Audit Unit has continued to adopt a balanced and strategically aligned assurance and advisory function that seeks to add value to the organisation by helping management understand and better manage their key risks. The Manager Risk, Integrity and Assurance and Internal Audit staff provide specialist advice and guidance to management through their active participation in working groups and project steering committees. This work is advisory only, to ensure the independence of Internal Audit and its ability to later audit outcomes are not compromised.

The Manager Risk, Integrity and Assurance has been seconded to the Acting Chief Operating Officer position since May 2021. To manage any perceived or actual treats to independence and objectivity management plans have been completed by the Executive Coordinator Internal Audit and endorsed by the Acting CEO and Chair of the Committee.

The management plans consider reporting lines and self-review threats, with appropriate mitigations to manage risks.

The budget for internal audit services in 2020-21 was approximately $1.28 million (excluding the external audit fee of $438k). This represented around 0.08% of Council's total operating revenue, which is much lower than the median peer group.

At each Committee meeting progress against the Annual Internal Audit Plan is monitored and the outcomes of completed audits are reviewed along with management's responses as well as progress and timeliness in addressing audit recommendations. The status of internal audit engagements for the 2020-21 cycle is attached as Attachment 1.

Findings and recommendations made in internal and external audit reports and relevant Auditor-General reports to Parliament are recorded and tracked by the Internal Audit Unit with the aim of ensuring that management addresses improvement actions in a timely manner. A register of these issues (and those raised by the QAO) was maintained and regularly followed up by Internal Audit with reports on management's progress in addressing audit actions provided to the Audit and Risk Committee on a regular basis. The Committee again focussed on the high rated outstanding actions where there are still a considerable number of outstanding recommendations to be implemented. Whilst noting improvement, the Committee continues to have concerns regarding delays in addressing audit matters and will continue to closely monitor progress in this area. The current status of audit recommendations is provided as Attachment 3.

The Audit and Risk Committee undertook its annual planning workshop on 5 May 2021 in conjunction with the Internal Audit Unit and senior management. Workshop participants were provided with QAO and Internal Audit Unit strategies and plans. In addition, information was provided and presented by management concerning the wider internal audit environment, specific audit, risk and/or internal control matters allowing the Committee's consideration of such matters and to ensure that a focussed risk-based Internal Audit Plan was developed. The proposed 2021-22 Internal Audit Plan was subsequently endorsed by Audit and Risk Committee on 28 June 2021. Any proposed changes to the Annual Plan will be considered by the CEO and the Audit and Risk Committee as part of Committee meetings. A summary of the 2021-22 Internal Audit Plan is provided as Attachment 2.

The Internal Audit Unit has also continued to play an active role in maintaining open and effective lines of communication with the QAO to ensure internal and external audit activities are aligned and integrated during audit planning activities. Both audit functions continued their close collaboration to minimise duplication of audit activities where possible.

6.4 Governance and Internal Control

The Committee gains significant value from presentations made by senior managers and directorates in understanding their operational focus and challenges as well as emerging issues, strategies, risks, opportunities and activities being undertaken to address relevant matters. Presentations made during the 2020-21 meeting cycle included:

- Acting Chief Executive Officer and former CEO – on relevant initiatives, strategic direction, challenges faced by the City, as well as risks, opportunities and organisational changes;
- Chief Operating Officer – on directorate challenges and initiatives, as well as current focus areas;
- Director, Lifestyle & Communities – on issues, risks and challenges (especially COVID-19 impacts) relative to the portfolio;
- City Solicitor - on litigation issues, contingency provisions and insurance matters and current legal issues and legislative changes;
- Acting Chief Information Officer - on ICT risk and governance initiatives, Fujitsu and SAP control issues, information management and cyber resilience;
- Acting Chief Procurement Officer - in terms of procurement strategies and direction, contract management and procurement systems;
- Manager Corporate Finance on financial statements, financial performance, financial management, financial management initiatives, debt management, financial sustainability and impacts of proposed changes in accounting standards;
- Manager Corporate Asset Management in relation to integrity of infrastructure asset and condition assessments as well an update of the Asset Management Improvement Program;
- Coordinator Controlled Entities & Community Grants – on performance of the Controlled Entities Policy;
- Manager Corporate Planning and Performance - in relation to Corporate Plans, preparation of the Annual Report and quarterly corporate performance;
- Manager Corporate Assurance on progress against the 2020-21 audit plan and major findings and recommendations arising from internal and external audit activities together with various assurance matters;
- Executive Coordinator Integrity and Ethical Standards Unit on fraud and corruption matters and trends;
- Manager Corporate Safety & Risk - on corporate and protective security, work, health and safety performance, COVID-19 risks, response and plans, current and emerging risks to Council, as well as disaster recovery and business continuity plans.
- The Chief People & Culture Officer on workforce overview, priorities and the People Plan 2021-25, as well as risks and issues, including COVID-19 workforce response.

The Audit and Risk Committee was also provided with an update on the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020* emanating from the Belcarra 3 legislative reforms and noted the comprehensive actions being taken by the City to ensure compliance with the legislation.

The assessment of internal controls by QAO, as part of their annual audit process, found that Council's overarching control environment, risk assessment, information and communication, and monitoring activities to be generally effective.

However, the effectiveness of the overall system of internal control was diminished by the significant deficiencies in control activities as detailed in 6.1.

6.5 Fraud and Corruption Control

The Audit and Risk Committee has continued to take a keen interest in fraud and corruption control and supports management's ongoing attention to this matter

The Committee also appreciates that this matter continues to be the subject of ongoing attention by the QAO and the Crime and Corruption Commission (CCC). The Committee is updated biannually by the Executive Co-ordinator Integrity and Ethical Standards on educational activities, instances and trends of fraudulent or corrupt activity as well as the effectiveness of the fraud and corruption control framework.

During the year, the CCC performed a Local Government Procurement Audit, which included City of Gold Coast. The overall assessment from the CCC was that the City is satisfactorily dealing with complaints of corrupt conduct in relation to procurement.

The Committee will continue to fraud and corruption matters to ensure that staff, suppliers and contractors remain fully aware of Council's zero tolerance towards fraud and corruption and the potential consequences of any wrongdoing.

6.6 Risk Management

The Audit and Risk Committee continues to play an active role in relation to Council's corporate and directorate risk profiles in ensuring that appropriate focus is placed on identifying, assessing, prioritising, monitoring, mitigating and managing risks to which the Council is exposed. In that regard, the Committee received an annual risk management, business continuity management and security management update from the Manager Corporate Safety & Risk. It is understood that similar information is provided in the Biannual Enterprise and Organisational Resilience Report to the Executive Leadership Team for review and endorsement.

Whilst substantial information is provided, it was again noted that there has been minimal reduction in the assessed risk levels in recent years. Over the past few years, the Committee has also raised concerns in relation to the application of the risk management framework, including the absence of a documented risk appetite statement as well as the static levels of assessed current/mitigated risks. In 2018-19, the Internal Audit Unit reviewed the level of risk management maturity in the Council. The findings of that review indicated that there was a mismatch of perceptions as to the level of maturity between Corporate Safety and Risk and the operating Directorates. A recent governance review by KPMG generally supported the Internal Audit findings. That review also highlighted that risk appetite statements and thresholds linked to strategic outcome impacts are not defined. Overall, the risk and compliance frameworks were assessed as developing with management desiring to move to a mature state. Similarly, in 2019-20, Internal Audit commissioned a cyber security maturity risk assessment. That assessment also identified there was no defined cyber security risk appetite statement.

The Committee note that there have been recent structural changes in relation to the corporate risk management function. The Committee considers that additional investment in central risk management capabilities will be required to strengthen Council's second line of defence. Risk management and business continuity management will again be a focus area of the Committee in 2021-22. The Committee will seek regular updates on ongoing risks and actions being taken by management to improve risk management maturity.

Similarly, details of business continuity plans will be sought to determine whether a sound and effective approach has been followed in establishing and monitoring business continuity plans and disaster management arrangements.

6.7 Legislative and Policy Compliance

The Committee continued to be briefed on the implementation of the Corporate Compliance Program. This program aims to establish a corporate framework and methodology to identify regulatory compliance obligations, assign responsibility for management and reporting on those obligations as well as aligning the obligations to business processes.

As legislative changes are proposed and/or made, relevant discussion papers are prepared, presented and discussed at Committee meetings. The Committee's focus remains on how any changes effect Council's position and the risks and opportunities relating thereto.

The City Solicitor again presented to the Committee during 2020-21 and provided ad-hoc briefings in relation to the amount to be included as contingent liabilities in Council's financial statements.

As part of the City Solicitor's presentations, advice was provided to the Committee on outstanding legal matters, insurance issues and legislative or regulatory changes with implications for the City.

7 THE COMMITTEE'S FOCUS FOR 2021-22

Given the matters identified in relation to internal control deficiencies and their impact on financial reporting, the Committee will continue to have a clear focus on closely monitoring the following those matters as well as initiatives to enhance the internal control framework.

7.1 Timely Recognition of Contributed Assets and Associated Disposals

The Committee will pay close attention to resolution of this matter and the management of the risk of completeness of contributed assets and the associated revenue being recorded in the correct accounting period.

7.2 Active Infrastructure Charges Register

The Committee will continue to pay close attention to this matter to ensure that processes are embedded to ensure the integrity of the register and that all revenue to which the Council is entitled, is recognised and collected in a timely manner.

7.3 General IT controls for the Pathways system

Issues around SAP security and IT general controls identified by Internal Audit and the reconciliation of data between the Pathways system and SAP will continue to be monitored.

The Committee continues to have some concerns regarding the timeliness and quality of responses to outstanding audit recommendations including those relating to service providers (Infor and Fujitsu). Whilst improvements have been noted, including the use of an improved reporting tool, the Committee will increase its focus on any outstanding management responses to audit recommendations.

7.4 Asset Revaluations and Integrity

During 2021-22, the Flood Mitigation & Drainage, Water & Sewerage – Passive Assets as well as Land and Buildings will be subject to a comprehensive revaluation.

During 2020-21, the committee focussed on the need for timely planning and preparation for this activity and sought the completion of a project plan which would meet the timeframe set down by external audit and the committee including the requirement for comprehensive peer review. The committee will closely monitor progress during 2021-22, to ensure revaluation timelines are met and deliverables to external audit comply with agreed timeframes.

The engagement of independent valuers for the Land portfolio and timing will also be monitored by the Committee in 2021-22 due to the issues with the result of the valuations for the 2020-21 financial year. The engagement of a suitably qualified valuer that can work within the timeframes to meet external audit deadlines is of importance for the 2021-22 financial statements.

The Committee will continue to monitor the interim valuation activities for all other asset classes. The Committee will also closely scrutinise the documentation of such valuation activities and the application of appropriate indices. Furthermore, the Committee will monitor processes to ensure timely recognition and disposal of non-current assets.

7.5 Enterprise Risk Management

The Committee will focus on the effectiveness of the Enterprise Risk Management Framework and its application, given the structural changes and management's desire to move from a 'developing' state to a 'mature' state. Management initiatives to improve risk maturity will be monitored.

The quality and effectiveness of business continuity plans will be monitored to determine whether the plans are sound and effective.

7.6 Cyber resilience (including the potential for data breaches)

The Committee remains acutely aware of the dangers to Council operations and to the broader community posed by cyber-attacks on its systems. The Committee will continue to monitor the steps being taken by management to develop resilience to such attacks and for the Council's response to recover from any potential or successful attack.

7.7 Internal Audit Plan

The Committee will review the 3-year Strategic Audit Plan and monitor the delivery of the approved 2021-22 Annual Audit Plan (Attachment 2). The Committee will consider any changes required to ensure effective use of Internal Audit resources. The Committee will also and monitor audit recommendations and that agreed management actions are responded to in a disciplined and timely manner.

7.8 Corporate Compliance Framework

The Committee will continue monitor the progress of the rollout of the corporate compliance framework, to ensure Council meets its regulatory and legislative obligations and compliance risks are effectively managed.

8 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

The role of Council's Audit and Risk Committee is aligned with the "Supporting the Delivery of Gold Coast 2022" elements of the Corporate Plan – Gold Coast 2022, particularly:

B We manage the city responsibly

Our stewardship of the city provides value for money for ratepayers.

9 FUNDING AND RESOURCING REQUIREMENTS

Budget/Funding Considerations

There were no new budget/funding considerations. The budget for the Committee's operations remains at approximately $95,000 per annum.

10 RISK MANAGEMENT

Council's Risk Management Information System includes a range of identified risks and mitigations, which are subject to regular monitoring by the Audit and Risk Committee.

11 STATUTORY MATTERS

The Local Government Act 2009 (Act) requires all large local governments to establish an audit committee that:

- *monitors and reviews the -*
  - (iv) *integrity of financial documents;*
  - (v) *internal audit function; and*
  - (vi) *effectiveness and objectivity of the local government's internal auditors; and*
- *make recommendations to the local government about any matters that the audit committee considers need action or improvement.*

The Local Government Regulation 2012 (Regulation) requires an audit committee to:

(c) consist of at least 3 and no more than 6 members
(d) include 1, but no more than 2, councillors appointed by the local government

The *Regulation* also requires the Committee to *meet at least twice each financial year*.

12 COUNCIL POLICIES

Audit and Risk Committee Policy and Charter

13 DELEGATIONS

Not Applicable.

14 COORDINATION & CONSULTATION

In the table below, identify how internal and external stakeholders have been involved / participated in the proposal to date and the outcome of that participation.

Name and/or Title of the stakeholder consulted	Directorate or organisation	Is the stakeholder satisfied with the report and recommendations (Yes/No) (comment as appropriate)
Audit and Risk Committee members	Audit and Risk Committee	Yes
Grant Mather, Acting Chief Operating Officer	City Administration and Governance	Yes – Consulted
Karen Farquhar Acting Manager Risk, Integrity & Assurance		Yes – Consulted

15 STAKEHOLDER IMPACTS

Not applicable.

16 TIMING

Council's Audit and Risk Committee Charter requires the Chair of the Audit and Risk Committee to present a written annual report of the Committee's operations and activities for the year, after the QAO has certified Council's financial statements. The QAO certified the Council's financial statements on 29 September 2021.

17 CONCLUSION

The Audit and Risk Committee continued to meet its obligations and responsibilities as set out in the Audit and Risk Committee Charter and applicable legislation during 2020-21 with numerous improvements in the Council's internal controls and financial reporting achieved. Nonetheless there remain a number of areas where further improvement is required, and these areas will be the focus of the Committee during 2021-22.

Although this report has been submitted by me as the Chair of the Audit and Risk Committee, I would like to acknowledge the extensive, perceptive and effective contributions which continue to be made by the other members of the Committee. All members remain independent ensuring that they are free from conflicts of interest by maintaining up to date declarations of external interests (and relevant registers for Councillor members).

The Committee also acknowledges the significant contribution of Mr Bill Turner over the past eight and a half years and thanks him for his dedication and service to the City.

While enjoying excellent relationships with key Council staff, members have continued to participate in an enquiring, professional and robust manner through detailed and comprehensive questioning of attendees to assess their strategic and operational understanding of the topic under discussion or review, the quality of their responses and their assessment and management of associated risks and opportunities. The members' extensive experience, strategic insights and approach and their knowledge of current audit, ICT, procurement, financial and risk management, and governance issues and developments provide significant value to the Committee's operations.

The Committee would also like to acknowledge and express its appreciation for the ongoing excellent work undertaken by the Internal Audit Unit and the Manager Risk, Integrity and Assurance. The outcomes achieved and continuing improvements made in a variety of internal control areas reflect their dedicated efforts and work. The Committee also very much appreciates the support afforded to it in its work by the Internal Audit Unit.

The Committee has continued to work closely with the QAO, Risk, Integrity and Assurance,, executive management, Councillors and other stakeholders with the ongoing aim of adding value by improving the efficiency and effectiveness of Council's operations including identification, assessment and management of risks and protection of the Council from fraud, loss and/or corruption.

Through meeting agenda items and minutes, matters that the Committee considers might benefit from escalation to senior management or other Councillors are discussed with Councillors on the Committee.

18 RECOMMENDATION

It is recommended that Council resolves as follows:

That the annual report of the Audit and Risk Committee Chair for 2020-21 is noted

Author:
Mr Geoff King
Independent Audit and Risk Committee Chair
5 November 2021

2020-21 Internal Audit Plan - Status Report

2020/21 internal audit plan acquittal

Audit Title	Status
** NEW Budget preparation - Review of process and controls (Rolled over from 19/20 Plan)	COMPLETED
Credit Card expenditure	COMPLETED
Controlled Entity Advisory	COMPLETED
Continuous Controls Monitoring	COMPLETED
** NEW Follow up of Pathway audit actions	COMPLETED
VicRoads Information protection agreement	COMPLETED
Staff Welfare Fund - Financial statements	COMPLETED
Timely Financial Recognition of Contributed assets	COMPLETED
Data Governance - COVID-19 Contact tracing	COMPLETED
IT Security during COVID - Part 2: Technology to support remote workforce	COMPLETED
** NEW Digital Signatures	COMPLETED
Investment Attraction Programs	COMPLETED
IT Security during COVID - Part 1: Remote Access Security	COMPLETED
IT Security during COVID - Part 3: IT Hardware Inventory	COMPLETED
SAP ERP Security and Compliance (Rolled from 19/20 plan & renamed from ITGC SAP)	COMPLETED
Payroll Masterfile - Bank Account changes	COMPLETED
** NEW Pathway reconciliation advisory	ON GOING
BCP & IIMT Post COVID Review	IN PROGRESS
Employee exits/terminations	COMPLETED
Capital expenditure - Major projects	Rolled over to 2021/22 Plan
Infrastructure Charges	Rolled over to 2021/22 Plan
Review of Internal Audit function (To be performed by external consultant)	Rolled over to 2021/22 Plan
Rates Discounts and Remissions/Ratepayer relief package (COVID)	Rolled over to 2021/22 Plan
Substantive test of super paid on penalties, allowances and overtime	Rolled over to 2021/22 Plan
Community & Commercial Leases	Rolled over to 2021/22 Plan
ITGC – Grange Water	Deferred
Risk Mitigation Review – Transport Strategy	Deferred
Asset Custodians (19/20 Plan deferral) – L&C	Deferred
Follow up of Contract Governance Audit	Deferred
Gifts & Benefits	Deferred
Hands & Incident management reporting	Deferred
Inventory management - Bulk Fuel/ Small Equipment/Consumables	Deferred
Water Rolling billing	Deferred
** NEW Management Representation letters	Replaced (AE 33)

INTERNAL AUDIT PLAN FOR 2021-22

ID#	Engagement Title	Focus	Corporate / Directorate Risk Alignment	Days
ECONOMY, PLANNING & ENVIRONMENT (EPE)				
1	Infrastructure Charges (Deferred from 20/21 IA Plan)	Financial / Fraud / Controls Audit	CO000489	35
LIFESTYLE & COMMUNITY (L&C)				
2	VicRoads Information Protection Agreement - Annual audit	Compliance	RIS0000021	5
3	Community & Commercial Leases (Deferred from 20/21 IA Plan)	Operational / Controls Audit	CO000691	25
OFFICE OF THE CHIEF OPERATING OFFICER (OCOO)				
4	PID Self-Assessment	Compliance	CO000521 CO000431	5
5	Internal Audit Unit review (Deferred from 20/21 IA Plan)	Operational	N/A	15
6	Staff Welfare Fund	Financial	N/A	5
7	End User Controls - Critical Spreadsheets	Financial / Controls Audit	CO000433	25
OFFICE OF THE CEO (OCEO)				
8	Controlled Entities - Advisory	Financial / Operational	N/A	20
9	Councillor Debit Cards & Out of pocket expense claims - Continuous Controls Monitoring	Compliance	CO000521 CO000431	20
ORGANISATIONAL SERVICES (OS)				
10	Rates discounts & Remissions/Rate payer relief (Deferred from 20/21 IA Plan)	Financial / Controls Audit	CO000521	25
11	Rate and Water accounts - Large and unusual credit balances	Controls Audit	CO000521	15
12	Procurement - Source to Contract process compliance	Compliance	CO000521	15
13	Payroll Master Data Controls - Non primary bank account changes	Controls Audit	CO000521 CO000433	15

ID#	Engagement Title	Focus	Corporate / Directorate Risk Alignment	Days
14	Substantive test of super paid on penalties, allowances, and overtime (Deferred from 20/21 IA Plan)	Financial	N/A	25
15	Segmented use and adoption of technology across the City (SaaS)	Controls Audit	RIS0000021	35
16	Cyber Security – Managing the risks and impacts of ransomware attacks	Operational	CO000612	20
17	Information management – Records and retention	Operational	RIS0000021	20
TRANSPORT & INFRASTRUCTURE (T&I)				
17	Business Continuity Planning (BCP) Health Check - Transport network management	Operational	CO000437 CO000507	25
18	Capital expenditure - Major projects (Deferred from 20/21 IA Plan)	Financial	N/A	35
WATER & WASTE (WW)				
19	Contract Assurance - Water & Waste mega contracts (ALDS)	Operational	CO000530 CO000535	60
20	Waste Utility Charges	Financial	CO000433	25
ALL DIRECTORATES				
21	Public Safety – After hours response/Call outs	Operational	CO000666 CO000660 CO000585 CO000692	25
22	Continuous Controls Monitoring/Data Analytics - Strategy & Build capability	Financial / Controls Audit	CO000521	35
23	Continuous Controls Monitoring - Vendor Masterfile, Credit Cards & Excess leave management	Financial / Controls Audit	CO000521	13
TOTAL				**543**

SUMMARY OF OPEN AUDIT RECOMMENDATIONS AS AT 30 SEPTEMBER 2021

Audit Year	High	Medium	Low	Total
2017	1	0	0	1
2018	3	1	2	6
2019	0	2	2	4
2020	11	30	19	60
2021	13	29	30	72
	28	**62**	**53**	**143**

6.2★ AUDIT AND RISK COMMITTEE COMPOSITION 2022

Objective ID: **A71452573**

File Number: **LG964/15**

Author: **Karen Farquhar, Acting Manager Risk, Integrity and Assurance, Risk, Integrity and Assurance**

Authoriser: **Grant Mather, Acting Chief Operating Officer, City Administration and Governance**

Attachments: **Nil**

1 BASIS FOR CONFIDENTIALITY

Not applicable.

2 EXECUTIVE SUMMARY

Not applicable.

3 PURPOSE OF REPORT

This report recommends the extension of one independent Audit and Risk Committee member and the extension of the current committee Chairperson through to 31 December 2022.

4 PREVIOUS RESOLUTIONS

GA20.1119.003 (in part)

> *That Council approves the appointment of Mr Geoff Hirst as independent member to the Audit and Risk Committee for a three year period commencing 1 December 2020 through to 31 December 2023.*
>
> *That Council approves the appointment of Mr Ian Rodin as independent member to the Audit and Risk Committee for a four year period commencing 1 January 2021 through to 31 December 2024.*
>
> *That Council continue Mr Geoff King's appointment as Audit and Risk Committee chair from 1 January 2021 to 30 June 2021.*

GA21.0617.005 (in part)

> *That Council extend the tenure of Mr Geoff King as Chairperson of Council's Audit and Risk Committee until 31 December 2021.*

5 DISCUSSION

Background

As a large Local Government, Council is required by section 105(3) of the *Local Government Act 2009* to establish an Audit Committee. The Local *Government Regulation 2012 section 210* also stipulates that the composition of the Audit Committee must consist of a minimum of three and a maximum of six members, and one, but no more than two, councillors appointed by the local government.

Audit & Risk Committee Composition

Council's Audit and Risk Committee Policy and Charter set out the purpose, responsibilities, membership and administrative arrangements for the committee in accordance with these legislative requirements. Council's Audit and Risk Committee currently consists of six members:

- two councillors – Councillor Owen-Jones and Councillor P Young; and
- four independent members – Mr Geoff King (Chair), Mrs Kerry Phillips, Mr Ian Rodin and Mr Geoff Hirst

Remaining Independent Member tenures and Chairperson

The staggered tenure periods for independent members has been established in recent years to provide continuity of committee membership whilst allowing for rotation or extension of independent members and the Chairperson as and when resolved by Council.

Current independent member appointments are as follows:

- Mr Geoff King - member to 31 December 2022 and Chairperson to 31 December 2021
- Mrs Kerry Phillips – member to 31 December 2021
- Mr Geoff Hirst - member to 31 December 2023
- Mr Ian Rodin - member to 31 December 2024

Council also appoints one of the external members as Chairperson of the Audit and Risk Committee as a further demonstration of the importance of independence and objectivity during committee deliberations. Mr Geoff King's current appointment as Chairperson of the Audit and Risk Committee is until 31 December 2021.

Chairperson extension

Mr Geoff King will be recommended to continue as Chairperson of the Audit and Risk Committee through to 31 December 2022 to provide continuity. Mr King was originally appointed as acting Chairperson of the Audit and Risk Committee in July 2020 following the resignation of the previous Chairperson.

The continuation of Mr King as an experienced independent member and Chairperson of the Audit and Risk Committee is supported by the Acting Chief Executive Officer and Acting Manager Risk, Integrity & Assurance on the basis of past performance and the need for ongoing stability in the operation of the committee.

Mr King holds a range of qualifications relevant to the role of Audit and Risk Committee member and Chairperson, including: Graduate Member Australian Institute of Company Directors (GAICD); Member Information Systems Audit and Control Association (ISACA); Member Institute of Internal Auditors Australia (MIIA); and Associate Fellow Australian Institute of Management (AFAIM). Mr King also has extensive executive management experience in audit, risk management and governance, with particular emphasis on information and communication technology, across a diverse range of industries in the private and public sectors including local governments.

Tenure Extension

To support continued stability in the operations of the Audit and Risk Committee and maintain the strategy of staggering tenure periods of committee members for succession planning, this report also recommends extending the tenure of Mrs Kerry Phillips as an independent member of the Audit and Risk Committee for a further four years from 1 January 2022.

Mrs Phillips is an experienced financial management professional having worked across the private and public sectors, including over 10 years in the local government sector. She has a Bachelor of Commerce, is a Fellow of CPA Australia (FCPA) and is an elected representative on the Queensland Divisional Council. She is also a graduate of the Australian Institute of Company Directors (GAICD). Mrs Phillips has strong financial management skills and experience.

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

An effective Audit and Risk Committee is crucial to the achievement of the following Corporate Plan outcomes for Council:

- *Key Focus Area:* Corporate Governance, organisational capability and customer contact
- *Outcome A:* Delivering effective corporate governance
- *Action A2.4:* Organisational Foundations – implement internal controls which support the organisation to deliver its vision and plans, minimise risk, promote efficiency and ensure compliance with legislation.

7 FUNDING AND RESOURCING REQUIREMENTS

Budget/Funding Considerations

The recommendations contained in this report do not require any additional funding.

Council remunerates external independent members of the Audit and Risk Committee. External members are paid $4,886.00 per annum which covers all time, travel and incidental expenses paid quarterly in advance, with an additional $2,400.00 per annum for the independent Chairperson. Remuneration is adjusted annually for CPI.

These amounts are budgeted for annually within the Corporate Assurance-Audit and Risk Committee budget centre funded from SAP Cost Centre 1005509 Audit and Risk Committee

8 RISK MANAGEMENT

Council's Risk Management Information System includes a range of identified risks and mitigations, which are subject to regular monitoring by the Audit and Risk Committee.

9 STATUTORY MATTERS

Section 105(3) of the Local Government Act 2009 and section 210 of the Local Government Regulation 2012 are relevant.

Local Government Act 2009

s105 Auditing, including internal auditing

(2) Each large local government must also establish an Audit and Risk Committee.

(3) A large local government is a local government that belongs to a class prescribed under a regulation.

(4) An Audit and Risk Committee is a committee that—

(a) monitors and reviews—

(i) the integrity of financial documents; and

(ii) the internal audit function; and

(iii) the effectiveness and objectivity of the local government's internal auditors; and

(b) makes recommendations to the local government about any matters that the Audit and Risk Committee considers need action or improvement.

Local Government Regulation 2012

S210 Audit and Risk Committee composition

(1) The Audit and Risk 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 and Risk Committee but can attend meetings of the committee.

(3) The local government must appoint 1 of the members of the Audit and Risk Committee as Chairperson

10 COUNCIL POLICIES

Council's Audit and Risk Committee Policy and Charter outline the purpose, responsibilities, membership and administrative matters relating to the Audit and Risk Committee.

11 DELEGATIONS

Not Applicable.

12 COORDINATION & CONSULTATION

The Chairperson of the Governance, Administration and Finance Committee, the Chief Executive Officer and the current Chairperson of the Audit and Risk Committee were consulted in relation to the recommendations contained in this report.

Name and/or Title of the stakeholder consulted	**Directorate or organisation**	**Is the stakeholder satisfied with the report and recommendations (Yes/No) (comment as appropriate)**
Chairperson, Audit and Risk Committee Geoff King	Independent member	Consulted Only
Cr William Owen-Jones	Councillor	Yes
Grant Mather A/COO	City Governance and Administration	Yes
Joe McCabe A/CEO	Office of the CEO	Yes

13 STAKEHOLDER IMPACTS

Continuation of the practice of appointing experienced external professional members to Council's Audit and Risk Committee is consistent with strong governance practices and will benefit the Gold Coast community and Council by facilitating independent, objective and effective oversight of Council's operations.

14 TIMING

Appointment periods of independent members are staggered where possible to minimise the risk of significant concurrent turnover of committee members and allow for succession planning.

15 CONCLUSION

To maintain the existing broad mix of skills, qualifications and experience on Council's Audit and Risk Committee and to continue the current practice of staggering the appointment of independent committee members, it is recommended that Council endorse the following extensions outlined in this report.

The tenure of current Audit and Risk Committee member Mrs Kerry Phillips is due to expire on 31 December 2021. Mrs Phillip's membership is to be extended a further four years to support continued stability in the operations of the Audit and Risk Committee and maintain the strategy of staggering tenure periods.

Mr Geoff King is recommended to be extended as committee Chair for a further 12 months through to 31 December 2022.

Following these extensions, if the recommendations in this report are accepted, the tenures of each independent Audit and Risk Committee members will be as follows:

- Mr Geoff King – member and Chairperson to 31 December 2022
- Mr Geoff Hirst - member to 31 December 2023
- Mr Ian Rodin - member to 31 December 2024
- Mrs Kerry Phillips – member to 31 December 2025

16 RECOMMENDATION

It is recommended that Council resolves as follows:

1 That Council extend the appointment of Mrs Kerry Phillips as independent member to the Audit and Risk Committee for a further four years to 31 December 2025.

2 That Council extend Mr Geoff King's appointment as Audit and Risk Committee Chairperson to 31 December 2022.

3 That the CEO issues relevant documentation to formalise these extensions.

4 That Council note the appointment of external members will continue to require funding over more than one financial year, and that similar annual funding to that approved in the 2021-22 budget will be required in future years.

6.3★ MAKING OF WASTE MANAGEMENT (AMENDMENT) LOCAL LAW (NO.1) 2020

Objective ID: **A70098408**

File Number: **LG222/365/51**

Author: **Lisa Harrison, Policy Officer Environmental Health, Health & Regulatory Services**

Authoriser: **Alison Ewens, Director Lifestyle and Community, Lifestyle and Community**

Attachments:

1. **State Interest Submission and Consideration Report ⇩**
2. **Public Interest Test Report ⇩**
3. **Waste Management (Amendment) Local Law (No.1) 2020 ⇩**
4. **Consolidated version Local Law No. 20 (Waste Management) 2017 ⇩**

1 BASIS FOR CONFIDENTIALITY

Not applicable.

2 EXECUTIVE SUMMARY

Not applicable.

3 PURPOSE OF REPORT

This report provides Council with the results of both the State interest check (Attachment 1) and the Public Interest Test Report (Attachment 2) for proposed amendments of the City's *Local Law 20 (Waste Management) 2017* (LL20).

This report recommends that Council resolve to make *Waste Management (Amendment) Local Law (No. 1) 2020* as set out in Attachment 3.

4 PREVIOUS RESOLUTIONS

Ex Minute G20.1208.031*1 That Council resolves to propose to make Waste Management (Amendment) Local Law (No.1) 2020 as per Attachment 'A'.*

2 Council resolve to delegate to the Chief Executive Officer for the purposes of Section 38 of the Local Government Act 2009 and Section 15 of the Local Government Regulation 2012 the power to decide:

a how the public interest test of Waste Management (Amendment) Local Law (No. 1) 2020 is to be conducted;

b the matters with which the public interest test report in relation to the proposed local law must deal; and

c the consultation process for the public interest test and how the process is to be used in the public interest test.

5 DISCUSSION

5.1 Background

The draft amending law seeks to improve the regulatory framework for the City's waste management services set out in LL20 in the following ways:

- The introduction of new offence provisions that can better manage the misuse of bins.

- Allow approved City representatives to inspect waste containers.
- Provide consistency with the updated *Environmental Protection Regulation 2019.*
- Extend allowable bin storage places by including wording such as *'in close proximity*' to the definition of where a bin can be stored.
- Allow for combinations of waste types in one bin e.g. food organics combined with green waste in an organics bin.
- Update to the powers of waste facility operators to give directions or consent.
- Change to definition of commercial premises to include 'vehicle' or 'place' where a business may be operating in a public place.
- Addition of new definitions.

5.2 State Interest Check

Consultation with relevant State government entities occurred between 10 December 2020 and 15 January 2021 about the overall State interest in the proposed amendments to LL20.

As a result of the consultation, four submissions were received from relevant State entities in relation to several of the proposed amendments (refer Attachment 1).

All submissions were considered and as a result, one minor amendment was made to the proposed local law. The minor amendment relates to Section 7(7) and states as follows:

- In each of section 7(7)(a) and (b), omit '; *or*' and insert '; *and'*.

Section 7 Requirements for storing general waste in waste containers

(7) A person undertaking an inspection under subsection (6) may, in relation to anything that may be inspected—

(a) inspect, test, photograph, videotape or otherwise examine the thing; and

(b) take samples of or from the thing; and

(c) take onto the place at which the inspection is being undertaken, any persons, equipment and materials that the person reasonably requires for exercising the powers of the person.

Further detailed information regarding these submissions and Council's considered response can be found in Attachment 1.

5.3 Public Consultation

In accordance with the *Local Government Act 2009 (LGA)* and Council's 2016 resolved process for making local laws (GA16.0303.19), public consultation was carried out from Saturday 24 July to Monday 16 August 2021, and consisted of the following activities:

Activity	**Details**
Pointer advertisement (public notice)	Pointer advertisement in *The Gold Coast Bulletin* on Saturday 24 July 2021 referring the community to the *GC have your say* (GCHYS) URL.
Community engagement	The community was given the opportunity to have their say and provide feedback on proposed amendments at the

Activity	Details
	project page GCHYS URL. The amendments were considered low level community impact.
Engage with external stakeholders	Correspondence (email) was sent to the below industry bodies advising of the proposed amending Local Law and inviting them to provide comment via the GCHYS website: • Waste Management and Resource Recovery Association Australia (WMRR) • Australian Organics Recycling Association (AORA) • Waste Recycling Industry Queensland (WRIQ).
Inform Councillors	Councillors were provided with information/frequently asked questions (FAQs) tailored to their divisions in relation to the proposed amendments.

As a result of the consultation, the GCHYS website was visited 12 times and two submissions were received.

It should be noted that the version of the amending local law that was advertised and made available for public consultation purposes was cited as *Waste Management (Amendment) Local Law (No. 1) 2020.* This report seeks to proceed with the making of *Waste Management (Amendment) Local Law (No. 1) 2020,* amended to omit each reference to the year 2020 and insertion of reference to the year 2021, as outlined in Section 16 Recommendations of this report.

5.4 Public Interest Test Report and Anti-Competitive Provisions

Section 38 of the LGA provides that a local law or subordinate local law cannot be made where anti-competitive provisions are contained, unless the Council has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions. This includes conducting a public interest test in conjunction with public consultation about the proposed amendments.

A review of *Waste Management (Amendment) Local Law (No. 1) 2020* for anti-competitive provisions was conducted and anti-competitive provisions were identified.

Accordingly, a Public Interest Test (PIT) Report has been prepared (Attachment 2) in response to the public interest test conducted against the principles and objectives set out by the Competition Principles Agreement.

In summary, the PIT report identified that the cost and benefit analysis of the regulatory and non-regulatory alternatives outlined in the report, such as public information and education programs, was not considered a viable alternative.

The report indicates that the identified anti-competitive provisions should be retained in full in the public interest, because:

- the benefit of these provisions to the community outweighs the costs; and
- the most appropriate way of achieving the object of the proposed local law is by restricting competition in the way provided in the anti-competitive provisions, having regard to the local government duty of good rule and local government of its local government area.

Further detail about the anti-competitive provisions and Council's legislative obligations can be reviewed in Section 9 Statutory Matters of this report.

5.5 Amendments

After duly considering feedback from relevant State government entities and the community, one amendment was made, as outlined in section 5.2. This minor amendment was included prior to the public consultation step and therefore advertised as such. This report therefore recommends to make *Waste Management (Amendment) Local Law (No. 1) 2020*, as advertised (refer Attachment 3).

5.6 Next Steps in the Local Law-making Process

In accordance with Council's law-making process, Council may now resolve to make the proposed amending local law and proceed to inform the public and the Minister.

Any decision by Council at this stage, to change a provision of the proposed amending local law may require further public consultation.

Under section 29(5) of the LGA, Council must ensure its laws are drafted in accordance with the guidelines issued by the Parliamentary Counsel under the *Legislative Standards Act 1992*. The proposed amending local law complies with this requirement.

Section 32 of the LGA provides that Council may prepare and adopt a consolidated version of a local law. A consolidated version of a law is a document that accurately combines the law as originally made with all amendments made since that time (refer Attachment 4).

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

Corporate Plan - Gold Coast 2022

Theme 1 - Place

1.3 We manage our resources for a sustainable future.

Solid Waste Strategy 2024

Outcome 2 - Waste re-use, recycling and resource recovery opportunities are maximised prior to landfill disposal

2.3 Investigate pricing and other incentives to encourage better resource recovery.

Outcome 4 - Solid waste management has minimal negative impact on our environment and public health.

4.4 Implement best practice collection services to protect public health and amenity.

7 FUNDING AND RESOURCING REQUIREMENTS

Budget/Funding Considerations

Not applicable.

8 RISK MANAGEMENT

Not applicable.

9 STATUTORY MATTERS

At step 1 of the local law-making process Council must, by resolution, resolve to propose to make the proposed amending local law. Council has complied with this requirement.

Council must also ensure its local laws are drafted in compliance with the guidelines issued by the Parliamentary Counsel under the *Legislative Standards Act 1992*. The proposed amending local law complies with this requirement.

Under the LGA, section 38 (Anti-competitive provisions), Council must not make a local law that contains an anti-competitive provision unless Council has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions. Relevantly, under the *Local Government Regulation* (LGR), section 15:

a defines a provision as anti-competitive if under the Competition Policy Guidelines, the provision is identified as creating a barrier to entry to a market or competition within a market; and

b prescribes procedures for the review of anti-competitive provisions.

A review of the proposed amending local law for anti-competitive provisions was undertaken and results are provided within the Public Interest Test Report (refer Attachment 2).

Council is also required to consult with the State and the public regarding its proposal to make the proposed amending local law. Council has complied with these requirements (refer Attachment 1).

10 COUNCIL POLICIES

The public consultation process has been conducted in accordance with the City's Community Consultation Policy.

11 DELEGATIONS

Legislation	Delegation No.	Description	Additional Information
LGA, section 28	DE02017	All relevant Local Government powers contained with the provisions of Council's Local Laws and Subordinate Local Laws and Local Law Policies.	After gazettal, sub-delegations will be created, where necessary, specifying the powers in this law.
LGA, section 38 LGR, section 15	DE02518	To decide: (a) how the public interest test of *Waste Management (Amendment) Local Law (No. 1) 2020 is* to be conducted (b) the matters with which the public interest test report in relation to the proposed local law must deal; and (c) the consultation process for the public interest test and how the process is to be used in the public interest test.	The public interest test process has been conducted in accordance with the LG Regulation, section 15, and the *National Competition Policy Guidelines for conducting reviews on anti-competitive provisions in local laws*, version 1.

12 COORDINATION & CONSULTATION

Name and/or Title of the stakeholder consulted	Directorate or organisation	Is the stakeholder satisfied with the report and recommendations (Yes/No) (comment as appropriate)
Melinda Bailey Manager, Health and Regulatory Services	Lifestyle and Community	Yes
Paul Heaton Director, Water and Waste	Water and Waste	Yes
Rod Packer Manager, Strategy and Innovation	Water and Waste	Yes
Hamish Kiddle Executive Coordinator, Legal Services	Office of the CEO	Yes
Nicole Waters Executive Coordinator, Corporate Communication	Office of the CEO	Yes

13 STAKEHOLDER IMPACTS

External / Community Stakeholder Impacts

The potential positive and negative impacts of this local law amendment have been addressed in the Public Interest Test Report, and key stakeholders were identified during the public consultation period.

The following impacts have been identified, and include:

- Access to new services including new bins, and the ability to divert food organics from landfill.
- Greater community satisfaction with waste collection services, as customers now have more options to sort their waste and reduce waste to landfill.
- Penalties introduced for customers that consistently and grossly misuse bins.

Internal (Organisational) Stakeholder Impacts

The internal stakeholder and organisational impacts of the proposed amendments will:

- Enable the Water and Waste directorate (WW) to roll out resource recovery initiatives to meet City, State and National Government targets.
- Enable WW to develop and implement an engagement program to support and encourage positive waste behaviours.
- Require additional administrative tasks for WW to update records and website as appropriate.
- Provide authorised officers with more regulatory options to discourage bin misuse.

Prior to operational commencement of the local law, WW and Lifestyle and Community directorates will work in partnership to develop the regulatory approach and enforcement strategy.

14 TIMING

It is proposed that this change will be implemented by December 2021. Should the recommendation in this report be endorsed, the following timeline is expected:

No.	Task	Expected timeframe
1	Council approval of the proposed laws	November 2021
2	Completion of the local law making processes • Gazettal of the consolidated laws • Certification • Letter to the Minister • Local Law website update	December 2021

15 CONCLUSION

The proposed amending local law has been made in accordance with section 29 of the LGA and Council's 2016 process for making of local laws *(GA16.0303.19).*

Consultation with the relevant stakeholders, State government entities and the community has been undertaken during the law making process. All feedback has been considered, resulting in one minor amendment to the proposed *Waste Management (Amendment) Local Law (No. 1) 2020.* This minor amendment was identified from the State interest check and included in the presentation to Council on 8 December 2020 (G20.1208.031). There were no further amendments resulting from the subsequent public consultation in July and August 2021.

It is recommended that Council resolve to proceed with the making of the amending local law, as advertised. This will align LL20 to current State legislation, enable the implementation of new resource recovery initiatives and improve the management of bin misuse.

This will allow the City to be better equipped to meet local, State and National targets while preparing the community for the financial impact of the Queensland Waste Disposal Levy if or when the Advance Payment on Municipal Solid Waste is removed.

16 RECOMMENDATION

It is recommended that Council resolves as follows:

1 That Council note the content, and implement the recommendations, of the public interest test report per Attachment 1, in relation to anti-competitive provisions contained in *Waste Management (Amendment) Local Law (No. 1) 2020.*

2 That Council resolves:-

a to proceed with the making of, and make, *Waste Management (Amendment) Local Law (No. 1) 2020* as advertised, but amended as follows-

(i) Omit each reference to the year 2020 and insert instead a reference to the year 2021;

(ii) Section 3 (Amendment of s3 (Relationship to other laws)), '2020'

Omit. Insert-

'2021'.

b to adopt pursuant to section 32 of the *Local Government Act 2009*, a consolidated version of *Local Law No. 20 (Waste Management) 2017* per Attachment 4 of this report.

ATTACHMENT 1

State Interest Submission and Consideration Report

Waste Management (Amendment) Local Law (No. 1) 2020

State Interest Consultation

Consultation with relevant State government entities was conducted between 10 December 2020 and 15 January 2021, in relation to the proposed amendments to *Waste Management (Amendment) Local Law (No. 1) 2020.* As a result of consultation, four (4) separate submission were received from relevant state entities, the details of these submissions are outlined in the table below.

Department of Agriculture and Fisheries – Biosecurity Queensland			
Local law section	**Agency Issue**	**Agency - Suggested action to rectify issue**	**Council's proposed response/actions to agency comments**
7	The legislation clearly includes requirements to keep waste covered. However, there is no requirement to ensure that animals cannot access waste should the container cover be dislodged by scavenging animals/birds or natural processes such as wind. The potential for scavenging animals (such as feral pigs) to access food waste infected with exotic diseases (such as African Swine Fever) poses a risk to Queensland agricultural industries and communities.	Addition of a requirement for the occupier of a premises to regularly monitor containers whilst containing waste to ensure scavenging animals cannot access any waste placed in a container: • if waste is spilled to replace it back in the container • if the cover is dislodged to replace it securely Such a requirement is consistent with the General Biosecurity Obligation requirement within the *Biosecurity Act 2014*	**No action required.** Section 7(1)(c) of LL20 has been drafted to match the wording of s102(1)(c) of the *Environment Protection Regulation 2019*. Both clauses require occupiers keep their waste containers securely covered. While the requested additional wording is consistent with the general biosecurity obligation in state law, the current wording is consistent with the obligation and is considered sufficient.

Dictionary - definitions example for para (b)(iv)	The proposed legislation enables introduction of new 'organic' bins allowing combination of green waste and food waste. This raises the question of how such waste will be disposed to ensure it is not accessible by scavenging animals such as feral pigs to mitigate the above-mentioned risk of exotic disease incursion into Queensland.	Consideration of biosecurity issues associated with combining food/organic waste with green waste: • disease risk implications • clear legislation (and associated compliance monitoring) to define how the combined waste must be managed/used to ensure biosecurity risks are mitigated Managing the identified risk is consistent with the General Biosecurity Obligation requirement within the *Biosecurity Act 2014.*	**No action required.** The Council's general waste bin currently contains a combination of food and green waste. The disposal and biosecurity risks of bin contents are managed under existing State legislation at the premises where the waste from the bin is processed/disposed, e.g. landfill.
Department of State Development, Infrastructure, Local Government and Planning			
Local law section	**Agency Issues**	**Agency - Suggested action to rectify issue**	**Council's proposed response/actions to agency comments**
5	Section 5 of the amendment local law includes a provision about inspecting a waste container including, for example, the content of standard general waste containers, to establish whether there is compliance with the local law or a compliance notice. This section is silent about how such inspection will be physically carried out. Is this intended to be when a waste container is left out on a footpath? Having checked Council's *Local Law No 3 (Administration) 2008*, I could not find any provision which would assist in terms of this issue.	Include in these provisions about inspecting a waste container, reference to the powers of entry provisions under the *Local Government Act 2009*.	**No action required.** Section 5—section 7(6) and (7), relevantly, give each of the local government, an authorised person and another person, with the consent of the local government, a power to inspect the content of standard general waste containers, but only for the purpose of establishing whether there is compliance with the requirements of the local law or a relevant compliance notice. The provision does not, directly or indirectly, permit entry to private property. An authorised person of Council may enter private property, but only subject to compliance with relevant requirements of the L*ocal Government Act 2009*. Local governments have been equipped with facilities for the monitoring and inspection of the content of waste containers as the waste containers are emptied into a collection vehicle over an extended period of time. Against that background, the provisions have adequate regard to the requirement to comply with the fundamental

			legislative principles.
Department of Environment and Science			
Local law section	**Agency Issues**	**Agency - Suggested action to rectify issue**	**Council's proposed response/actions to agency comments**
7(2)(e)	The provision introduces a new penalty that could be applied in three broad situations: • Placing non-recyclable items in a recycling bin. • Placing non-organic items in a green bin. • Placing certain items in the general waste bin (bricks, uncut palm fronds, weeds with clumps of soil etc.).	Ensure that any new offences are consistent with the current state regulations.	**No action required.** Section 7(2)(e)—the new offence is considered consistent with the current State regulations.
7(3)	The slight change of wording places more onus on the occupier of the premises.	Ensure that section 7(5) adequately allows a defence for a person to prove that the contravention was due to circumstances over which the person had no control. No amendments may be required, but just need to make sure that occupiers of premises are not unfairly penalised through this change.	**No action required.** Section 7(3)—section 7(5) relevantly provides that it is a defence for a person to prove that a relevant contravention was due to circumstances over which the person had no control.
7(7)	Use of the word '**or'** instead of '**and**' may restrict powers of the person undertaking the inspection.	Amend to state – A person undertaking an inspection under subsection (6) may, in relation to anything that may be inspected – (a) inspect, test, photograph, videotape or otherwise examine the thing; and (b) take samples of or from the thing; and (c) take onto the place at which the inspection is being undertaken, any persons, equipment and materials that the person reasonably requires for exercising the powers of the person.	**Minor change to wording *s7(7)(a) and (b).*** *Section 7(7)—in each of section 7(7)(a) and (b), omit '; or' and insert '; and'.*
11A	Introduces three new penalties for: • The disposal of general waste from commercial premises in public bins. • The disposal of general waste from	Ensure that any new offences are consistent with the current state regulations. In particular, the proposal to make this local law identifies that 11A(3) is in response to the	**No action required.** Section 11A—the new offences are consistent with the current State regulations.

	domestic premises in public bins. • The disturbance, removal or interference with the contents of waste in public bins.	introduction of the Container Deposit Scheme. The proposal states that the introduction of this scheme has seen an increased amount of scavenging from public bins e.g. emptying bin contents to find beverage containers eligible for the ten-cent refund, which has led to more up-ended bins and scattered litter. It is recommended that alternatives to address this issue be explored, rather than the introduction of a financial penalty. It is also questioned whether this provision could be enforced as determining who has committed the offence would be more difficult given the nature of public settings.	
Schedule Dictionary	The dictionary has been amended to include organic food waste as an example of domestic waste, while green waste continues to not be considered a domestic waste. If the service being implemented is FOGO, defining the tow waste materials as the same thing would seem easier.	Investigate whether it would be more appropriate to declare organic food waste as a recyclable waste or green waste, rather than domestic waste. This will also ensure that any new requirements are consistent with the intent of the current state regulations and cannot be interpreted and implemented in an anticompetitive manner.	**No action required.** *Schedule—Dictionary*—the new definitions are consistent with the current State regulations. Implementation of the suggested amendments would be contrary to the current State regulations.
Department of Justice and Attorney-General			
Local law section	**Agency Issue**	**Agency - Suggested action to rectify issue**	**Council's proposed response/actions to agency comments**
7(3)	The proposed amendment changes the wording of the offence at section 7(3) which imposed liability on an occupier of premises for the actions of other persons putting specified prohibited things (as listed at section 7(2)(a)) in bins at the premises. The offence currently provides that 'the occupier of the premises must not allow…', whereas the proposed new wording provides that 'the occupier of the premises must ensure that…'. Currently, the prosecution has to prove that the	It is suggested that the current wording of section 7(3) (that the occupier 'must not allow') be retained as this more appropriately directed at targeting the type of conduct that should be penalised (i.e. allowing or consenting which implies a level of culpability on the part of the occupier).	**No action required.** Section 7(3)—the text of the provision is consistent with the *Environmental Protection Regulation 2019*, section 102(3). Section 7(5) introduces a defence provision which achieves compliance with the requirements of the fundamental legislative principles.

	occupier in some way allowed or consented to others placing prohibited items in their bin. Under the proposed provision, they would only have to establish that the occupier failed to prevent others from putting prohibited items in the bin, where the simple fact of prohibited items being found in the bin would presumably be enough to establish the offence. This effectively creates an offence of strict liability and significantly lowers the threshold for prosecutions. In order to avoid the risk of prosecution an occupier would effectively need to engage in 24-hour monitoring/ securing of their bins, including while awaiting collection and immediately after collection. Fundamental legislative principles (FLPs) require that legislation has sufficient regard to the rights and liberties of individuals. This includes the principle that legislation should not ordinarily make a person responsible for actions or omissions over which the person may have no control. In other words, a person should not be held criminally responsible for the conduct of others. It is noted that section 7(5) provides that it is a defence that the contravention was due to circumstances over which the person had not control. However, because of the positive obligation placed on the occupier to ensure that prohibited items are not placed in bins it is unclear how an occupier (who had not taken active steps to secure their bin) would successfully establish such circumstances.		
7(6)	Proposed section 7(6)-(7) allows for certain persons to inspect waste containers and, in doing so, take photographs, videos and samples. The provision does not appear to limit inspections of waste bins on certain premises,	It is suggested that the provision be redrafted to make clear the conduct which is authorised, and to narrow the power of an inspector or to build in safeguard e.g. to require that a breach of the local law or compliance notice has occurred.	**No action required.** Section 7(6) and (7)—these provisions permit the inspection of waste containers, but only for the purpose of establishing whether there is compliance with the requirements of the local law or a relevant compliance notice. The provision

	e.g. on domestic premises, nor does it make clear whether the provision would allow an authorised person to go onto a person's premises to conduct the inspection. The provision appears to create a broad power to conduct inspections without consent of the occupier and without a requirement that the inspector has a reasonable suspicion that a contravention has occurred. It is noted that FLPs require that legislation has sufficient regards to the rights and liberties of individuals, which includes considering whether the legislation confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer.		does not, directly or indirectly, permit entry to private property. An authorised person of Council may enter private property, but only subject to compliance with relevant requirements of the *Local Government Act 2009*. Local governments have been equipped with facilities for the monitoring and inspection of the content of waste containers as the waste containers are emptied into a collection vehicle over an extended period of time. Against that background, the provisions have adequate regard to the requirement to comply with the fundamental legislative principles.
11A	The proposed amendment inserts three new offences relating to general waste disposal in public bins. While the usual excuses under the criminal code will apply, the offences otherwise impose strict liability for breaches. It is noted that FLPs require that legislation imposing liability should provide for appropriate defences to the liability. There is not additional scope for a person to argue that they had a reasonable excuse beyond the limited excuses provided for under the Criminal Code. It is possible, particularly with respect to the offence proposed at section 11A(3) to envisage circumstances where a person may legitimately need to interfere with the contents of a public bin. For example, to retrieve a valuable item mistakenly discarded with other legitimate rubbish.	Suggest incorporating a general defence of reasonable excuse.	**No action required.** Section 11A—section 11A(1) only applies to the unauthorised disposal in a public bin of general waste which is produced as a result of the ordinary use or occupation of commercial premises, not premises generally. Section 11A(2) only applies to the unauthorised disposal in a public bin of general waste resulting from the ordinary use or occupation of domestic premises. Section 11A(3) is an offence provision to deal with the increasing trend of interference with the contents of waste in public bins which usually results in general waste being scattered around the public bin the subject of the interference. In any event, under the local law, section 3(1)(b), the local law is to be read with *Local Law No. 3 (Administration) 2008* and under that local law, section 16 (Defence) it is a defence to any breach or non-compliance with any provision contained in a local law if a person has a lawful excuse or defence.

			Accordingly, the provisions have adequate regard to the requirements of the fundamental legislative principles.
General	The *Human Rights Act 2019 (HRA)* provides that public entities (which includes a local government, councillor or local government employee) must act and make decisions in a wat that is compatible with human rights. Section 48 of the HRA, which provides 'that all statutory provisions must to the extent possible that is consistent with their purpose, be interpreted in a way consistent with human rights', applies to local laws. It is intended that local councils consider human rights when drafting local laws. The proposed amendment may raise human rights considerations. For example, proposed section 7(6) allowing for the inspection of waste containers, which may intersect with the right to privacy and reputation under section 25 of the HRA, particularly where inspections are conducted of general waste containers on domestic premises.	It is suggested that human rights implications of all proposed amendment be considered to ensure that the amendments do not limit human rights in a way that cannot be reasonably and demonstrably justified in accordance with section 13 of the HRA.	**No action required.** General—human rights were considered when the drafting of the local law was undertaken. Council can, and will, to the extent possible that is consistent with their purpose, interpret the provisions of the local law in a way that is compatible with human rights. In particular, Council will ensure that, relevantly, each person has the right:- (a) not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and (b) not to have the person's reputation unlawfully attacked. In the context of the inspection of general waste, Council officers may undertake a relevant inspection having adequate regard to human rights such as the human rights identified above.
3(2)	Please consider whether this should be dealt with as a transitional provision where the *Environmental Protection Regulation 2008 has* been repealed.		**No action required.** Section 3(2)—retention of the provision provides historical context. It is not appropriate to deal with the issue the subject of the provision either by way of repeal, or the inclusion of a transitional provision.

PUBLIC INTEREST TEST REPORT

WASTE MANAGEMENT (AMENDMENT) LOCAL LAW (NO. 1) 2020

1. A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in proposed Waste Management (Amendment) Local Law (No. 1) 2020 (the "proposed local law"). The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan. A copy of the public interest test plan is attached.
2. This public interest test report has been prepared in accordance with guidelines issued by the Department of Local Government. The guidelines have been applied by regulation under the *Local Government Act 2009*.

THE KEY NCP OBJECTIVE

3. The key objective of the National Competition Policy ("NCP") is to develop a more open and integrated Australian market that limits anti-competitive conduct and removes the special advantages previously enjoyed by government business activities, where it is in the public interest to do so.
4. While NCP is designed to result in better use of resources and substantial and ongoing benefits to the community, the introduction of increased levels of competition will not always deliver the best overall result for the community.
5. Accordingly, governments have a responsibility to ensure that NCP reforms are only implemented where it is demonstrated that such reforms are clearly in the public interest, that is, there is a clear demonstration that competitive reform will yield a net benefit, and no significant detriment, to the community. While Council is well aware of the potential benefits that competition can bring to the community, Council will continue to ensure that competition is not pursued for competition's sake and that a considered and pragmatic approach is taken to NCP.
6. One of the elements of flexibility in Queensland's NCP review process involves the consideration of economic or social adjustment costs of moving from one regulatory situation to an alternative arrangement.
7. In some cases, reform that is clearly in the broad public interest may impose adjustment costs on a particular group. In such cases, consideration can be given to whether transitionary measures are required to assist such groups. Transitionary measures may, as an example, involve implementing reform over time or targeted assistance measures.
8. The aim of the NCP reform program is to deliver tangible benefits to all sectors of the community. This is to be achieved by limiting anti-competitive conduct and removing special advantages of government business activities where it is in the public interest to do so.

THE CONSULTATION PROCESS

9. The NCP requires Council to undertake a public benefit test process. Under the public benefit test process, Council is required to take into consideration an array of public interest matters including the environment, employment, social welfare and community interests. Consideration of social impacts is an integral part of the NCP review process.

10. Social impacts are anything that will change a community's cultural traditions or alter the ways in which people live, work, play, relate to one another, organise to meet their needs, and generally cope as members of society. An NCP review process is not a review of economic considerations alone.

11. As part of the NCP review process, sufficient time must be allowed for informed community participation in the review. The level and nature of participation is determined on a case by case basis.

12. In this instance, Council determined that consultation should be conducted by giving public notice of the proposed local law in a local newspaper and inviting submissions. Also, public notices were posted on public noticeboards in Council's public office, and on Council's website. Letters were sent to representative bodies of stakeholder groups advising of the proposed local law and inviting submissions. The public notice advised that consultation on anti-competitive provisions was being conducted in conjunction with the public consultation about the proposed local law.

13. In response to the public consultation undertaken by Council, website participants were engaged, relevant documentation was downloaded and multiple submissions were received by Council.

REPORT ABOUT THE RESULTS OF THE CONSULTATION PROCESS

14. The report to Council, of which this public interest test report forms part, refers to the public consultation process, including public consultation in relation to possible anti-competitive provisions.

TYPE OF ASSESSMENT

15. Council has previously made a determination about the depth of analysis and degree of rigour required for its assessment. Council determined that it would be appropriate to undertake an assessment which complied with the following principles set out in the National Competition Policy Guidelines ("Guidelines") for conducting reviews of anti-competitive provisions in local laws:-

    (a) consultation with relevant businesses about the anti-competitive provisions;

    (b) examination of the reasonable alternatives to the anti-competitive provisions;

    (c) a cost benefit analysis that involves calculating the value of the impacts, both positive and negative, of the anti-competitive provisions; and

    (d) determining whether, on balance, the anti-competitive provisions should be retained in the proposed local law in the overall public interest.

16. Council determined that its assessment should be conducted by Council as a minor assessment with an emphasis on qualitative analysis with key impacts expressed in monetary terms, but only if applicable data is available. Council determined that the review should be conducted in-house by a team of Council officers.

BACKGROUND FOR ASSESSMENT

17. Council's current local law, Local Law No. 20 (Waste Management) 2017 ("**LL20**") deals with waste management issues which impact on lifestyle. Its object in doing this is to protect the environment and public health, safety and amenity within the local government area. This purpose or object is achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity.

18. Without **LL20**, risks associated with the regulation and control of waste management may be transferred to the general community with a resultant increase in risk to the environment, public health, safety and amenity within the local government area.

19. The vast majority of Council's local government area is currently designated as an area in which Council will conduct general waste collection.

20. In respect of the area which is designated as an area in which Council will conduct general waste collection, Council may, at a practical level, achieve better protection of the environment, public health and amenity.

21. The proposed local law, Waste Management (Amendment) Local Law (No. 1) 2020 ("**PLL2020**") specifically impacts on waste management issues as follows:-

    (a) **LL20**, section 7 (Requirements for storing general waste in waste containers) is amended so that:

        (i) the occupier of premises must ensure that each waste container is securely covered, other than to place waste in or remove waste from the container or to clean the container; and

        (ii) a person must not remove or disturb the cover of a waste container other than to place waste in the container or to clean the container; and

        (iii) if a waste container is set aside by Council for the storage of 1 or more types of waste—a person must not place in the waste container a matter or thing other than the type or types of waste for which the waste container is set aside; and

        (iv) the occupier of premises must ensure that a person does not place anything in a waste container at the premises in contravention of section 7(2)(a); and

        (v) in specified circumstances, it is a defence for a person to prove that a contravention of section 7 occurred with the consent of Council.

    (b) **LL20**, section 8 (General requirements for keeping waste containers at serviced premises) is amended so that:

        (i) the occupier of serviced premises must ensure that a waste container supplied for the premises is kept at, or in close proximity to, the premises;

    (c) **LL20**, section 9 (Other requirements for storing general waste at particular serviced premises) is amended so that:

        (i) a for particular serviced premises, the prescribed person for the premises is obliged to supply the particular serviced premises with specified facilities relevant to the storage of general waste at the particular serviced premises.

    (d) **PLL2020** amends **LL20**, schedule (Dictionary) to specifically identify, as domestic waste, organic food waste other than regulated waste.

    (e) **PLL2020** amends **LL20**, schedule (Dictionary) to identify, as a standard general waste container, 1 or more containers each of which is approved by the local government for storing at premises in the local government's area:

        (i) 1 or more or multiple types of domestic waste; or

        (ii) a combination of 1 or more or multiple types of domestic waste and 1 or more or multiple types of recyclable waste; or

        (iii) a combination of 1 or more or multiple types of commercial waste and 1 or more or multiple types of recyclable waste.

(f) The amendment of the definition for the expression standard general waste container detailed in **PLL2020** will facilitate the expansion of kerbside bin collection activities of Council, including new domestic and commercial bin services, for example, combined food organics and green organics collection activities.

22. The control that, collectively, **LL20** and **PLL2020** give the Council is, potentially, a barrier to entry to a market and a restriction on the conduct of commercial operations as follows:-

(a) Owners and occupiers of premises, including domestic premises and commercial premises are obliged to supply waste containers for the premises, however, Council, or its contractor, may supply the waste containers and the reasonable cost of supplying the waste containers is a debt payable by the owner or occupier of the premises to Council.

(b) Council prescribes requirements for storing general waste in containers at premises, including domestic premises and commercial premises.

(c) Council prescribes requirements for keeping waste containers at serviced premises, including domestic premises and commercial premises.

(d) Council prescribes other requirements for storing general waste at particular serviced premises, including multi-unit domestic premises, mixed use premises and commercial premises.

(e) Council may give the occupier of premises notice about the removal of general waste, including the removal of general waste from domestic premises and commercial premises.

(f) Council may prescribe requirements for the storage of industrial waste at premises.

(g) Council prescribes requirements about the treatment of industrial waste generated at commercial premises which is to be disposed of at a waste facility.

(h) Council prescribes requirements about the disposal of waste at waste facilities and requirements about the use of waste facilities.

23. In the context of waste management, it is unlikely that **PLL2020** will:

(a) impact on the business environment in terms of size, distribution and participation in the market; or

(b) place restrictions on business ownership, structural form, business behaviour or product/service quality.

24. **PLL2020** makes no distinction between commercial and non-commercial activities. **PLL2020** is anti-competitive to the extent that the provisions identified as possible anti-competitive provisions may have the effect of regulating some business activity. The business activity may be a business activity undertaken at premises by the owner or the occupier of the premises which results in the production of general waste. The business activity may also consist of the collection of general waste by a contractor of Council pursuant to a contractual arrangement entered into between Council and the contractor.

25. **PLL2020** may also have an impact on the undertaking of the business activity of the collection of general waste from premises used for commercial activities or non-commercial activities by a contractor other than a contractor which has entered into a contractual arrangement with Council about the collection of general waste. Such a waste contractor would have limited opportunities to compete with Council services in the waste collection market within a designated collection area.

26. However, there are opportunities to enter a competitive tender process to win Council waste collection contracts.

27. Without **PLL2020** and **LL20** in place, Council would be required to rely upon other mechanisms: other local laws, State legislation, common law action etc to control nuisances arising from the unregulated collection and storage of waste. Without an effective method of controlling the storage and collection of waste, environmental, health and safety risks would be imposed on the community in the local government area.

28. Collectively, **PLL2020** and **LL20** prescribe requirements about the disposal of waste at waste facilities and requirements about the use of waste facilities. Compliance with these requirements may have the effect of regulating some business activity. In particular, contractors who are engaged in the business of the collection of waste and the delivery of waste for disposal at waste facilities may be impacted by the imposition of an obligation to comply with requirements about the disposal of waste at waste facilities and requirements about the use of waste facilities.

ASSESSMENT OF ALTERNATIVES

29. Regulatory and non-regulatory alternatives available to Council which may achieve the objectives of the proposed local law are listed in the Guidelines. Only 1 alternative, public information and education programs was considered to be a "realistic" alternative and given further consideration.

30. Council also identified a further alternative of relying on the planning scheme to control storage and collection of waste issues.

31. Council maintains the conclusion that these alternatives are not viable for the reasons detailed below.

32. *Public information and education program* - Consideration was given to this alternative but it was felt that Council does not have the necessary resources available to undertake an appropriate education program. It was also considered that some form of regulatory control was necessary in order for Council to act immediately in situations posing an unacceptable risk to public health and safety or causing a nuisance.

33. *Planning scheme* - This alternative would require the local law to be amended to specify that its application relates to non-commercial activities only. Regulation of storage and collection of waste and nuisance issues with respect to commercial activities would be by way of planning instruments.

34. There are several impacts which would arise from this alternative. The main difficulty with moving to use of the planning scheme relates to the question of whether Council would have adequate control over existing businesses. Under the planning scheme, where new developments require some kind of approval, Council could place conditions on the approval dealing with issues such as storage and collection of waste. However, in relation to existing businesses, unless an approval under the planning scheme was required and unless that original approval made provision for the activities covered by the proposed local law, Council would have no power under the planning scheme to control the activities covered by the proposed local law. Council may have recourse to a variety of powers under State legislation, for example, the *Environment Protection Act 1994* but it would depend on the individual situation as to whether these or other Acts could be invoked and the degree of their effectiveness is uncertain.

35. Also, the planning scheme cannot provide for a once-off occasion of significant intensity where the undertaking of a business activity may result in increased, or exceptional, storage and collection of waste issues, which could be the subject of Council regulation under the proposed local law.

COMPETITIVE NEUTRALITY

36. The *Local Government Act 2009*, chapter 3 part 2 division 2 is about the application of the National Competition Policy Agreements, including the competitive neutrality principle.

37. Under the competitive neutrality principle, an entity that is conducting a business activity in competition with the private sector should not enjoy a net advantage over competitors only because the entity is in the public sector.

38. Relevantly, a business activity is trading in goods and services by Council, for example, the utility of waste management collection.

IDENTIFICATION OF KEY STAKEHOLDERS

39. Whilst no alternative was identified as being viable, the key stakeholders involved in this review are considered to be the following:-

    (a) local government;

    (b) owners and occupiers of premises used for domestic purposes at which general waste is generated;

    (c) owners and occupiers of commercial premises at which general waste is generated;

    (d) potential owners and occupiers of premises used for domestic purposes at which general waste is generated;

    (e) potential owners and occupiers of commercial premises at which general waste is generated;

    (f) waste collection contractors (other than a contracted waste collection contractor of Council) responsible for the collection of general waste from premises, and in particular commercial premises, which generate general waste in Council's local government area;

    (g) a Council contracted waste collection contractor which is responsible for the collection of general waste from premises (including commercial premises) which generate general waste in Council's local government area;

    (h) residents in close proximity to premises used for domestic purposes;

    (i) residents in close proximity to premises used for the undertaking of commercial activities;

    (j) conservation/environmental groups.

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS

Stakeholder – Local Government

40. The impacts on local government are as follows:-

    (a) Council will continue to incur the costs associated with the administration of waste management in Council's local government area;

    (b) Council will continue to incur costs associated with the enforcement of the relevant local law;

    (c) Council will continue to incur the costs associated with the administration of waste management in Council's local government area and the costs of administration of waste management may increase if the owners and occupiers of premises at which general waste is generated for collection (including commercial premises in

particular) elect not to use a waste management collection service offered by Council. This is a low negative impact;

(d) Council's ability to meet waste diversion targets and actions developed to meet statutory obligations established by the State could be reduced as recycling responsibility shifts from Council led to consumer led. In particular, given the nature of recycling, where the costs are incurred privately, but the benefits are realised publicly, the level of demand is expected to be lower than what would be deemed efficient. This is a low negative impact.

Stakeholder – owners and occupiers of premises used for domestic purposes at which general waste is generated

41. The impacts on owners and occupiers of premises used for domestic purposes at which general waste is generated are as follows:-

    (a) the public health, safety and amenity relating to waste management of owners and occupiers of premises used for domestic purposes at which general waste is generated will be preserved. This is a low positive impact.

Stakeholder – owners and occupiers of commercial premises at which general waste is generated

42. The impacts on owners and occupiers of commercial premises at which general waste is generated are as follows:-

    (a) the public health, safety and amenity relating to waste management of owners and occupiers of commercial premises at which general waste is generated will be preserved. This is a low positive impact;

    (b) Council anticipates an increased prevalence of inappropriate (or insufficient) waste containers being used, presenting potential health risks (including improper waste disposal practices). This is a low negative impact;

    (c) waste collection contractors (other than Council or Council's contracted waste collection contractor) may only offer specific services, for example, recycling services for cardboard and paper which are more profitable which could undermine any existing recycling practices currently adopted by the owners and occupiers of premises used for commercial purposes. This is a low negative impact.

Stakeholder – potential owners and occupiers of premises used for domestic purposes at which general waste is generated

43. The impacts on potential owners and occupiers of premises used for domestic purposes at which general waste is generated are as follows:-

    (a) the public health, safety and amenity relating to waste management of potential owners and occupiers of domestic premises at which general waste is generated will be preserved. This is a low positive impact;

Stakeholder – potential owners and occupiers of commercial premises at which general waste is generated

44. The impacts on potential owners and occupiers of commercial premises at which general waste is generated are as follows:-

    (a) the public health, safety and amenity relating to waste management of potential owners and occupiers of commercial premises at which general waste is generated will be preserved. This is a low positive impact;

Stakeholder – waste collection contractors (other than Council's contracted waste collection contractor) responsible for the collection of general waste from premises, and in particular commercial premises, which generate general waste in Council's local government area

45. The impacts on waste collection contractors (other than Council's contracted waste collection contractor) are as follows:-

    (a) waste collection contractors (other than Council's contracted waste collection contractor) may collect general waste from premises which generate general waste in Council's local government area absent the restrictions on competition which flow from the proposed local law. This is a moderate positive impact;

    (b) there is potential for the introduction of new fixed costs into the waste collection industry that would be defrayed over the same number of customers, increasing the average cost of service provision. This a low negative impact;

    (c) the number of properties serviced and the waste tonnage to be collected may become less certain and a contractor tendering to undertake waste collection services in Council's local government area may need to build a greater risk component into its tendered prices in order to account for this uncertainty. This is a low negative impact;

Stakeholder - Council's contracted waste collection contractor which is responsible for the collection of general waste from premises (including commercial premises) which generate general waste in Council's local government area

46. The impacts on Council's contracted waste collection contractor are as follows:-

    (a) the number of collections, and nature of collections, of general waste from premises which generate general waste in Council's local government area may change with a consequent impact on profitability. This is a moderate negative impact;

    (b) there may be challenges associated with managing waste collection in a local government area if multiple waste collection service providers operate in the area. This is a low negative impact;

    (c) if a Council contractor were to increase a segment of its market share there could be a decrease in aggregate capital costs incurred across the industry and an increase in the average utilisation of waste collection vehicles across the industry which may result in a decrease in average collection costs. This is a low positive impact;

    (d) the number of properties serviced and the waste tonnages to be collected may become more certain and a contractor tendering to undertake waste collection services in Council's local government area, may need to build a lesser risk component into its tendered prices in order to account for this reduced uncertainty. This is a neutral impact.

Stakeholder – Residents in close proximity to premises used for domestic purposes

47. *The impacts on residents in close proximity to premises used for domestic purposes are as* follows*:*-

    (a) the public health, safety and amenity relating to waste management of residents in close proximity to premises used for domestic purposes will be preserved. This is a low positive impact;

Stakeholder – Residents in close proximity to premises used for the undertaking of commercial activities

48. The impacts on residents in close proximity to premises used for the undertaking of commercial activities are as follows:-

(a) the public health, safety and amenity relating to waste management of residents in close proximity to premises used for the undertaking of commercial activities will be preserved. This is a low positive impact;

(b) an increase in the number of waste collection vehicle movements may occur with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to traffic congestion, amenity (noise), and safety. This is a low negative impact;

Stakeholder – conservation/environmental groups

49. The impacts on conservation/environmental groups are as follows:-

(a) an increase in the number of waste collection vehicle movements may occur with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to environmental matters, including traffic congestion and amenity (noise). This is a low negative impact;

(b) Council's ability to fund waste management facilities and broader waste management activities (street bins, landfill remediation, education, compliance functions, strategy development etc) may be reduced and there may be a consequent reduction in environmental values. This is a low negative impact.

SUMMARY

50. Overall, the analysis of costs and benefits has determined that moving to the one alternative, public information and education programs, which was considered to be a "realistic alternative" is not viable.

51. The identified anti-competitive provisions should be retained in full in the public interest, because:-

(a) the benefit of these provisions to the community as a whole outweighs the costs; and

(b) the most appropriate way of achieving the object of the proposed local law is by restricting competition in the way provided in the anti-competitive provisions,

having regard to the local government duty of good rule and local government of its local government area.

CITY OF GOLDCOAST.

Waste Management (Amendment)

Local Law (No. 1) 2020

This and the following 9 pages is a certified copy of *Waste Management (Amendment) Local Law (No.1) 2020* made in accordance with the provisions of the *Local Government Act 2009* by the Council of the City of Gold Coast by resolution dated [INSERT]

_____

Joe McCabe
Acting Chief Executive Officer

Council of the City of Gold Coast

Council of the City of Gold Coast
Waste Management (Amendment) Local Law (No. 1) 2020

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Council of the City of Gold Coast
Waste Management (Amendment) Local Law (No. 1) 2020

Part 1 Preliminary

1 Short title

This local law may be cited as *Waste Management (Amendment) Local Law (No. 1) 2020*.

2 Local law amended

This local law amends *Local Law No. 20 (Waste Management) 2017*.

Part 2 Amendment of Local Law No. 20 (Waste Management) 2017

3 Amendment of s3 (Relationship to other laws)

Section 3—

insert—

'(3) From the commencement of *Waste Management (Amendment) Local Law (No. 1) 2020*, and for the purposes of the *Environmental Protection Regulation 2019*, section 98, this local law replaces *Environmental Protection Regulation 2019*, chapter 6 (Waste management by local governments).'.

4 Amendment of s7 (Requirements for storing general waste in waste containers)

(1) Section 7(1)(c) —

omit, insert—

'(c) ensure that each waste container is securely covered, other than to place waste in or remove waste from the container or to clean the container.'.

(2) Section 7(2)(b)—

omit, insert—

'(b) remove or disturb the cover of a waste container other than to place waste in the container or to clean the container; or'.

(3) Section 7(2)(d), '.'—

omit, insert—

'; or'.

(4) After section 7(2)(d)—

insert—

'(e) if a waste container is set aside by the local government for the storage of 1 or more types of waste — place in the waste container a matter or thing other than the type or types of waste for which the waste container is set aside.

Example for paragraph (e) —

Placing waste that is not recyclable waste in a waste container which is set aside by the local government for the storage of recyclable waste.'.

(5) Section 7(3) and (4)—

omit, insert—

'(3) The occupier of the premises must ensure that a person does not place anything in a waste container at the premises in contravention of subsection (2)(a).

Maximum penalty — 20 penalty units.

(4) In a proceeding for an offence against subsection (2)(a)(i), (b), (c) or (d), it is a defence for a person to prove that the contravention occurred with the consent of the local government.

(5) In a proceeding for an offence against subsection (3), it is a defence for a person to prove that the contravention—

(a) was due to circumstances over which the person had no control; or

(b) occurred with the consent of the local government.

(6) Each of the local government, an authorised person, and another person, with the consent of the local government, may inspect waste containers, including, for example, the content of standard general waste containers, to establish whether there is compliance with—

(a) the requirements of this local law; or

(b) the requirements of a compliance notice.

(7) A person undertaking an inspection under subsection (6) may, in relation to anything that may be inspected—

(a) inspect, test, photograph, videotape or otherwise examine the thing; and

(b) take samples of or from the thing; and

(c) take onto the place at which the inspection is being undertaken, any persons, equipment and materials that the person reasonably requires for exercising the powers of the person.'.

5 Amendment of s8 (General requirements for keeping waste containers at serviced premises)

(1) Section 8(1)(a), 'at the premises'—

omit, insert—

'at, or in close proximity to, the premises'.

(2) Section 8(1)(b), 'at the premises'—

omit, insert—

'at, or in close proximity to, the premises'.

6 Amendment of s9 (Other requirements for storing general waste at particular serviced premises)

(1) Section 9(1), 'serviced premises, other than a single detached dwelling'—

omit, insert—

'particular serviced premises'.

(2) Section 9(1)(b)—

omit, insert—

'(b) if a prescribed ERA is carried out at the premises—the registered suitable operator for the prescribed ERA.'.

(3) Section 9(2), 'for the premises'—

omit, insert—

'for the particular serviced premises'.

(4) After section 9(2)—

insert—

'(3) In this section—

particular serviced premises means serviced premises other than a single detached dwelling.'.

7 Insertion of new pt 2, div 2, subdiv 3

Part 2, division 2, after subdivision 2—

insert—

'Subdivision 3 General waste disposal in public bins

11A General waste disposal in public bins

(1) If general waste is produced as a result of the ordinary use or occupation of commercial premises, a person must not deposit or dispose of the general waste in a public bin supplied by the local government.

Maximum penalty for subsection (1) — 20 penalty units.

(2) If general waste is produced as a result of the ordinary use or occupation of domestic premises, a person must not deposit or dispose of the general waste in a public bin supplied by the local government.

Maximum penalty for subsection (2) — 20 penalty units.

(3) A person must not, without the consent of the local government, disturb, remove, or otherwise interfere with, the contents, for example, the waste, in a public bin supplied by the local government.

Maximum penalty for subsection (3) — 20 penalty units.'.

8 Amendment of s14 (Unlawful disposal of waste at waste facility)

(1) Section 14, heading, '**Unlawful disposal of**'—

omit, insert—

'**Depositing**'.

(2) Section 14(2)—

omit, insert—

'(2) Subsection (1) does not apply to waste deposited with the consent of

each of the owner of the waste facility and—

(a) a person who—

(i) is the registered suitable operator for the facility; or

(ii) holds an environmental authority for the facility; or

(b) the person in charge of the facility.'.

9 Amendment of s16 (Restrictions on use of waste facility)

(1) Section 16(1), 'a waste facility's owner or operator'—

omit, insert—

'each of the owner of a waste facility and the operator of the waste facility'.

(2) Section 16(2)(a)—

omit, insert—

'(a) the owner of the facility; or

(aa) if the operator of the facility has the approval of the owner of the facility—the operator of the facility; or'.

(3) Section 16(2)(a) to (c)—

renumber as section 16(2)(a) to (d).

10 Amendment of s17 (Person to comply with directions and give information)

(1) Section 17(1), after 'transports'—

insert—

'and delivers'.

(2) Section 17(2)(b)—

omit, insert—

'(b) comply with all reasonable instructions about dealing with the waste at the waste facility which are given by a facility person; and'.

(3) Section 17(3)—

omit, insert—

'(3) In this section, for a waste facility, ***facility person*** means each of the following—

(a) the owner of the facility;

(b) if the operator of the facility has the approval of the owner of the facility—the operator of the facility;

(c) if the person in charge of the facility has the approval of the owner of the facility—the person in charge of the facility.'.

11 Insertion of new s21

Part 6, after section 20—

insert—

'21 Application of chapter 6 requirements

(1) The *Environmental Protection Regulation 2019*, section 203 (Local laws about waste management) applies to the local government area of the local government.

(2) Under section 203, while this local law is in force, the *Environmental Protection Regulation 2019*, chapter 6, does not apply to the local government area of the local government.'.

12 Amendment of sch (Dictionary)

(3) Schedule, definition ***commercial premises***—

(a) paragraph (e)—

omit, insert—

'(e) an office, shop, vehicle or other premises or place where business or work, other than a manufacturing process, is carried out.'.

(b) paragraph (f)—

omit.

(4) Schedule, definition ***development approval***, '*Sustainable Planning Act 2009*'—

omit, insert—

'*Planning Act 2016*'.

(5) Schedule, definition ***domestic premises***, 'rooming accommodation'—

omit, insert—

'a boarding house, hostel'.

(6) Schedule, definition ***domestic waste***, after 'premises.'—

insert—

'Examples of domestic waste—

Organic food waste other than regulated waste.

Regulated waste includes food processing waste and liquid food processing waste.'.

(7) Schedule—

insert—

'***particular serviced premises*** see section 9(3).

public bin means a waste container which is placed by the local government in a public place for the collection and storage of general waste which is produced as a result of the ordinary use of the public place by the general public.

public place has the meaning given in *Local Law No. 3 (Administration) 2008.*

registered suitable operator has the meaning given in the *Environmental Protection Act 1994*.'.

(8) Schedule, definition ***regulated waste***, '*Environmental Protection Regulation 2008*'—

omit, insert—

'*Environmental Protection Regulation 2019*'.

(9) Schedule, definition ***rooming accommodation***—

omit.

(10) Schedule, definition ***standard general waste container***—

(a) paragraph (b)(ii), '.'—

omit, insert—

'; or';

(b) after paragraph (b)(ii)—

insert—

'(iii) 1 or more or multiple types of domestic waste; or

(iv) a combination of—

(A) 1 or more or multiple types of domestic waste; and

(B) 1 or more or multiple types of recyclable waste; or

(v) a combination of—

(A) 1 or more or multiple types of commercial waste; and

(B) 1 or more or multiple types of recyclable waste.';

(c) example—

omit, insert—

'*Example for paragraph (b)(ii)—*

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

Example for paragraph (b)(iv)—

The local government may approve 1 container for storing a combination of recyclable waste which is green waste and domestic waste which is organic food waste produced as a result of the ordinary use or occupation of domestic premises.'.

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CITY OF GOLDCOAST.

Local Law No. 20

(Waste Management) 2017

Consolidated version

Reprint No. 1

This and the following 21 pages is a certified copy of
the consolidated version of *Local Law No. 20 (Waste Management) 2017*
adopted in accordance with the provisions of section 32 of the *Local Government Act 2009*
by the Council of the City of Gold Coast by resolution dated
the day of 2021

_____
Joe McCabe
Acting Chief Executive Officer

Council of the City of Gold Coast

Council of the City of Gold Coast
Local Law No. 20 (Waste Management) 2017

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Council of the City of Gold Coast
Local Law No. 20 (Waste Management) 2017

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 20 (Waste Management) 2017*.

2 Objects

The object of this local law is to protect the public health, safety and amenity related to waste management by—

(a) regulating the storage, servicing and removal of waste; and

(b) regulating the disposal of waste at waste facilities; and

(c) ensuring that an act or omission does not result in—

(i) harm to human health or safety or personal injury; or

(ii) property damage or loss of amenity; or

(iii) environmental harm or environmental nuisance.

3 Relationship to other laws

(1) This local law is—

(a) in addition to and does not derogate from laws about the management of waste; and

(b) to be read with *Local Law No. 3 (Administration) 2008*.

(2) For the purposes of *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments).

(3) From the commencement of *Waste Management (Amendment) Local Law (No. 1) 2021*, and for the purposes of the *Environmental Protection Regulation 2019*, section 98, this local law replaces *Environmental Protection Regulation 2019*, chapter 6 (Waste management by local governments).

4 Definitions

The dictionary in the Schedule (Dictionary) of this local law defines the particular words used in this local law.

Part 2 Waste management

Division 1 Designation of areas for general or green waste collection

5 Designation of areas

The local government may—

(a) designate areas within its local government area in which the local government may conduct general waste or green waste collection; and

(b) decide the frequency of general waste or green waste collection in the designated areas.

Division 2 General waste

Subdivision 1 Storage of general waste

6 Owner or occupier of premises to supply waste containers

(1) The owner or occupier of premises must—

(a) subject to subsection (2), supply standard general waste containers at the premises as—

(i) are necessary to contain the general waste produced at the premises; or

(ii) are prescribed by subordinate local law; or

(b) supply at the premises, waste containers, other than standard general waste containers, as—

(i) if required by the local government — are necessary to contain the general waste produced at the premises; or

(ii) are prescribed by subordinate local law.

Examples of ways the local government may require waste containers for paragraph (1)(b)(i)—

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, or a development approval for the premises

Maximum penalty — 20 penalty units.

(2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.

(3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.

(4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.

7 Requirements for storing general waste in waste containers

(1) The occupier of premises must—

(a) store general waste produced as a result of the ordinary use or occupation of the premises in—

(i) a standard general waste container; or

(ii) if another type of waste container is prescribed by subordinate local law — the other type of container; and

(b) keep each waste container clean and in good repair; and

(c) ensure that each waste container is securely covered, other than to place waste in or remove waste from the container or to clean the container.

Maximum penalty — 20 penalty units.

(2) A person must not—

(a) place any of the following in a waste container—

(i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container; or

(ii) material that is smouldering or aflame; or

(iii) matter or a thing that is alive; or

(iv) a thing stated in a subordinate local law; or

(b) remove or disturb the cover of a waste container other than to place waste in the container or to clean the container; or

(c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or

(d) disturb or otherwise interfere with the contents of a waste container; or

(e) if a waste container is set aside by the local government for the storage of 1 or more types of waste — place in the waste container a matter or thing other than the type or types of waste for which the waste container is set aside.

Example for paragraph (e) —

Placing waste that is not recyclable waste in a waste container which is set aside by the local government for the storage of recyclable waste.

Maximum penalty — 20 penalty units.

(3) The occupier of the premises must ensure that a person does not place anything in a waste container at the premises in contravention of subsection (2)(a).

Maximum penalty — 20 penalty units.

(4) In a proceeding for an offence against subsection (2)(a)(i), (b), (c) or (d), it is a defence for a person to prove that the contravention occurred with the consent of the local government.

(5) In a proceeding for an offence against subsection (3), it is a defence for a person to prove that the contravention—

(a) was due to circumstances over which the person had no control; or

(b) occurred with the consent of the local government.

(6) Each of the local government, an authorised person, and another person, with the consent of the local government, may inspect waste containers, including, for example, the content of standard general waste containers, to establish whether there is compliance with—

(a) the requirements of this local law; or

(b) the requirements of a compliance notice.

(7) A person undertaking an inspection under subsection (6) may, in relation to anything that may be inspected—

(a) inspect, test, photograph, videotape or otherwise examine the thing; and

(b) take samples of or from the thing; and

(c) take onto the place at which the inspection is being undertaken, any persons, equipment and materials that the person reasonably requires for exercising the powers of the person.

8 General requirements for keeping waste containers at serviced premises

(1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—

(a) if the local government requires the container to be kept at a particular place at, or in close proximity to, the premises — at the place (the ***waste container storage place***); or

Examples of ways the local government may require waste containers to be kept at a particular place—

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises

(b) if a subordinate local law requires the container to be kept at a particular place at, or in close proximity to, the premises — at the place (also a ***waste container storage place***); or

(c) if paragraphs (a) and (b) do not apply — at ground level close to the rear alignment of a building at the premises.

Maximum penalty — 20 penalty units.

(2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—

(a) the local government has arranged to collect waste from the container at the place; and

(b) the container is in the place for no longer than—

(i) the period, if any, allowed under a local law of the local government; or

(ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

(3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (3) — 20 penalty units.

(4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

9 Other requirements for storing general waste at particular serviced premises

(1) This section applies to any of the following persons (each a ***prescribed person***) for particular serviced premises —

(a) the owner or occupier of the premises;

(b) if a prescribed ERA is carried out at the premises—the registered suitable operator for the prescribed ERA.

(2) The prescribed person must ensure that the waste container storage place for the particular serviced premises is supplied with—

(a) if required by the local government — each of the following—

(i) either—

(A) an elevated stand at a level required by the local government for holding all waste containers; or

(B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;

(ii) a hose cock and hose in the vicinity of the stand or paved area;

(iii) a suitable enclosure for the area where the waste containers are kept; and

Examples of ways the local government may require a prescribed person to comply with subsection (2)(a) —

by resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the prescribed person, or a development approval for the premises

(b) if a requirement is prescribed by subordinate local law — facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2) — 20 penalty units.

(3) In this section—

particular serviced premises means serviced premises other than a single detached dwelling.

Subdivision 2 Removal of general waste

10 Local government may give notice about removal of general waste

(1) This section applies where the local government has arranged for the removal of general waste produced at a premises.

(2) The local government may give the occupier of the premises a written notice stating—

(a) the days (each a ***scheduled collection day***) on which the waste is to be collected; and

(b) the location (***collection location***) where the waste container is to be placed for collection of the waste ; and

(c) the time by which the waste container is to be placed in the collection location for collection of the waste; and

(d) the time by which the waste container is to be removed from the collection location.

11 Depositing or disposal of general waste from premises other than serviced premises

(1) This section applies if general waste is produced at a premises, other than serviced premises.

(2) The local government may—

(a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and

(b) impose conditions on the approval, including, for example, conditions about—

(i) the place for depositing or disposing of the waste; or

(ii) the method of depositing or disposing of the waste.

(3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—

(a) at a waste facility; or

(b) in accordance with—

(i) an approval under subsection (2) for disposal of the waste; and

(ii) if the approval has been given on conditions — the conditions of the approval.

Maximum penalty for subsection (3) — 20 penalty units.

Subdivision 3 General waste disposal in public bins

11A General waste disposal in public bins

(1) If general waste is produced as a result of the ordinary use or occupation of commercial premises, a person must not deposit or dispose of the general waste in a public bin supplied by the local government.

Maximum penalty for subsection (1) — 20 penalty units.

(2) If general waste is produced as a result of the ordinary use or occupation of domestic premises, a person must not deposit or dispose of the general waste in a public bin supplied by the local government.

Maximum penalty for subsection (2) — 20 penalty units.

(3) A person must not, without the consent of the local government, disturb, remove, or otherwise interfere with, the contents, for example, the waste, in a public bin supplied by the local government.

Maximum penalty for subsection (3) — 20 penalty units.

Division 3 Storage and treatment of industrial waste

12 Requirements for storing industrial waste

(1) The occupier of premises where there is industrial waste must—

(a) if required by the local government—

(i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and

(ii) keep the waste containers at the particular place at the premises required by the local government; and

(iii) keep each waste container clean and in good repair; and

Examples of ways the local government may require compliance with subsection (1)(a) —

by resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises

(b) if a requirement is prescribed by subordinate local law — comply with each requirement prescribed by subordinate local law, about each of the following—

(i) the supply at the premises of industrial waste containers for storing the waste at the premises;

(ii) keeping the waste containers at a particular place at the premises;

(iii) keeping each waste container clean and in good repair.

Maximum penalty — 20 penalty units.

(2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers which are—

(a) required by the local government under subsection (1)(a); or

(b) prescribed by subordinate local law under subsection (1)(b).

(3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

13 Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must—

(a) if required by the local government, treat the waste to a standard approved by the local government—

(i) for disposal of the waste at a waste facility; or

(ii) for transport to, and disposal of the waste at, a waste facility; and

Examples of ways the local government may require an occupier to treat industrial waste for disposal —

by resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises

(b) if a requirement is prescribed by subordinate local law — comply with each requirement, prescribed by subordinate local law, about the treatment of industrial waste—

(i) for disposal of the waste at a waste facility; and

(ii) for transport to, and disposal of the waste at, a waste facility.

Maximum penalty — 40 penalty units.

Part 3 Waste receival and disposal

14 Depositing waste at waste facility

(1) A person must not deposit the following waste at a waste facility—

(a) liquid or semiliquid waste;

(b) hot ash;

(c) material that is smouldering or aflame;

(d) material that can spontaneously combust;

(e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;

(f) an explosive;

(g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;

(h) waste prescribed by subordinate local law.

Maximum penalty — 20 penalty units.

(2) Subsection (1) does not apply to waste deposited with the consent of each of the owner of the waste facility and—

(a) a person who—

(i) is the registered suitable operator for the facility; or

(ii) holds an environmental authority for the facility; or

(b) the person in charge of the facility.

15 Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

(a) under an environmental authority; or

(b) under a development condition of a development approval; or

(c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty — 20 penalty units.

16 Restrictions on use of waste facility

(1) A person must not, without the consent of each of the owner of a waste facility and the operator of the waste facility —

(a) enter the facility other than to deposit waste; or

(b) remain on the facility after depositing waste; or

(c) interfere with waste at, or remove waste from, the facility.

Maximum penalty — 10 penalty units.

(2) Subsection (1) does not apply to—

(a) the owner of the facility; or

(b) if the operator of the facility has the approval of the owner of the facility—the operator of the facility; or

(c) an authorised person; or

(d) a person who acquires from a waste facility, with the consent of the local government—

(i) recyclable waste, for example, mulch or green waste; or

(ii) 1 or more items of waste which are made available for sale or disposal by the local government, for example, at a "tip shop".

17 Person to comply with directions and give information

(1) This section applies to a person who transports and delivers waste to a waste facility.

(2) The person must—

(a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by a facility person; and

(b) comply with all reasonable instructions about dealing with the waste at the waste facility which are given by a facility person; and

(c) if asked by a facility person — give information to the facility person about the type and amount of waste being delivered to the facility; and

(d) if asked by a facility person — give information to the facility person that provides satisfactory evidence of the identity and residential address of the person.

Maximum penalty — 10 penalty units.

(3) In this section, for a waste facility, ***facility person*** means each of the following—

(a) the owner of the facility;

(b) if the operator of the facility has the approval of the owner of the facility—the operator of the facility;

(c) if the person in charge of the facility has the approval of the owner of the facility—the person in charge of the facility.

Part 4 Subordinate local laws

18 Subordinate local laws

The local government may, by subordinate local law, specify—

(a) a thing that is specified to be waste pursuant to the Schedule (Dictionary) of this local law; and

(b) requirements about the necessity to supply standard general waste containers at premises under section 6(1)(a); and

(c) requirements about the supply at premises of waste containers, other than standard general waste containers, to contain the general waste produced at the premises under section 6(1)(b); and

(d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises under section 7(1)(a); and

(e) a thing that a person must not place in a waste container under section 7(2); and

(f) requirements about the keeping of the waste container supplied for premises at a particular place at the premises under section 8(1)(b); and

(g) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers under section 9(2)(b); and

(h) requirements about the supply at premises of industrial waste containers for storing industrial waste at the premises and other requirements about waste containers for the storage of industrial waste under section 12(1)(b); and

(i) requirements about the treatment of industrial waste under section 13(b); and

(j) waste that a person must not deposit at a waste facility under section 14(1).

Part 5 Application of Local Law No. 3 (Administration) 2008

19 Application of Local Law No. 3 (Administration) 2008 to this local law

(1) To avoid any doubt, the provisions of *Local Law No. 3 (Administration) 2008* apply to this local law, including (but not limited to) the following parts of *Local Law No. 3 (Administration) 2008*—

(a) Part 7 (Enforcement); and

(b) Part 8 (Administration).

Note—

Part 7 (Enforcement) of *Local Law No. 3 (Administration) 2008* sets out the powers of the local government to deal with a contravention of a local law (including this local law) and the steps that the local government may take to remedy any non-compliance.

Part 8 (Administration) of *Local Law No. 3 (Administration) 2008* contains a number of provisions which clarify the liability of persons for actions taken contrary to a local law (including this local law).

This local law must be read with any relevant provisions of *Local Law No. 3 (Administration) 2008*.

(2) If there is a conflict between a provision of this local law and *Local Law No. 3 (Administration) 2008*, the provision in this local law will prevail to the extent of any inconsistency.

Part 6 Transitional provisions

20 Continuation of chapter 5A requirements

(1) This section applies if a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments), is replaced by a provision of this local law.

(2) In this section, ***prescribed provision*** means a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments) which is replaced by a provision of this local law.

(3) If the local government has made a requirement under a prescribed provision prior to the commencement of this local law, the requirement applies for the provision of this local law which replaced the prescribed provision from the commencement of this local law.

Example —

The local government may require that a waste container supplied for serviced premises be kept at a particular place at the premises by development approval for the premises under *Environmental Protection Regulation 2008*, section 81ZH(1). *Environmental Protection Regulation 2008*, section 81ZH(1) is a prescribed provision which is replaced by section 8 (General requirements for keeping waste containers at serviced premises). A requirement under the prescribed provision made prior to the commencement of this local law would apply for section 8 of this local law from the commencement of this local law.

21 Application of chapter 6 requirements

(1) The *Environmental Protection Regulation 2019*, section 203 (Local laws about waste management) applies to the local government area of the local government.

(2) Under section 203, while this local law is in force, the *Environmental Protection Regulation 2019*, chapter 6, does not apply to the local government area of the local government.

Schedule Dictionary

section 3

authorised person means a person authorised by the local government pursuant to *Local Law No. 3 (Administration) 2008* to exercise the powers of an authorised person under this local law.[1]

collection location means a place at, or adjacent to, premises at which a standard general waste container associated with the premises can be easily accessed by a general waste collection vehicle without causing obstruction.

commercial premises means any of the following types of premises—

(a) a hotel, motel, caravan park, cafe, food store or canteen;

(b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;

(c) premises where a sport or game is ordinarily played in public;

(d) an exhibition ground, show ground or racecourse;

(e) an office, shop, vehicle or other premises or place where business or work, other than a manufacturing process, is carried out.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

development approval has the meaning given in the *Planning Act 2016*.

domestic premises means any of the following types of premises—

(a) a single unit private dwelling;

(b) premises containing 2 or more separate flats, apartments or other dwelling units;

(c) a boarding house, hostel, lodging house or guest house.

[1] Section 21 (Appointment) of *Local Law No. 3 (Administration) 2008* provides for the local government to appoint a person to a position provided for under a local law to exercise the powers of a person in that position under a local law.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

Examples of domestic waste—

Organic food waste other than regulated waste.

Regulated waste includes food processing waste and liquid food processing waste.

environmental authority has the meaning given in the *Environmental Protection Act 1994*.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

general waste means—

(a) waste other than regulated waste; and

(b) for part 2, any of the following—

(i) commercial waste;

(ii) domestic waste;

(iii) recyclable waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

(a) interceptor waste; or

(b) waste other than the following—

(i) commercial waste;

(ii) domestic clean-up waste;

(iii) domestic waste;

(iv) green waste;

(v) recyclable interceptor waste;

(vi) recyclable waste;

(vii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

occupier of premises means the person who has the control or management of the premises.

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

particular serviced premises see section 9(3).

public bin means a waste container which is placed by the local government in a public place for the collection and storage of general waste which is produced as a result of the ordinary use of the public place by the general public.

public place has the meaning given in *Local Law No. 3 (Administration) 2008.*

premises includes domestic premises, government premises, industrial premises and commercial premises.

prescribed ERA has the meaning given in the *Environmental Protection Act 1994.*

prescribed person see section 9(1).

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area of the local government.

Examples of waste that may be declared to be recyclable waste—

glass bottles, plastic containers, paper, cardboard, steel and aluminium cans, and green waste

registered suitable operator has the meaning given in the *Environmental Protection Act 1994*.

regulated waste has the meaning given in the *Environmental Protection Regulation 2019*.

scheduled collection day see section 10(2).

serviced premises means—

(a) premises which are in an area designated by the local government as an area in which the local government may conduct general waste collection under—

(i) *Waste Reduction and Recycling Regulation 2011*, section 7; or

(ii) section 5; and

(b) premises for which the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

standard general waste container—

(a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and

(b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—

(i) 1 or more or multiple types of commercial waste; or

(ii) 1 or more or multiple types of recyclable waste; or

(iii) 1 or more or multiple types of domestic waste; or

(iv) a combination of—

(A) 1 or more or multiple types of domestic waste; and

(B) 1 or more or multiple types of recyclable waste; or

(v) a combination of—

(A) 1 or more or multiple types of commercial waste; and

(B) 1 or more or multiple types of recyclable waste.

Example for paragraph (b)(ii)—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

Example for paragraph (b)(iv)—

The local government may approve 1 container for storing a combination of recyclable waste which is green waste and domestic waste which is organic food waste produced as a result of the ordinary use or occupation of domestic premises.

waste, has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

waste container storage place see section 8(1).

waste facility—

(a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and

(b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the lessee, occupier, operator or owner of the facility.

6.4★ TRAVEL AND TRAVEL RELATED EXPENSES - COUNCILLORS AND STAFF 1 JULY - 30 SEPTEMBER 2021

Objective ID: **A71456413**

File Number: **CM787/790/07/07**

Author: **Christina Da Silva, Corporate Travel Officer, Contracts and Procurement**

Authoriser: **Cath Drinkwater, Acting Director Organisational Services, Organisational Services**

Attachments:

1. **ATTACHMENT A - TRAVEL AND TRAVEL RELATED EXPENSES COUNCILLOR AND STAFF 1 JULY TO 30 SEPTEMBER 2021** ⇩
2. **ATTACHMENT B - TRAVEL AND TRAVEL RELATED EXPENSES COUNCILLOR AND STAFF 1 JULY TO 30 SEPTEMBER 2021** ⇩

1 BASIS FOR CONFIDENTIALITY

Not applicable.

2 EXECUTIVE SUMMARY

Not applicable.

3 PURPOSE OF REPORT

This report provides a summary of Council funded travel activities for Councillors and staff for the period 1 July to 30 September 2021. A comparison reports are shown on Attachment B comparing expenditure for the July to September quarter 2020 with the same quarter in 2021.

4 PREVIOUS RESOLUTIONS

Ex Minute No GF08.0611.007:

"That a report be brought back to Council on all conferences paid for by Council, attended by staff, contractors, or consultants, on a three-monthly basis. The report to contain details of the dates, cost, the relevant budget numbers they were charged to, and whether the attendees were speakers at the conference or convention."

5 DISCUSSION

A report of Council funded travel activities for Councillors and staff for the period 1 July to 30 September 2021 is provided as Attachment A.

There were 11 travel requests processed and the table below shows a comparison with the same period last year.

	1 July – 30 Sep 2020		1 Jul – 30 Sep 2021	
	No. of Travel Requests	**Total Expenditure ($)**	**No. of Travel Requests**	**Total Expenditure ($)**
Conferences	0	0	3	6,867
Business Meetings	0	0	6	2,785
Trade Missions	0	0	0	0
Awards Ceremony / Presentations	0	0	2	695
Study Tours / Site Visits	0	0	0	0
Conference Speakers	0	0	0	0
Total	**0**	**0**	**11**	**10,347**

A comparison report by directorate for travel related expenditure for the period 1 July to 30 September 2020 and 1 July to 30 September 2021 is provided as Attachment B.

There is currently no reportable international travel expenditure for the 2021-22 financial year.

The expenditure on travel and related activities from 1 July to 30 September 2021 of $10,347 represents 0.00056% of Council's initial accrual budget of $1,833 million for 2021-22.

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

Not applicable.

7 FUNDING AND RESOURCING REQUIREMENTS

All travel costs are funded from individual directorate budgets.

8 RISK MANAGEMENT

Prior to travel request submission, all travellers are advised to consider their need to travel and whether the purpose of their travel can be fulfilled via a virtual platform. Should the need to travel be deemed as essential, the traveller is referred to the Qld Government (Qld Health) border restrictions declaration and Council's COVID-19 WHS Plan.

9 STATUTORY MATTERS

The *Local Government Regulation 2012* requires disclosure of overseas travel in Council's Annual Report.

10 COUNCIL POLICIES

- Corporate Travel and Accommodation Policy – Employees and Contractors.
- Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy.

11 DELEGATIONS

Not applicable.

12 COORDINATION & CONSULTATION

Not applicable.

13 STAKEHOLDER IMPACTS

Not applicable.

14 TIMING

This Report is for the period of 1 July to 30 September 2021.

15 CONCLUSION

The attached summary of travel expenditure is submitted for the information of Council. The report lists activities undertaken by Council that require either airfares or accommodation for staff, contractors, or Councillors to attend an event.

All travel is subject to a formal approval process. Furthermore, there is regular corporate oversight through reports to the CEO and external disclosure via Council's Annual Report.

Overall, Council's travel costs continue to amount to a very small percentage of Council's overall annual budget i.e. 0.00056%.

16 RECOMMENDATION

It is recommended that Council resolves as follows:

That the information contained in the report be noted.

As at: 22 October 2021 Attachment A

Quarterly Travel Report
1 July to 30 September 2021

Councillors

Leave date	Return date	Position	Events	Provider	Event location/s	Booking Comments*	Reg cost**	Flight cost	Accom cost	Other cost***	Total cost
04-09-2021	04-09-2021	Mayor	Queensland Premier's Welcome Home Dinner Tokyo 2020	Australian Olympic Committee	Brisbane	CEO Approval	$0	$0	$457	$31	**$488**
						Total:	**$0**	**$0**	**$457**	**$31**	**$488**

Economy, Planning & Environment

Leave date	Return date	Position	Events	Provider	Event location/s	Booking Comments*	Reg cost**	Flight cost	Accom cost	Other cost***	Total cost
24-09-2021	25-09-2021	Business And Investment Attraction Officer	QRL Awards 2021	Queensland Rugby League	Brisbane		$0	$0	$142	$64	**$206**
26-07-2021	29-07-2021	Supervising Natural Hazards Planner	2021 Coast to Coast Conference	Australian Coastal Society Ltd	Cairns		$1,015	$322	$597	$329	**$2,263**
						Total:	**$1,015**	**$322**	**$739**	**$393**	**$2,470**

Lifestyle and Community

Leave date	Return date	Position	Events	Provider	Event location/s	Booking Comments*	Reg cost**	Flight cost	Accom cost	Other cost***	Total cost
22-07-2021	23-07-2021	Manager City Libraries	QCAT Hearing	Queensland Civil and Administrative Tribunal	Brisbane		$0	$0	$171	$149	**$320**
						Total:	**$0**	**$0**	**$171**	**$149**	**$320**

Organisational Services

Leave date	Return date	Position	Events	Provider	Event location/s	Booking Comments*	Reg cost**	Flight cost	Accom cost	Other cost***	Total cost
07-09-2021	10-09-2021	Manager Project Management Office	LGMA Annual Local Government Conference 2021	Local Government Managers Australia	Cairns		$1,250	$322	$486	$356	**$2,414**
						Total:	**$1,250**	**$322**	**$486**	**$356**	**$2,414**

Transport and Infrastructure

Leave date	Return date	Position	Events	Provider	Event location/s	Booking Comments*	Reg cost**	Flight cost	Accom cost	Other cost***	Total cost
01-09-2021	02-09-2021	Manager City Assets	Transport and Infrastructure Directorate Leadership Team (DLT) Planning Days	City of Gold Coast	Gold Coast	CEO Approval	$0	$0	$415	$78	**$493**
01-09-2021	02-09-2021	Manager City Maintenance	Transport and Infrastructure Directorate Leadership Team (DLT) Planning Days	City of Gold Coast	Gold Coast	CEO Approval	$0	$0	$415	$78	**$493**
01-09-2021	02-09-2021	Manager Business And Program Management	Transport and Infrastructure Directorate Leadership Team (DLT) Planning Days	City of Gold Coast	Gold Coast	CEO Approval	$0	$0	$415	$78	**$493**
01-09-2021	02-09-2021	Director Transport and Infrastructure	Transport and Infrastructure Directorate Leadership Team (DLT) Planning Days	City of Gold Coast	Gold Coast	CEO Approval	$0	$0	$415	$78	**$493**

01-09-2021	02-09-2021	Director Transport and Infrastructure	Transport and Infrastructure Directorate Leadership Team (DLT) Planning Days	City of Gold Coast	Gold Coast	CEO Approval	$0	$0	$415	$78	**$493**
26-07-2021	29-07-2021	Strategy and Services Program Manager	2021 Coast to Coast Conference	Australian Coastal Society Ltd	Cairns	CEO Approval	$1,015	$310	$597	$267	**$2,189**
						Total:	**$1,015**	**$310**	**$2,672**	**$657**	**$4,655**

Booking Comments*	Reg cost**	Flight cost	Accom cost	Other cost***	Total cost
Total:	**$ 3,280**	**$ 955**	**$ 4,526**	**$ 1,586**	**$ 10,347**

This report provides information on attendance at business meetings, conferences, seminars and similar activities.

* Booking Comments - Where applicable, a comment is made to clarify the details of the event attendance.

** Registration - Includes conference registration or other costs required to attend the event.

*** Other - incudes daily allowances, cab charges, car hire and other minor costs.

As at: 22 October 2021 Attachment B

Quarterly Travel Comparison Report
1 July - 30 September 2020 and 1 July - 30 September 2021

	No. of Attendees		Registration cost		Flight cost		Accomodation cost		Other cost		Total	
	1 Jul 20 - 30 Sep 20	1 Jul 21 - 30 Sep 21	1 Jul 20 - 30 Sep 20	1 Jul 21 - 30 Sep 21	1 Jul 20 - 30 Sep 20	1 Jul 21 - 30 Sep 21	1 Jul 20 - 30 Sep 20	1 Jul 21 - 30 Sep 21	1 Jul 20 - 30 Sep 20	1 Jul 21 - 30 Sep 21	1 Jul 20 - 30 Sep 20	1 Jul 21 - 30 Sep 21
Councillors	0	1	$0	$0	$0	$0	$0	$457	$0	$31	**$0**	**$488**
Economy, Planning & Environment	0	2	$0	$1,015	$0	$322	$0	$739	$0	$393	**$0**	**$2,470**
Lifestyle & Community	0	1	$0	$0	$0	$0	$0	$171	$0	$149	**$0**	**$320**
Office of the CEO	0	0	$0	$0	$0	$0	$0	$0	$0	$0	**$0**	**$0**
Office of the COO	0	0	$0	$0	$0	$0	$0	$0	$0	$0	**$0**	**$0**
Organisational Services	0	1	$0	$1,250	$0	$322	$0	$486	$0	$356	**$0**	**$2,414**
Transport & Infrastructure	0	6	$0	$1,015	$0	$310	$0	$2,672	$0	$657	**$0**	**$4,655**
Water & Waste	0	0	$0	$0	$0	$0	$0	$0	$0	$0	**$0**	**$0**
Total	**0**	**11**	**$0**	**$3,280**	**$0**	**$955**	**$0**	**$4,526**	**$0**	**$1,586**	**$0**	**$10,347**

This summary report provides information on attendance at business meetings, conferences, seminars and similar activities.

7 CLOSED SESSION REPORTS AND PRESENTATIONS

PROCEDURAL MOTION

That Committee move into Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012*, for consideration of the following item/s for the reasons shown:

7.1 SALE OF LOT 6 RP844070, 72 REMEMBRANCE DRIVE, SURFERS PARADISE (LATE COVERING REPORT)
A71816840
LG115/1215/01

BASIS FOR CONFIDENTIALITY

That this report be considered in Closed Session pursuant to section 254J (3) of the *Local Government Regulation 2012* for the reason that the matter involves:

(e) legal advice obtained by the local government or legal proceedings involving the local government, for example, legal proceedings that may be taken by or against the local government;

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

OVERVIEW

At its meeting of 14 September 2021 Council considered a report recommending the sale of Lot 6 on RP844070, 72 Remembrance Drive Surfers Paradise (Lot) on the basis that it is surplus to the City's needs.

After considering that report, Council adjourned its deliberation of the matter and requested a further report be brought forward to address additional relevant issues.

The purpose of this report is to address those issues, which include Council's previous decision to sell the Lot; whether the lot is required for future operational, community or recreational needs; current market value and potential buyers; interests in the land adjoining the lot; the car parking needs of the Surfers Plaza Resort; alternatives to the sale of the lot; and legal and probity advice.

The assessment of these issues within the report supports the officer's recommendation to dispose of the Property.

PROCEDURAL MOTION

That Committee move into Open Session.

Following resumption into Open Session, Item 7.1 was moved and carried as shown on the following pages.

8 GENERAL BUSINESS