



Community guide to local government in Queensland

Introduction

Local government helps deliver the Queensland Government's priorities locally and regionally. Councils also have an important role in supporting the economic, social and environmental wellbeing of their communities.

This guide provides an overview of the responsibilities, structure and work of councils to provide accountable, effective, efficient and sustainable governance, in compliance with the local government legislation and in line with community expectations.

More detailed information about Queensland councils is available on the Department of Local Government, Racing and Multicultural Affairs website at www.dlgrma.qld.gov.au.

Responsibilities of local governments

Local governments have a responsibility to provide particular services to the community. Other services are the responsibility of the state and federal governments. Both the federal and state governments fund local governments to provide services. Councils may also gain revenue from rates and charges.

The responsibilities of the federal government are established under the Australian Constitution. Services the federal government is responsible for include:

- defence
- immigration
- foreign affairs and trade
- postal services
- taxes including income taxes and the federal goods and services tax.

State governments have responsibilities for areas not covered by the federal government. These include:

- hospitals
- schools
- police
- housing
- state-controlled main roads
- rail transport.

State governments set out the responsibilities of local governments in Acts of Parliament. In Queensland the responsibilities of local government include:

- town and land planning
- building approvals
- provision of local roads
- water and sewerage services
- animal control services.



Local government legislation

Councils operate under many pieces of legislation. The primary legislation is the *Local Government Act 2009* (LGA) and the Local Government Regulation 2012 (LGR). Brisbane City Council operates under the *City of Brisbane Act 2010* (CBA) and the City of Brisbane Regulation 2012 (CBR).

Under the legislation, the actions of mayors, councillors and local government employees must reflect the five local government principles:

1. Transparent and effective processes and decision making in the public interest
2. Sustainable development and management of assets and infrastructure and delivery of services
3. Democratic representation, social inclusion and meaningful community engagement
4. Good governance of, and by, the local government
5. Ethical and legal behaviour of councillors and local government employees

To assist councillors to meet the local government principles, the *Code of Conduct for Councillors in Queensland* describes the values and standards of behaviour that councillors must demonstrate under each principle while performing their role and responsibilities as elected representatives.

Local government responsibilities

The LGA defines the responsibilities and powers of local governments, mayors, councillors, chief executive officers (CEOs) and local government employees. Mayors and councillors have different roles and responsibilities to the CEO and other local government employees.

In summary, mayors and councillors make local laws and determine policy and other matters at a strategic level. They are responsible for setting the overall direction of the local government. Ultimately, the elected councillors are directly responsible to the community for the local government's performance. The CEO manages the day-to-day operations of the local government and its employees in accordance with the plans and policies set by the mayor and councillors.

Role of councillors

The fundamental role of each councillor is to represent the current and future interests of the residents of the whole local government area. Councillors represent all the community, not just any group of residents or those in one division (if the council is a divided council).

The local government employs a CEO and other employees to carry out the decisions councillors make in meetings. While councillors are responsible for setting the strategic direction for the local government, the CEO and other employees are responsible for implementing that strategy.

Councillors' interactions with local government employees are limited. Only the mayor is able to direct the CEO, and the mayor and councillors are unable to direct local government employees. If a councillor needs any information from a local government employee, they must follow the acceptable request guidelines of the council.

The responsibilities of councillors are to:

- actively participate in local government meetings to make decisions by consensus with the other councillors for the good of the whole council area, now and for the future
- provide strategic leadership to the local government and the community
- shape the future of the community by adopting and implementing a planning scheme which sets out how land in the council area can be used and the standards the local government will impose on developers and other landowners
- be responsible to the community for the performance of the local government



- make decisions for the benefit of the whole community
- make local laws
- undertake ongoing development and training to support the above tasks.

Role of mayors

The mayor of a local government has the same responsibilities as a councillor, as well as to:

- lead and manage local government meetings and deal with any unsuitable meeting conduct by councillors, in accordance with the local government's meeting procedures
- decide any tied votes at local government meetings by making a casting vote
- represent the local government and the community at ceremonial functions
- lead and manage the CEO to ensure council decisions are implemented in accordance with the policies of the local government
- ensure the local government promptly provides the Minister for Local Government with information when it is requested
- participate as a member of any standing committees.

Note that the responsibilities of the Lord Mayor of Brisbane are different to those of other mayors.

Role of the CEO

Each local government must appoint a person as its CEO who has the experience, knowledge and skills appropriate to undertake the role and responsibilities.

The CEO is responsible for implementing the policies and decisions of the councillors and managing the local government's day-to-day business and operation. In addition to the responsibilities of all local government employees, the responsibilities of the CEO are to:

- manage the local government in a way that promotes the effective, efficient and economical management of public resources, excellence in service delivery and continual improvement
- manage other local government employees
- establish goals and practices in accordance with the policies and priorities of the local government
- establish practices that ensure that members of the community have access to local government programs and reviewing of council decisions
- ensure the safe custody of records and documents
- comply with requests from councillors for advice to assist the councillors in carrying out their duties or for information relating to the local government
- appoint and take disciplinary action against other local government employees.

Role of all local government employees

The responsibilities of all local government employees are to:

- implement the policies and priorities of the local government in a way that promotes the effective, efficient and economical management of public resources, excellence in service delivery and continual improvement
- carry out their duties to ensure the local government discharges its responsibilities under the *Local Government Act 2009*, complies with all applicable laws and achieves its corporate plan
- provide sound and impartial advice to the councillors
- carry out their duties impartially and with integrity
- ensure their conduct does not reflect adversely on the reputation of local government
- improve all aspects of their work performance
- observe all laws in relation to employment
- observe the ethics principles and a code of conduct under the *Public Sector Ethics Act 1994*.



Councillor conduct and obligations

Councillors must comply with legislated requirements including:

- acting in the public interest for the entire community over any personal interests they may have
- attending and actively participating in council meetings (unless granted leave) and observing the council's meeting procedures
- ensuring their conduct is lawful, ethical and generally appropriate for an elected representative
- not misusing information acquired as a councillor and maintaining confidentiality of private and confidential information
- complying with the *Code of Conduct for Councillors in Queensland*.

The *Local Government Act 2009* and other legislation establish processes to deal with circumstances where councillors fail to meet their obligations. Councillor conduct that breaches requirements is categorised as either:

- **unsuitable meeting conduct** (non-compliance with the Code of Conduct or a local government policy during a local government meeting)
- **inappropriate conduct** (non-compliance with the Code of Conduct or a local government policy or resolution outside a local government meeting that is not misconduct or corrupt conduct)
- **misconduct** (a breach of legislation or local government policy in which the councillor is dishonest or biased but not corrupt conduct)
- **corrupt conduct** (behaviour that is not honest or impartial and that adversely affects the responsibilities of the councillor, and that if proven would be a criminal offence).

Unsuitable meeting conduct is dealt with by the chairperson of a local government meeting during the meeting. Complaints about councillor conduct outside local government meetings are made to the Independent Assessor, who refers substantiated complaints to the local government, the Councillor Conduct Tribunal or the Crime and Corruption Commission depending on the type of conduct involved. Details of the councillor complaints system are available at the Office of the Independent Assessor website at www.oia.qld.gov.au/office-of-the-independent-assessor/complaints-process.html.

Certain offences under Queensland legislation are called 'integrity offences' and 'serious integrity offences'. If charged with one of these offences a councillor is automatically suspended from being a councillor, and if convicted they are automatically disqualified from being a councillor.

Local laws

It is the responsibility of each local government to make their local laws to regulate a broad range of issues within their communities, consistent with the provisions of the LGA.

Each local government must keep a register of its local laws which must be able to be inspected by the public at the local government's public office. In addition, the Department of Local Government, Racing and Multicultural Affairs must keep a database of all Queensland local governments' local laws and ensure that a copy is publicly accessible on the department's website.

Council meetings

Local government meetings are the principal decision-making forum for a local government. The local governments set their policies, adopt their corporate plans, approve and adopt budgets, and make their local laws in meetings. The prime example of accountable and transparent decision-making by local governments are the decisions taken in their meetings.



Well-prepared agendas, orderly meetings and minutes that accurately reflect the proceedings of local government meetings contribute to an efficient, effective and accountable system of local government. Agendas, minutes and the actual decisions of the local government are arguably the most important records of local governments.

Ordinary local government meetings (with all councillors) are held to conduct the core business of the local government and make decisions. Local governments may also appoint selected councillors to standing committees with continuing functions and responsibilities, and special committees established for a particular purpose with limited activities and time.

Agendas and notice of meetings

Local governments must meet at least once a month, although many larger local governments meet more frequently. Meetings are generally held at one of the local government's public offices.

Local governments must publish, at least once a year, details of the days and times of both the ordinary meetings of the local government and any standing committees. The details must be published on the local government's website and in a newspaper circulating in the area.

Well-structured meeting agendas assist councillors to make informed decisions at meetings that are derived from analysis and constructive debate. They also provide members of the public with details of the issues to be discussed prior to the meeting. A document relating to an agenda item to be discussed at a local government meeting is not required to be made publicly available if it contains confidential information.

Meeting procedures

Councillors must observe the local government's adopted meeting procedures. Decisions made in meetings can be legally binding and must be made in accordance with the correct meeting procedures.

A resolution (decision) of a local government is the formal adoption by a meeting of a motion that has been considered by the local government or committee. Resolutions are voted on and a determination is made in the meeting.

Voting at local government meetings is the point at which decisions are made. Local government meetings must apply the following voting procedures:

- voting must be open
- a question is decided by the majority of the votes of the councillors present
- each councillor present has one vote on each question to be decided and, if the votes are equal, the chairperson of the meeting also has a casting vote
- if a councillor is present but fails to vote, the councillor is taken to have voted in the negative.

Good decision-making

A local government decision is the result of a democratic process and debate. The final decision is the result of open voting by the majority of councillors at the meeting. Once a collective decision is made, all councillors must abide by the decision.

The local government must ensure that it acts in the public interest for the entire community over any personal interests they may have. The personal financial and non-financial interests of councillors and their dependent family members must be disclosed in registers of interests. Councillors' current interests are published on the local government's website and must be kept up to date.



Councillors may be required to limit their participation in decision-making on matters in which they have (or could be seen to have) a conflict of interest (COI). This occurs when the interests of the councillor, or their close associate or related party, and the public interest are in conflict. Councillors are required to ensure they are not involved in matters where their involvement could result in a decision that might be contrary to the public interest.

Councillors have a responsibility to take particular actions to deal with COIs when participating in local government decisions. Each councillor will need to assess whether they have a COI in a matter to be decided by their local government. Councillors must always remain mindful of their obligation to adhere to the local government principles and the *Local Government Act 2009*.

Meeting minutes

Minutes are the official record of the business transacted at local government meetings and the decisions made. As a legal record and a public document, they are arguably the most important records of a local government.

It is the CEO's responsibility to ensure the minutes are taken under the supervision of the chairperson. The minutes do not need to be a verbatim transcript of proceedings, and there is no legal requirement to have a full transcript or even a summary of councillors' statements unless the local government resolves that this should occur. The main requirement is that local government resolutions are clear.

A copy of the minutes for each meeting must be available for inspection at the local government's public office or on its website within five business days after the end of the meeting. When the minutes have been confirmed, they must be immediately available for inspection by the public at the local government's office or on its website, as well as being made available for purchase.

Closed meetings

Local government and standing committee meetings are open to the public, except when they resolve that matters are inappropriate to be discussed in a public meeting.

A meeting may be closed to the public if its councillors or members consider it necessary to discuss:

- appointment, dismissal, or discipline of employees
- industrial matters affecting employees
- the local government's budget
- rating concessions or contracts proposed to be made by the local government
- legal advice obtained by the local government or legal proceedings involving the local government
- any action to be taken by the local government under the *Planning Act 2016* (PA), including applications made to it under the PA
- business for which a public discussion would be likely to prejudice the interests of the local government or someone else or enable a person to gain a financial advantage.

If the matters to be considered in a closed meeting are known in advance, the agenda should clearly identify them as matters that will be considered while the meeting is closed to the public. At the appropriate point during the meeting, the council must resolve to close the meeting to the public. The resolution to close the meeting to the public must state why the meeting is to be closed and include a description of the matters to be discussed while the meeting is closed.

A local government or committee must not make a resolution by voting during a closed meeting. The open meeting must resume to pass a resolution if any decisions are necessary following the closed-meeting discussion.



Financial management

Local governments must adopt certain documents as part of their financial management system. These record the local government's strategic, financial and operational plans and report on its financial accountability. These documents are supported by financial policies on investment, debt and revenue. Planning documents and financial policies must be regularly reviewed and updated.

Corporate planning

Local governments must have a five-year corporate plan. The corporate plan is the business plan that drives and coordinates all strategic documents and policies and forms the basis of strategic decision-making. This plan must incorporate community engagement.

Rates, budget and asset management plan

Budgets are adopted each year between 1 June and 31 July for the financial year starting on 1 July. It includes a forecast financial position, cash flow, income, expenditure and changes in equity for that financial year and the next two financial years. The budget must also include a long-term financial forecast for at least 10 years, revenue statement and revenue policy.

A long-term asset management plan sets out strategies to ensure the sustainable management of assets and infrastructure. This plan identifies the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan. It is part of and consistent with the long-term financial forecast, and covers a period of 10 years or more.

At the budget meeting, the local government will pass resolutions about the rates and charges that will be levied for the financial year. The forecast revenue from rates and charges is an important source of income in the local government's budget. Rates and charges are levied on rateable land in the local government's area and must be made in accordance with the LGA and LGR.

Operational plan

Local governments prepare and adopt an operational plan each financial year that is consistent with the budget and states how the local government will implement the five-year corporate plan and manage operational risks. Typically, the operational plan will include specific initiatives, projects and activities to help meet the strategic objectives of the corporate plan.

Annual report and audited financial statements

At the end of each financial year, the local government must prepare a general-purpose financial statement to report on income, expenses and cashflows for the year, as well as assets and liabilities at year's end. This statement is audited by the Auditor-General of Queensland. It must comply with requirements published by the Australian Accounting Standards Board, which include accounting standards, statements of accounting concepts, interpretations, and the framework for the preparation and presentation of financial statements. The local government must also prepare current-year and long-term financial sustainability statements.

The audited general-purpose, current-year and long-term financial sustainability statements must be included in the local government's annual report. The annual report must be adopted within the timeframes set out in the Local Government Regulation 2012 (generally within five months after the end of the financial year) and published on the local government's website within two weeks of adoption.

The annual report is an important part of the accountability cycle for local government. It allows it to report on its performance and provides the community with an opportunity to assess this performance against the outcome measures stated in the corporate and operational plans.



In addition, the annual report provides information about councillor complaints to the Independent Assessor and administrative action complaints, how the local government has implemented its complaints management process, and its performance in resolving complaints.

Financial policies

Local governments must make, implement and review financial policies, including an investment policy annual debt policy and revenue policy.

The investment policy provides guidance for those undertaking an investment process. The policy outlines the local government's investment objectives and overall risk philosophy, and procedures for achieving the goals related to investment stated in the policy.

The debt policy must state the new borrowings planned for the current financial year and the next nine financial years, and the time over which the local government plans to repay existing and new borrowings.

The revenue policy sets the local government's broad strategy for raising revenue. This will include principles for setting rates and charges, and the extent to which it employs a 'user pays' approach for the delivery of its services. The local government must review the policy annually and in time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year.

Accessing plans, reports and policies

Copies of a local government's corporate plan, annual budget (including long-term forecast, revenue statement and policy), annual report, investment policy and debt policy must be published on its website. Each local government's meeting minutes, including minutes of the budget meeting, are also published on their websites.