



**Queensland**  
Government

Department of Local Government,  
Racing and Multicultural Affairs



**GUIDELINES**

# **Community guide to local government in Queensland**

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# Community guide to local government in Queensland

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.

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](http://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

The *Code of conduct for councillors in Queensland* sets out the values and standards of behaviour that councillors must follow under each principle.

## Legislation reform

The Queensland Government is delivering a rolling reform agenda in the local government sector. New reforms since October 2017 address issues of integrity and accountability in local government, and follow the release of the Belcarra report and other input from local government stakeholders.

Reforms have included:

- ban on donations from property developers
- banning councillors from participating in decisions if they will benefit or suffer a loss depending on the decision
- a new councillor complaints framework, including a new uniform Code of Conduct for councillors, model meeting procedures for meeting behaviour, and creation of the Office of the Independent Assessor to investigate complaints
- mandatory *So you want to be a councillor?* training for election candidates
- transparent candidate bank accounts
- changes to how a budget is presented to councillors
- expanded councillor rights to access information
- limits on the size of councillor 'discretionary' funds and new requirement to publicise spending.

Proposals currently being considered include:

- changes to register of interest requirements
- new requirements for political advisors and councillor support staff
- improved transparency through regulatory changes for meeting agendas, minutes, informal meetings and closed meetings
- councils being required to consult with the community on their budgets
- strengthening the requirements on the use of council-controlled entities.

## Local government responsibilities

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 or the area near where they live .

Councils employ 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 delivering that strategy.

Councillors have limited interactions with council employees. In most cases, the mayor and councillors cannot direct or give instructions to employees, except the mayor who is able to direct the CEO only. If a councillor needs any information from an employee, they must follow the acceptable request guidelines of the council.

The responsibilities of councillors are to:

- ✔ participate in council meetings to make decisions by consensus with the other councillors for the good of the whole council area
- ✔ provide leadership focusing on strategic matters, rather than being involved in everyday matters like maintenance requests or logging council jobs
- ✔ shape the future of the community by adopting a development planning scheme which sets out how land in the council area can be used and rules for developers
- ✔ be responsible to the community for making sure the council is performing well
- ✔ make decisions for the benefit of the whole community
- ✔ make local laws on matters such as parking and dog registration.

### Role of mayors

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

- ✔ lead and manage council meetings
- ✔ decide any tied votes at council meetings by making a casting vote
- ✔ represent council 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.

The Lord Mayor of Brisbane has slightly different responsibilities compared to other mayors because they come under different legislation.



## Role of the CEO

Each council must appoint a person as its CEO with the appropriate experience, knowledge and skills to lead a council. The CEO's role is to carry out the policies and decisions of the councillors and make sure that all council projects and services are being delivered well.

The responsibilities of the CEO are to:

- ✓ manage the council and promote the effective, efficient and economical management of public resources, excellence in service delivery and continual improvement
- ✓ make sure council is effectively delivering the big picture goals set by the mayor and councillors
- ✓ make sure all members of the community can access council programs
- ✓ review decisions of council employees
- ✓ ensure good recordkeeping
- ✓ provide information to councillors to help them make effective decisions
- ✓ manage council employees
- ✓ ensure council employees are accountable for their conduct.

## Conduct of council employees

Council employees must act legally and ethically in their role. They must comply with their council's code of conduct and the local government principles outlined in the *Local Government Act 2009* and the *City of Brisbane Act 2010*.

If you have a complaint about the conduct of a council employee you should contact the council. You should provide clear information about the reason for your complaint, including who was involved, what happened, and when and where it happened (time, date and place). If possible you should also include evidence to support your complaint.

Council's CEO will normally delegate the responsibility for investigating complaints to an officer in council. They may discipline or counsel the employee if they have not acted appropriately.

## Councillor conduct and obligations

Councillors must comply with legislated requirements including:

- acting in the public interest for the entire community
- attending council meetings
- ensuring their conduct is lawful, ethical and appropriate for an elected representative
- not misusing information acquired as a councillor and keeping private and other information confidential where required
- 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:

<b>Unsuitable meeting conduct</b>	Breaching the code of conduct or a council policy during a meeting
<b>Inappropriate conduct</b>	Breaching the code of conduct or a council policy but not in a meeting
<b>Misconduct</b>	Specific behaviours listed in legislation where the councillor is dishonest or biased)
<b>Corrupt conduct</b>	Criminal offences for serious dishonest or biased behaviour

Unsuitable meeting conduct is dealt with by the chairperson. You can make a complaint about councillor conduct outside meetings to the Independent Assessor, who may investigate or refer complaints to the council, the Councillor Conduct Tribunal or the Crime and Corruption Commission depending on the type of conduct involved. For more information visit [www.oia.qld.gov.au/office-of-the-independent-assessor/complaints-process.html](http://www.oia.qld.gov.au/office-of-the-independent-assessor/complaints-process.html).

Certain offences under Queensland legislation are called 'integrity offences', for example taking part in a decision if you will get a personal benefit from the decision (called a 'material personal interest' or conflict of interest). If charged with one of these integrity offences a councillor is automatically suspended from being a councillor. If found guilty they are automatically disqualified from being a councillor for a number of years, depending on the offence.

## Council service requests

If you want to request that your council provides or improves a service, or fixes a problem, this is known as a service request. Service requests include installing new lighting, new road signs, a request to change library hours, repair a damaged road, mow a footpath, clean graffiti or remove a fallen tree.

To make a service request you should contact your council's call centre or hotline, email address, or enquiry counter. This ensures that council can prioritise the request efficiently and organise for council officers to complete it.

If you contact a councillor, they may refer your request to the usual council hotline, email or council officer. It is the councillor's role to focus on strategic decision-making for the whole council area rather than managing day-to-day service requests, which are the responsibility of the council's CEO and other council officers. It is illegal for a councillor to contact a council employee to direct them to complete your work request.



## Complaints about council services

If you have a concern or complaint about a council decision or service you should contact your council's customer service area, call centre or enquiry counter, which may be able to quickly address your concern.

If you cannot resolve the matter, you can write to the council and make an official complaint. All councils must have a complaints management process, including written policies and procedures for how they manage and respond to complaints. This process must be publicly available at their office and on their website.

If you are not satisfied with the council's response, the Office of the Queensland Ombudsman or Queensland Human Rights Commission may be able to help.

The Office of the Queensland Ombudsman will impartially investigate complaints against councils. It considers the administrative action of the council and determines whether the action was taken in a lawful and reasonable manner. The Ombudsman provides a free and independent service, and may make recommendations back to councils.

The Queensland Human Rights Commission handles complaints under the *Anti-Discrimination Act 1999* and the *Human Rights Act 2019*. Its role is to ensure the basic right of all people to fair treatment no matter what their circumstances or background.

## Local laws

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

Each council 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

Council 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 council and make decisions. Councillors 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

Councils 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.

All full council and standing committee meetings are open to the public to attend. Councillors can make a resolution to close a meeting to the public only to discuss the following types of confidential matters:

- 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 or legal proceedings involving the council
- 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 personal to gain a financial advantage.

Although you have the right to attend council and committee meetings, you do not have a right to participate or speak at the meeting unless you are invited to do so. You may be able to apply to your council to request that you address a future council meeting.

Councils must publish the agenda before each full council and standing committee meeting on the council website, along with any reports or other documents that will be considered.

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 council or committee. Resolutions are voted on and a determination is made in the meeting.

Voting at council meetings is the point at which decisions are made. Council 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.

The mayor presides at and chairs every council meeting at which they are present (other than at Brisbane City Council, where the local government elects a chairperson). If the mayor is not present, the deputy mayor chairs the meeting. In the absence of both the mayor and deputy mayor, the meeting may elect one of the councillors present to act as chairperson. Committees are chaired by persons appointed by the local government or committee members.

A quorum is the minimum number of councillors who must be present for a meeting to proceed and be considered valid. A quorum of a council is at least half of its councillors. If a quorum is not present within 15 minutes after the time scheduled for a meeting, the meeting may be adjourned to a later hour or another day within 14 days of the original meeting date.

## 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 perceived to have) a conflict of interest. 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 conflicts of interest when participating in local government decisions. Each councillor will need to assess whether they have a conflict of interest 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* (or the *City of Brisbane Act 2010*).

If you suspect that a councillor has been involved in decisions where they have a conflict of interest, you can make a complaint to the Office of the Independent Assessor. For more information you can read the *Councillor conduct complaints* fact sheet or visit [www.oia.qld.gov.au](http://www.oia.qld.gov.au).

## Voting

Local government legislation provides that voting at council meetings must be open and that decisions are decided by a majority of councillors present at the meeting. The legislation does not provide for a secret ballot to be taken on a matter to be decided.

Each councillor present has one vote and, if the votes are equal or tied, the chairperson (usually the mayor) also has a casting vote. If a councillor present fails to vote, the councillor is taken to have voted in the negative.

If moved by a councillor, a 'division' may be called to record (in the minutes) how individual councillors voted on a particular matter.



## Meeting minutes

Minutes are the official record of the business transacted at council 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 mayor or 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 council resolves that this should occur. The main requirement is that council decisions are clear.

A draft copy of the minutes must be available for inspection at the council's public office and on its website within five business days after the end of the meeting.

By law, minutes must include:

- any document or report related to an item that was used at the meeting, unless it was previously made public with the agenda
- the names of councillors or committee members present at the meeting
- for any vote where a division is called, the names of all councillors voting and how they voted
- details of any conflicts of interest raised and how they were managed
- reasons for decisions about contracts that are inconsistent with a recommendation or advice given by a council employee where the contract is for more than \$200,000 (excl. GST) or one per cent of the council's net rate and utility charges (whichever is greater)
- reasons for decisions where the decision is different to the policy or approach normally followed by the council, or a change from a policy previously adopted by the council.

## 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 or legal proceedings involving the council
- 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.

Note that temporary changes to the regulations for meetings apply during the COVID-19 pandemic restrictions. During the restrictions, councils are able to close the meetings to the public due to health and safety reasons however they are then required to broadcast meetings online, unless it is not practical for them to do so.



## 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. They include 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, a revenue statement and a 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 governments. 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 of council's meeting minutes, including minutes of the budget meeting, are also to be published on their websites.



## Council grants to community organisations

Councils can provide grants directly to community organisations. This is an important way for local governments to support their local communities. Your council must have a community grants policy and make the policy available to the public. To receive a grant that is offered by your council, your organisation will apply to council and then be assessed by the responsible council officers.

If the council has allocated money for 'councillor discretionary funds', the councillors can also use their discretionary funds to allocate grants to community organisations. Community groups can approach councillors and request discretionary funding for a community purpose. Councils are required to put information on their website about any money allocated for discretionary funds and how community organisations can apply.

## Right to information

If you want to know more about a council service or decision you may request information under the *Right to Information Act 2009* (RTI Act).

Under the RTI Act:

- you are able to apply to your council for access to any documents held by the council
- if you believe information held in local government records about your private affairs is inaccurate, incomplete, misleading or out-of-date, you can have the information changed.

You can contact your council to apply to its RTI coordinator on official forms or in writing explaining which documents are required.

The RTI Act encourages councils to release documents unless they contain information that is exempt or not in the public interest. The council's RTI coordinator must provide you with reasons for exempting documents. If you are dissatisfied with the RTI coordinator's decision on access to documents, you can apply for a review of the decision.

Fees are not charged for reviews or applications that are confined to your personal affairs. However, fees apply for access to non-personal documents. Charges also apply for photocopies of documents.

You can find out more information at [www.rti.qld.gov.au](http://www.rti.qld.gov.au).



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