

**Torres Strait Island**  
REGIONAL COUNCIL

# AGENDA

## STRATEGIC ADVISORY REFERENCE GROUP

Date: Tuesday 15<sup>th</sup> June 2021

Time: 1:00pm to 4:00pm

Venue: Video Conference

## **Agenda**

1. Welcome (Chair)
2. Opening Prayer
3. Apologies
4. Conflict of Interest (COI)/ Declarable / Prescribed
5. Confirmation of Minutes - SARG Meeting – 6<sup>th</sup> April 2021 – VC
6. Strategic Action Items Review
7. **Chief Financial Officer**
  1. Risk Update
  2. Workplace Health and Safety Update
  3. Project Plan Update – verbal
  4. People and Wellbeing Policy update
  5. Community Grant Policies – verbal update
  6. Funding since April 2020 Status Report – **Late**
  7. Annual Update of Financial Policies
  8. Strategic External Grant Funding Policy
  9. Works for Queensland Projects Report
8. **Chief Engineer**
  1. Local Disaster Management Group Membership
9. **Chief Executive Officer**
  1. May Councillor Strategic Development Workshop Feedback
  2. MOA TSRA - Legal
  3. MOA – Legal – ML, GBK, MNGN - verbal
  4. Church use of Council Facilities - Legal
  5. Fuel Update – verbal update
  6. Draft Employee Housing Policy
10. **Chief Operating Officer**
  1. Standing Agenda Item – Housing Authority Update
  2. Housing Policies
  3. BSU Update

**11. CLOSED BUSINESS**

1. CFO – HP&W – Certified Agreement – Verbal Update
2. CFO – HP&W – Transitional Action Plan – Verbal Update
3. CFO – HCA – Reconciliation Action Plan – Verbal Update
4. CEO – Strategic Organisational Sustainability Action Plan – Verbal Update
5. CE – Dauan Ponton – Verbal Update
6. CFO - Ugar Subsidy – Verbal Update
7. CEO – Sea Swift 1 – Verbal Update
8. CEO – Sea Swift 2 – Verbal Update
9. CEO - Elphinstone Close – Verbal Update
10. MAYOR – Industrial Matter 1
11. MAYOR – Industrial Matter 2
12. MAYOR – Industrial Matter 3
13. MAYOR - LGAQ

**12. Standing Committee Chair Update**

1. Strategic Reference Action Group –
  - Organisation Culture Change Management
2. Governance & Leadership –
  - Regional Assembly Aspirations – verbal
3. Culture Arts Land and Heritage
4. Housing and Safe and Healthy Communities
5. Climate Adaptation and Environment
6. Economic Growth

**13. General/ Other Business (on notice)**

**14. Next meeting date – proposed Tuesday 13<sup>th</sup> July 2021**

**15. Closing Remarks and Prayer**



# DRAFT MINUTES

## STRATEGIC ADVISORY REFERENCE GROUP COMMITTEE

Date: Tuesday 6<sup>th</sup> April 2021

Time: 1:00pm to 5:45pm

Venue: Video Conference

## **SARG – Tuesday 6<sup>th</sup> April 2021**

### **Present:**

Mayor Phillemon Mosby  
Cr Rocky Stephen  
Cr Keith Fell  
Cr Aven Noah  
Cr Hilda Mosby

Ilario Sabatino – Acting Chief Executive Officer  
Hollie Faithfull – Chief Financial Officer  
Adeah Kabai – Acting Chief Engineer  
Rachel Pierce – Acting Chief Operating Officer  
Peter Krebs – Senior Legal Counsel  
Ursula Nai – Senior Executive Assistant  
Naila Nomoa – Travel Officer

### **Apology**

Cr Getano Lui

## **Agenda**

1. Welcome (Chair)
2. Opening Prayer
3. Apologies
  - Cr Getano Lui
4. Conflict of Interest (COI) Declarable / Prescribed
5. Confirmation of Minutes - SARG Meeting – 2<sup>nd</sup> March 2021 – VC
6. Strategic Action Items Review
7. DEPUTATION: - **Bartholomew Stanford** – The marginalisation of Indigenous institutions in Queensland's system of local government

## **8. Mayor**

Standing Committee Chair Update –

- *Culture Arts Land and Heritage*
  - a. Local Law – Entry into Trust Land
- *Housing and Safe and Healthy Communities*
  - a. Sea Rescue (Fuel /support)
  - b. Prepare for Disaster (cyclone)
- *Governance and Leadership*
- *Climate Adaptation and Environment*
- *Economic Growth*

## **9. Chief Executive Officer**

1. SWOT Analysis
2. May Councillor Workshop
3. MOA TSRA
4. Information Report Update on Council Name Change
5. Information Report Update on Local Government Area Name Change
6. Information Report Update on Boundary Change
7. Information Report Update on Elphinstone Close
8. Information Report Update on Transition Action Plan (TAP)
9. Information Report Update on Reconciliation Action Plan (RAP)

- 10. Memorandum of Agreement Update
- 11. Strategic Organisation Sustainability Action Plan Update

**10. Chief Engineer**

- 1. Local Disaster Management Group Membership

**11. Chief Financial Officer**

- 1. Standing Agenda Item – Project Plan Update
- 2. Briefing Note – Risk Management
- 3. Action/ Activity Plan – Enterprise Risk Management
- 4. New Policy – Public Interest Disclosure Policy and Management Program
- 5. Works for Queensland Project Report
- 6. The National Voice Submission
- 7. Community Grant Policies

**12. Chief Operating Officer**

- 1. Standing Agenda Item – Housing Authority Update
- 2. Interim Capital Program (plug-ins)
- 3. Detailed report on tender process for 24 Main St, St Pauls
- 4. Forward Capital (14.4m)
- 5. BSU Update
- 6. Fuel Update
- 7. Presentation – Interim and Forward Capital Works Programs presented by Aboriginal and Torres Strait Islander Housing Unit

**13. CLOSED BUSINESS**

- 1. Industrial Matter 1
- 2. Industrial Matter 2
- 3. Industrial Matter 3

**14. General/ Other Business (on notice)**

**15. Next meeting date – proposed Tuesday 4<sup>th</sup> May 2021**

**16. Closing Remarks and Prayer**

## **Agenda**

### **17. Welcome (Chair)**

Mayor Mosby acknowledged Heavenly father, family, beautiful region and our organisation.

Pay respect and acknowledge the traditional owners our length and breadth of Zenath Kes, TSIRC offices where we a dialling in from including where our staff are based in Cairns Office and acknowledgement their traditional landowners as well.

Acknowledge families who are mourning for their loss through the length and breadth of our beautiful region.

### **18. Opening Prayer**

Mayor Mosby invited Cr Fell to open with a word of prayer, followed by a minute silence.

### **19. Apologies**

- Cr Getano Lui (Chair of Governance and Leadership Committee)

*Mover; Cr Noah Second; Cr Stephen*

**MOTION CARRIED**

### **20. Conflict of Interest (COI)/ Declarable / Prescribed**

Nil.

### **21. Confirmation of Minutes - SARG Meeting – 2<sup>nd</sup> March 2021 – VC**

#### **RESOLUTION:**

***Moved: Cr Stephen Second: Cr Fell***

That the minutes for the February 2021 SARG meeting be adopted as true and accurate.

### **22. Strategic Action Items Review**

Acting Chief Executive Officer, Mr Ilario Sabatino spoke to report and provided update on the action items list.



Mayor Mosby spoke about the Queensland Treasury Corporation and Local Government Association Queensland workshops to be more interactive sessions to be facilitated

*Mover:* Cr Noah *Second:* Cr Fell  
Noted the action items.

**ACTION:** Mayor Mosby requested Queensland Treasury Corporation and Local Government Association Queensland workshops to be more interactive

**23. DEPUTATION: - Bartholomew Stanford** – The marginalisation of Indigenous institutions in Queensland's system of local government

- Asked for feedback and comments on the paper
- Mainstreaming for indigenous council and used TSIRC as an example.
- Stronger recognition of Native Title rights under Local Government Legislation.

Mayor Mosby

- Paper highlights the conflicting issues that elected representatives have in their community.
- Balance our roles as elected representative under the Local Government Act.
- How do we as Torres Strait Islanders and traditional landowners in our own right put forward and continue to protect Ilan Kustom.
- Local Government Act mentions that may be acknowledged.
- The paper clearly identifies the conflicting roles we have as Councillors and as Torres Strait Islanders.
- The paper could be a key document that we could reference or use to provide a point for self-determination.

Cr Fell

- Mainstream Councils should have Traditional Land-owners representation.

## 24. Mayor

### Community Grants Policy

- Change the Community Grants Policy that didn't restrict how the funds were spent.
- Addressing the recent amendments to the legislations around the discretionary fund.

### Chief Finance Officer provides an update.

- Council in the November workshop did not want to support weddings, graduations.
- Cr Fell wanted to look at each community wanted their set of guidelines within the rights of legislation and policy.
- Working with MacDonnells law, the expected date to go to May SARG due to delays in compliance policy and audit.

### Standing Committee Chair Update –

- *Culture Arts Land and Heritage (Chair Cr Noah provide an update)*
  - a. Local Law – Entry into Trust Land
    - Local law, how it relates to Ilan Kustom and when visitations do occur.
    - Council assists with island protocols that exists throughout the region.
    - Working with Manager Legal Services to advise Committee on a document that TSRA has in place and have a look through as a committee.
    - Entry into Local law- trust land more powerful for allowing corporate travellers or visitors given protocol when they visit in the context of 'Ilan Kustom'
    - Monitor by staff on ground and adhere to protocols in place.
    - Highlights place you can and cannot go.
    - Trial on Mer and work with PBC and see how it goes.

**ACTION Item:** Legal team to come up with a paper and work closely with Culture Arts Land and Heritage Committee. DOGIT on all islands still sits with the Council except Murray Island and Badu Island. Ensure there is consistency across the board.

- **Housing and Safe and Healthy Communities (Cr Fell Update)**
  - a. Sea Rescue (Fuel /support)
  - b. Prepare for Disaster (cyclone)
- Discuss with David Baldwin and Matthew Brodbeck.
- Engagement within communities and key stakeholders will need to be brought up to speed e.g.: Bad weather, not enough fuel or motors spark plug broken.
- Discussion within communities and key stakeholders on safety, the importance of carry EPIRB, phone, fuel, motor parts.
- Revisits the disaster plans and who is responsible for the divisions and how we can make it effective and report it back to Council as a standing agenda item.
- Look at what infrastructures on ground, equipment, control centres and what agencies can be helping and assisting with fuel purchases.
- Police had a standing purchase order in case or emergency for fuel.
- What happens within community “when airplanes go es down” assessment.
- Be prepared for natural disasters.

Acting Chief Engineer- Adeah Kabai

- Limited resources for disaster events that could occur in our region.
- Review disaster management plans and staff plans.
- Finding funding for resources
- Prevent issues from happening.
- Have a PLAN not based around emotions.

**ACTION:** David Baldwin, Matthew Brodbeck and Adeah Kabai to review the disaster management plan.

- Touch base with SES people and visit.
- Police

**ACTION:** Reports standing Agenda items or Information report on the Radios audit, incidents happening in the region, community engagement and Disaster Plan.

## **25. Chief Executive Officer**

1. SWOT Analysis
2. May Councillor Workshop
3. MOA TSRA
4. Information Report Update on Council Name Change
5. Information Report Update on Local Government Area Name Change
6. Information Report Update on Boundary Change
7. Information Report Update on Elphinstone Close
8. Information Report Update on Transition Action Plan (TAP)
9. Information Report Update on Reconciliation Action Plan (RAP)
10. Memorandum of Agreement Update
11. Strategic Organisation Sustainability Action Plan Update

Transition Action Plan, Reconciliation Action Plan and Organisation Sustainability Action Plan update will be presented in May workshop.

Data will inform audit process for continuous improvement.

Council name change, local government area name change, and boundary name change requires an immediate focus.

Recommendations will be to engage a specialist to work on the

- Transition Action Plan (TAP)
- Setting up the reference committee

Contact has been made with Reconciliation Australia, who have specialised people that can work with organisations to develop RAPs. The proposal is to set some money aside to engage somebody with experience to work with council.

Council Name Change, Local Government Area Name Change and Boundary Change will be through the Change Commission and having somebody for a certain amount of time to facilitate that process.

- Administration
- Reporting
- Conjured between Council and the Change Commission to manage and facilitate and manage through this process.

The Senior Executive Assistant gave an update on the May Workshop.

- Currently finalising the quotations of the venues
- Quotations for training the Mayor has requested, working with Chief Finance Officer to provide recommendation to both Mayor and the CEO.

- Priorities of the Agenda.
- Discuss the Workshop dates with Mayor and CEO.

Mayor Mosby receive the documentations from Corporate Affairs regarding the Council Name Change, Local Government Area Name Change and Boundary Change.

- The document needs to be simplified to standard English.

## **26. Chief Engineer – Acting Chief Engineer Adeah Kabai**

### **1. Local Disaster Management Group Membership**

- Gave a brief background on the local disaster management group which was formed in 2013
- Discussion for TSIRC to be a stand-alone disaster group
- Core Membership.
- Advisory Group is restricted.

### **Cr Fell**

- Opportunity for Housing and Safe communities committee to be added to the group membership.
- Never given a disaster management report back to community in their information session e.g.: risk
- Consulting community.

Chief Engineer to take on notice Cr Fell's request for opportunity for Housing and Safe communities committee to be added to the group membership.

### **Mayor Mosby**

- CEO to ensure that all project Plans are consistent.

## **27. Chief Financial Officer**

### **1. Standing Agenda Item – Project Plan Update**

- Acting CEO provided an update under item 9.

### **2. Briefing Note – Risk Management**

- Council has updated its policy.
- GAP analysis which was facilitated by Ian Barton at the November Workshop 2020.

- Executive team was interviewed by Ian Barton individually and has been drafted and comments received.
- Guidelines Framework to go to audit committee and audit required clarification on communication and reporting within council.
- Focus on risk management as it had dropped off the radar several times.
- Communication to be implemented and imbedded in the culture of Council.
- Reporting mechanisms, if the guideline is adopted by Council there will be a report on a monthly basis goes to SARG and reflected through to the full Council through the SARG minutes.
- Report will be endorsed by audit committee and then to full Council as a late report in April for endorsement and then it will become policy.
- Workshop done with Ian Barton on Strategic Risk.
- Ian Barton will be on site to updating Council's operational risk.
- Council recently updated the Fraud and Corruption policy.
- Manage risk and avoid conflicts for employees running for Council election. (separate procedure has been drafted and it is not part of the code of conduct but referred to in the human resources handbook which is currently under review by People and Wellbeing).

Chief Financial Officer – to take on notice Mayor Mosby question regarding family members being employed, and look if there is a policy and if we can add this to an existing policy.

Chief Financial officer will liaise with Head of Corporate Affairs and Engagement as falls under People and Wellbeing.

### 3. Action/ Activity Plan – Enterprise Risk Management

### 4. New Policy – Public Interest Disclosure Policy and Management Program

- Policy has been drafted and reviewed by internal audit and the office of the Qld Ombudsman reviews the policy to see if it was consistent with all legislation.
- Policy will have to be endorsed by SARG to be presented at April Council meeting.
- Policy was recommended as part of the fraud and ethics review that Pacifica undertook 2020.
- Undertook Island communication about fraud and corruption on Dauan, St Pauls and Hammond Island.

Chief Financial Officer read the New Policy – Public Interest Disclosure Policy and Management Program.

**Recommendation**

*Moved; Cr Fell Second; Cr Stephen*

**That the Strategic Advisory Reference Group endorse the Public Interest Disclosure Policy and Management Program for Council resolution.**

5. The National Voice Submission

- Voice proposal document Corporate Affairs would like feedback from councillors.

Mayor Mosby

- Mayor advised that Head of Corporate Affairs send email to Councillors for feedback.
- National voice submission development be consistent with local governments in the regions, current future aspirations for the regional assembly.
- Presented too SARG and Council meeting.

**28. Chief Operating Officer**

1. Standing Agenda Item – Housing Authority Update

- No action item from the March meeting.
- Council to make a resolution about their position in relation to a Housing Authority proposal.
- COO recommendation to the ACEO that there would be an independent analysis of the financial implications in moving to a housing authority and the social impact in moving to a housing authority.

Mayor Mosby to take discussion offline with Chief Operating Officer.

2. Interim Capital Program (plug-ins)

Building Services, Project Manager spoke to report.

- Building services unit will prepare report for consideration to the April meeting.
- take on note the quote from the quantity surveyor.
- Report and resolution will be prepared for the April Meeting for endorsement.

Acting Chief Operating Officer advised that there is no further funding available for the interim funding program.

Cr Fell

- No discussion regarding to the plug-ins.

***Moved; Cr Mosby Second; Cr Noah***

Recommendation:

The SARG Committee consider the following two options for the Interim capital delivery (plug- ins) program and recommend one option for Agenda Item for resolution at the April Ordinary Meeting.

**1. Council resolves to**

- A) Give the A/CEO authority to apply to vary the Interim remote capital program funding agreement from seven (7) to Five (5) plug-ins with zero impact to Council's budget.**

**And**

- B) Delegate Power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to execute a letter requesting the aforementioned change, and negotiate, finalise and execute any and all matters associated with or in relation to this agreement including any further variations.**

**OR**

**2. Council resolves to**

**Instruct Building Services Unit to construct the seven (7) plug-ins identified in the Interim remote capital program agreement, with a council contribution of \$1.3 million dollars.**

**Motion left lying on table – recommended to go to full council.**

**MOTION NOT CARRIED**

**3. Detailed report on tender process for 24 Main St, St Pauls**

Building Services, Project Manager spoke to report.

Cr Fell spoke about

- Support
- Build relationships
- Establish our locals.



Project Manager explained the tender process which includes:

- Worker order for Smaller contracts to protects the local workforce.
- Larger contracts the risks become larger as well.

Mayor Mosby discussed:

- Council wants to invest into local business owned by Local people first nations people.
- Benefit indigenous people from start to finish.
- Council to have a policy to our people to take advantage
- How do we as an indigenous local government receiving indigenous money to deliver project for indigenous house.
- Supportive people in any depart in TSIRC help and guide them through, they will make it.
- Empower our people, our people must be properly resourced.
- Indigenous employment strategy has been lost.
- Change document that keeps the cultures of this organisation alive too meet peoples need on a day-to-day base.

Information will be passed onto Head of Building Services.

Mayor Mosby to take discussion offline with Acting Chief Executive Officer.

Cr Fell

- Look at our mission statement.

Chief Financial Officer spoke of:

- Certain criteria and council need to be met for tender.
- Seek legal advice from Julia Manager Legal Services for Mayor Mosby's request (Contact all the tenders to resubmit). Nick Sturges to provide the tender process and provide advice back to council.
- Procurement Policy, when council makes their decision regarding the procurement policy in a strategic way forward, consideration will need to be made in regards the effect that will have with councils Bottomline. BSU currently budget for a 20% profit margin for some of their projects which covers management within BSU to do the operations and any profits BSU makes to fund councils that is not a profit generating area. If council went in a strategic direction that value for money was not the area there would be a financial affect and that will need to be communicated to council to make an informed decision for the policy.

Acting Chief Executive officer spoke of:

- Procurement requires application to go back to council meeting for decision.
- It is negligent if administration do not provide advice. However, Council has the discretion to go against what is recommended by the panel, but it needs to be state why or provide reasons as there are implication financial and compliance considerations.
- As advised by Panel, due process and diligence has been followed as per policy.
- Indigenous employment to be recognised by it also has to be reflected through procurement.

**Recommendation:**

**Moved; Cr Stephen Second; Cr Mosby**

**That the Strategic Advisory Reference Group:**

- **Note this report and**
- **Recommend Council consider the Agenda Report – Contractual Matter 24 Main Street, St Pauls Community at the April Ordinary Meeting.**

**MOTION CARRIED**

Mayor Mosby requested Acting chief executive note the following:

- Administration provides the support and advice to councillors achieving what is best interest of the region.

**4. BSU Update**

Building Services, Project Manager spoke to report

**Recommendation:**

**Moved; Cr Noah Second; Cr Mosby**

**It is recommended that SARG note the information contained in this paper.**

**5. Fuel Update- Verbal**

- Fuel Transition plan stage 1 commenced on the 8<sup>th</sup> of March.
- People and wellbeing and safety workshop completed on 16<sup>th</sup> March to identify the support required to roll out the training across all divisions.
- External training organisation as been identified by Special projects and logistics to provide online compliance learning course for each site the cost \$1600 excluding gst per site per annum.
- Patrick Thaiday and Dick Walit – Special training completed 24<sup>th</sup> of March in Special Projects and logistics to assist staff on daily fuel and site safety inspections.

- Engineering stakeholders workshop completed on 25<sup>th</sup> march on Reports, drum, clean-up, and risk rating.
- Walk through engagement on the project plan, delivers, training and safe fuel operations.
- DEO has been nominated on ground for strategic projects and logistics.
- Safe works and NQ Petro fuel audit – Boigu, Darnley, Hammond, and Mabuiag.
- New equipment- to eliminate drum fuel for bowers that are operational.
- Current estimated to complete works is 12 week or the 4<sup>th</sup> of June 2021
- Total capital outlay for works is estimated at \$273,000 excluding gst.
- Alternative supplier quotes are being requested.
- 553 empty fuel drums have been removed from community and recycled cost \$90,080.
- Liase with seaswift's to pick-up drums.
- Saibai will be made safe until construction of the new depo is completed.

Strategic projects and logistics will provide a information report to the April ordinary meeting including the summary of the fuel transition project achievements to date.

Mayor Mosby requested the value of money lost in the process of fuel for having this issue not addressed in a timely manner.

Mabuiag fuel depo does not need a shed advice came from the consultation process.

- Fuel drum are being covered by tarp and has been advised that is more effective being used to stop the water.
- Refuelling takes place under a covered area no extra shelter is required or PPE for employees.
- The fuel and tanks are considered safe where it is until the pump is refurbished.

Manager Special Projects and Logistics and to raise a report paper to seek additional funds.

6. Presentation – Interim and Forward Capital Works Programs presented by Aboriginal and Torres Strait Islander Housing Unit

- Recent SARG and council meeting papers have been presented in relation too interim delivery program, forward capital delivery program, regional housing plan and associated investment plan one of those agenda reports was left lying on the table for further information to support the request the Aboriginal and Torres Strait Islander Housing Unit was invited to present.
- Presentation prepared Aboriginal and Torres Strait Islander Housing Unit.

Aboriginal and Torres Strait Islander Housing Unit Presenters.

- Zac Matysek – Engagement and Partnerships team
- Sharon Kenyan – Acting Executive Director
- Wade Gevonski – Acting Manager Brisbane (Qld and Torres Straits)
- Hannah Albrow – Acting Principal Manager

*SARG moves into Closed Business*

**RESOLUTION:**

**Moved: Cr Noah Second: Cr Fell**

**That in accordance with section 254J of the Local Government Regulation 2012 (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:**

**(b)industrial matters affecting employees.**

**(e)legal advice obtained by the local government or legal proceedings involving the local government including, 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.**

**MOTION CARRIED**

**29. CLOSED BUSINESS**

1. Industrial Matter 1
2. Industrial Matter 2 – Staff leave room
3. Industrial Matter 3- Staff leave room

*SARG moves out of Closed Business*

**RESOLUTION:**

***Moved: Cr Noah Second: Cr Fell***

That SARG moves out of closed business.

- 30. General/ Other Business (on notice)
- 31. Next meeting date – proposed Tuesday 4<sup>th</sup> May 2021
- 32. Closing Remarks and Prayer



**Strategic Advisory Reference Group (SARG) Action Items Register**

No. in Meeting	Month of Meeting	Year	Type of Meeting	Community	ne	Action	Lead Officer	Budget (Y/N)	Strategic / Operational	Linked to Council Plans eg. Op Plan, AMP (Y/N)	Status / Comments	Completion ETA
10	August	2020	SARG		Transitional Action Plan	Cr Lui has requested the Transitional Action Plan name be changed to Regional Action Plan	Chief Executive Officer				Proposed name change to be discussed in June SARG Meeting under TAP Update in Closed Business	Jun-21
2	September	2020	SARG		LGAQ Membership	Head of Corporate Affairs and Engagement to complete a gap analysis on the value for money vs LGAQ engagement with Councillors and TSIRC Managers including Divisional Managers and Divisional Engineering Officers to provide further information on what services LGAQ provide	Chief Financial Officer				Report from Head of Corporate Affairs and Engagement has been sent to the Acting CEO to review. A report will be presented to July SARG	Jul-21
2	September	2020	SARG		LGAQ Membership	Head of Corporate Affairs and Engagement to provide training to all Managers on LGAQ and the services they provide and how they access these services and how this benefits the Torres Strait Communities	Chief Financial Officer				Leader officer should be changed from Head of Corporate Affairs and Engagement to Training and Development Officer. Training plan will be developed and a Report will be presented to September SARG meeting	Sep-21
2	September	2020	SARG		SARG Meeting Dates	Manager of Governance to update the meeting handbook and provide the draft handbook for review at the next SARG meeting	Chief Financial Officer				Handbook will be updated in conjunction with Legal Services	Aug-21
16	October	2020	SARG		Proposed Moa Quarry	Manager Legal Service to extend an invitation to Mualgal Holdings to present to the November / December Ordinary Meeting	Chief Executive Officer					
16	October	2020	SARG		Next Meeting date	Manager of Governance to update the meeting handbook and provide the draft handbook for review at the next SARG meeting	Chief Financial Officer				Handbook will be updated in conjunction with Legal Services	Aug-21
3	November	2020	SARG		Regional Assembly	Team to contact Dr Chris Sara to have a deputation with the new Council	Chief Executive Officer				Will wait for advice from the Mayor after the set up of the Secretariat and better understanding of the role and its alignment with Local Thriving Committee	On hold
7a	January	2021	SARG		Standing Committee Minutes Review	Cr Fell elaborated on the fencing program and suggest the team look at sourcing funds to fence other houses who were not covered in the other funding streams.	Chief Operating Officer				Through BSU State have indicated that scoping of fencing program will not be expanded.	ongoing
7a	January	2021	SARG		Standing Committee Minutes Review	Cr Fell also raised the tank program and asked if the water pumps to these tanks can be reviewed.	Chief Operating Officer				Through BSU proposal is being considered by Qbuild for future program	ongoing
	January	2021	SARG		Change Region Name	Team prepare report for next Ordinary Meeting on Change Region Name - Local Government area to Zenadth Kes	Chief Executive Officer				Lead officer should be changed from Head of Corporate Affairs to Legal Services. Region/LGA name change sit under Legal operational plan Objectives	ongoing
9	February	2021	SARG	VC	DOGIT Transfer	Under the Mayor's hand letter of invitation is drafted to respective Minister to discuss the pertinent issue of DOGIT Transfer in the Torres Strait	Chief Executive Officer				Letter sent 09.06.2021	
9	February	2021	SARG	VC	DOGIT Transfer	Senior Legal Counsel to undertake a review into previous resolutions and actions - to - date that identifies specific communities that have agreed to DOGIT transfer including Freehold Pilot to be presented at March SARG	Chief Executive Officer				Op Plan says next priority communities are Ugar, Saibai and Poruma. There have been no formal community decisions about proceeding with land transfer	ongoing
9	February	2021	SARG	VC	SWOT Analysis Report	Acting Chief Executive Officer to present the Draft Organisational Sustainability Plan at the March Meeting	Chief Executive Officer				Pacifica to present at May Workshop and Paper will be presented to June OM	Jun-21
2	March	2021	SARG	VC	SARG - TSRA MOU	Manager Legal Services to provide a draft MOU to the April SARG	Chief Executive Officer				Peter has submitted this for June SARG. The MOU needs to include content on how Councillors that are also TSRA Board Members will handle their conflict of interest	Jun-21
2	March	2021	SARG	VC	SARG - TSRA MOU	TSRA Legal and TSIRC Legal to advise their members on COI in the MOU	Chief Executive Officer				No correspondence from Minister to Date	Ongoing
2	March	2021	SARG	VC	SARG - CB - MIP7	Team to send a letter under the Mayor's hand to the TSRA Chair for information on MIP7. Chief Engineer to draft the letter and Head of Corporate Affairs and Engagement to review	Chief Engineer				Correspondence sent to TSRA and currently waiting on response from TSRA	Ongoing
2	March	2021	SARG	VC	SARG - MIP7	Letter to the TSRA Chair under the Mayor's hand with Councillors top 5 priorities	Chief Executive Officer				Reallocated to Head of Corporate Affairs on 01.04.2021. This will be actioned week commencing 5th April 2021. Head of Corporate Affairs and Engagement currently finalising	Jun-21
2	March	2021	SARG	VC	Visitors to Community - prior permission from respective Councillor	Refer to Standing Committee - Governance to workshop through at next meeting 21 June 2021	Chief Executive Officer				Secretariat to add to June Agenda	Jun-21
6	April	2021	SARG	VC	Standing Committee Updates	Legal Team to come up with a paper and work closely with Culture, Arts, Land and Heritage Committee. DOGIT on all islands still sits with the Council except for Mer and Badu. Legal to ensure that consistency is applied across the board	Chief Executive Officer				Peter is preparing a paper on lessons learned from Badu and Mer land transfers	Ongoing
6	April	2021	SARG	VC	Standing Committee Updates	Engineering Team to review the disaster Management Plan. This is to include information on the Radio Audit, incidents that happen in our region, community engagement and disaster plans. Chief Engineer to touch base with SES, police etc.	Chief Engineer				Revision / Amendment of Disaster Management plans have been completed as part of the TS LDMG seperation	Ongoing



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## SARG COMMITTEE REPORT

<b>COMMITTEE MEETING:</b>	June 2021
<b>DATE:</b>	08/06/21
<b>ITEM:</b>	Agenda Item for Strategic Advisory Reference Group
<b>SUBJECT:</b>	Risk Management Update
<b>AUTHOR:</b>	Nerida Carr – Manager Risk & Ethics

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### Recommendation:

That the Strategic Advisory Reference Group reviews and notes this report.

### Purpose:

- To provide a summary of progress on the development of Council's Enterprise Risk Management (ERM).
- To enhance Council's requirements for the reporting of Risk.

### Background:

The Elected members confirmed their commitment to the implementation of Enterprise Risk Management (ERM) as an integrated part of TSIRC's decision-making processes with the adoption of the first Risk Management Policy in July 2020. Further detail was added with the endorsement of the ERM Guidelines in April 2021. Both documents can be reviewed as frequently as circumstances require.

An ERM workshop on the principles behind Strategic Risks and their implications for TSIRC achieving their Corporate Plan objectives was held with the Executive Management Team (EMT) in February 2021. A draft strategic risk register was completed from workshop results and discussed with the Council at the May 2021 Councillor workshops. Elected members participated enthusiastically. A concern noted was that some items noted in the draft as existing risk treatments were improvements needed.

The organization-wide review and update of Operational Risks has also advanced with an introductory workshop conducted in April 2021 with the EMT and Functional Managers.

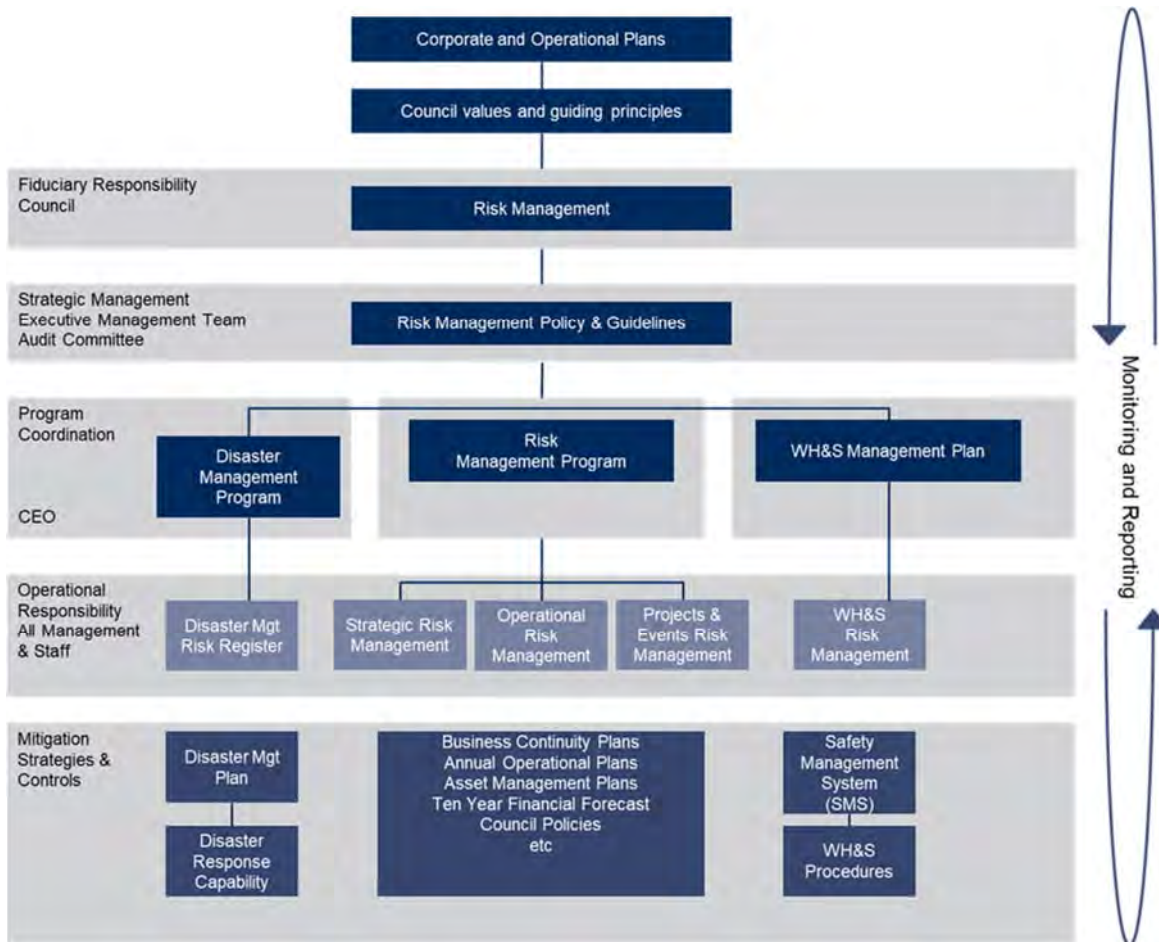
### Officer Comment:

Council's Risk Management Policy describes the roles and responsibilities of the Council, Audit Committee and Employees. Elected members have oversight functions for the organisation's management of risk, and the ERM Guidelines provide guidance to officers in the integration of risk management across TSIRC.

Risk Management is a standing agenda item for the Audit Committee, an advisory Committee of Council.

The frequency of reporting strategic risks was discussed with Council at the May 2021 workshops. Guest presenter Ian Barton, our Regional Risk Coordinator from Queensland Local Government Mutual (under the LGAQ umbrella) suggested that an appropriate timeframe for reporting to Council on their status would be quarterly, with a full review annually.

Operational risks, issues and incidents relevant to a functional area are addressed in the normal team meeting and reporting cycle. Other types of risks to be addressed, as identified in TSIRC's ERM Guidelines, include Projects, Events, Workplace Health and Safety, and Disaster Management:



The Strategic Advisory Reference Group (SARG) does not currently have any risk management responsibilities defined in the adopted Policy.

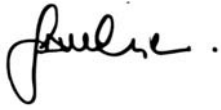
#### Recommendations:

- SARG receive reporting on matters determined by the EMT or Council as being of high or extreme risk at each meeting
- Council receives reporting on strategic risks on a quarterly basis
- EMT review other types of risk at each meeting, at a frequency to be determined by the CEO but sufficient to ensure all are reviewed over any twelve-month period
- Manager Risk and Ethics to update the Risk Management Policy to include the role of SARG

#### Conclusion:

That the Strategic Advisory Reference Group reviews and notes this report.





**Endorsed:**  
Luke Ranga  
Head of Corporate Affairs



**Recommended:**  
Hollie Faithfull  
Chief Financial Officer



**Approved:**  
David Baldwin  
Acting Chief Executive Officer

**Attachments:**

- TSIRC Draft Strategic Risk Register February 2021

**TSIRC Draft Strategic Risk Register February 2021**

No.	Link to 2020-2025 Corporate Plan Strategies	Risk	Causes	Consequences	Inherent			Existing Risk Treatments	Residual			Responsible Officer	Improvements	Effectiveness
					Likelihood	Conseq. Level	Risk Rating		Likelihood	Conseq. Level	Risk Rating			
2	5.1; 8.1; 8.2; 10.1; 11.2; 11.3; 11.4;	Ineffective corporate and operational planning	<ul style="list-style-type: none"> <li>- Lack of skills / training</li> <li>- Inadequate resources</li> <li>- Involvement of councillors in operational matters and lose focus on big picture</li> <li>- Lack of leadership / senior management support</li> <li>- Poor communication</li> <li>- Changing community values and needs</li> </ul>	<ul style="list-style-type: none"> <li>- Failure to implement policy objectives of council</li> <li>- Community dissatisfied</li> <li>- Reputation and public image</li> <li>- Litigation</li> <li>- Loss of staff (high turnover)</li> <li>- Financial costs</li> <li>- External inquiries or reviews</li> </ul>	Almost Certain	Major	High	<ul style="list-style-type: none"> <li>- Strategic planning</li> <li>- Corporate planning processes</li> <li>- Councillor/community interface</li> <li>- Staff management of process</li> <li>- Effective Community Engagement policy</li> </ul>					<ul style="list-style-type: none"> <li>- Social profiling (ABS) to provide evidence/support for decision making</li> <li>- Template review for Officer's reports to Council meetings</li> </ul>	
3	1.2; 4.3; 9.4;	Failure to adjust and comply with statutory/legal and/or organisational obligations and responsibilities	<ul style="list-style-type: none"> <li>- Lack of skills / training</li> <li>- Lack of resources</li> <li>- Staff turnover</li> <li>- Increased compliance costs</li> <li>- Lack of consultation</li> </ul>	<ul style="list-style-type: none"> <li>- Financial exposure</li> <li>- Possible fines and breaches</li> <li>- State intervention (removal of council)</li> <li>- Reputation and public image</li> <li>- Turnover of staff</li> <li>- Litigation</li> <li>- Qualified audit</li> <li>- Poor result for Council from QTC Sustainability Report</li> </ul>	Almost Certain	Major	High	<ul style="list-style-type: none"> <li>- Attendance training/seminars/regional forums</li> <li>- Suitably qualified staff</li> <li>- Audits - internal &amp; external</li> <li>- Legal opinions if required</li> <li>- Legislative compliance allocated to appropriate personnel</li> <li>- Dedicated resource</li> </ul>					<ul style="list-style-type: none"> <li>- Review of the Delegations Register</li> <li>- Continue to support training and professional development of staff</li> <li>- Inclusion of a legislative compliance component to management meetings</li> </ul>	
7	1.5; 2.1; 2.6; 4.1; 5.2; 5.3; 6.1; 8.1; 9.1; 9.2;	Failure to deliver projects	<ul style="list-style-type: none"> <li>- Disasters putting strain on resources</li> <li>- Poor project management skills</li> <li>- Poor financial management (budget blowouts)</li> <li>- Changing priorities</li> <li>- Loss of funding</li> <li>- Volatile resource costs</li> </ul>	<ul style="list-style-type: none"> <li>- Loss of contracts</li> <li>- Financial exposure</li> <li>- Litigation</li> <li>- Reputation loss</li> <li>- Community backlash</li> <li>- Create operational backlog</li> <li>- Increase use of consultants</li> <li>- Greater pressure on existing capable staff</li> </ul>	Almost Certain	Catastrophic	Extreme	<ul style="list-style-type: none"> <li>- Project management systems, planning &amp; training</li> <li>- Dedicated resources</li> <li>- Updating Contingency plans</li> <li>- Formalising Risk assessments</li> <li>- Management of expectations (regular meetings)</li> <li>- Strong budget controls</li> <li>- Strong relationship with suppliers</li> </ul>					<ul style="list-style-type: none"> <li>- Upskilling and training of staff in project delivery</li> <li>- Use of QTC project decision framework templates</li> <li>- Regular review of capital project budget allocations</li> </ul>	
8	1.1; 2.3; 2.4; 3.3; 4.1; 4.2; 4.4; 5.1; 6.1; 7.1; 8.3; 9.4; 12.1;	Ineffective community engagement	<ul style="list-style-type: none"> <li>- Council lacks ongoing relationship with stakeholders</li> <li>- Lack of engagement skills/tools</li> <li>- Ad-hoc planning without considering the needs of other areas across Council</li> <li>- Poor processes and systems</li> </ul>	<ul style="list-style-type: none"> <li>- Inability to meet legislative requirements</li> <li>- Public image</li> <li>- Impacts on adopted objectives and priorities</li> <li>- Fragmentation of the organisation</li> <li>- Loss of staff</li> <li>- Loss of confidence by community</li> <li>- Inability to get volunteers involved</li> </ul>	Likely	Major	High	<ul style="list-style-type: none"> <li>- Adopted Communication Plan</li> <li>- EMT leadership with dissemination of information</li> <li>- Training and opportunities for improvement</li> <li>- Regular internal meetings across organisation</li> <li>- Current policies and procedures</li> <li>- Monitoring of Social media (incl Facebook)</li> </ul>					<ul style="list-style-type: none"> <li>- Updating Community Plan if still utilise?</li> <li>- Finalise review of the Corporate Plan</li> <li>- Community engagement reinvigorated</li> <li>- Review of the website and develop different ways information can be communicated (ie short videos or greater use of images vs words etc)</li> <li>- Continue to encourage Council staff to be engaged through community groups and volunteering opportunities</li> </ul>	
10	1.1; 1.2; 1.3; 1.4; 2.2; 2.3; 2.4; 3.1; 3.2; 4.3; 5.1; 5.4; 6.2; 7.1; 7.2; 7.3; 9.1; 10.1; 10.2; 10.3; 11.1; 11.3; 12.1;	Ineffective undertaking of lobbying and advocacy	<ul style="list-style-type: none"> <li>- Council lacks ongoing relationship with stakeholders</li> <li>- Inadequate community consultation</li> <li>- Lack of skills / training</li> <li>- Lack of planning</li> <li>- Non participation in executive government forums</li> </ul>	<ul style="list-style-type: none"> <li>- Missed opportunities</li> <li>- Failure to represent community adequately</li> <li>- Loss of funding</li> <li>- Loss of community confidence</li> </ul>	Almost Certain	Catastrophic	Extreme	<ul style="list-style-type: none"> <li>- Lobbying strategy</li> <li>- Support of training and networking opportunities</li> <li>- Executive support</li> <li>- Increased councillor awareness</li> <li>- Officers alert councillors to opportunities</li> <li>- Active engagement with all levels of government</li> <li>- Active involvement in conferences, forums etc</li> </ul>						
12	8.1; 10.1; 10.3;	Inability to implement long term strategic objectives	<ul style="list-style-type: none"> <li>- Changing community ideals and expectations</li> <li>- Lack of continuity in political leadership</li> <li>- Changing demographics</li> <li>- Inadequate resources to implement State/Federal initiatives as devolved to Council</li> <li>- Ad-hoc planning without considering the needs of Council</li> <li>- Inadequate funding provided</li> </ul>	<ul style="list-style-type: none"> <li>- May impact on meeting legislative requirements</li> <li>- Negative public image</li> <li>- Impacts on council's delivering own services</li> <li>- Potential financial consequences/sustainability</li> </ul>	Almost Certain	Catastrophic	Extreme	<ul style="list-style-type: none"> <li>- Long term financial sustainability plan</li> <li>- Community consultation</li> <li>- Use of existing corporate knowledge</li> <li>- Internal meetings across organisation</li> <li>- Corporate planning</li> <li>- Business cases developed utilising the QTC project decision making framework</li> </ul>					<ul style="list-style-type: none"> <li>- Establish contingency plans within all business case development</li> <li>- Review the communication of the annual report within the community</li> </ul>	



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## SARG REPORT

<b>SARG MEETING:</b>	June 2021
<b>DATE:</b>	15/06/2021
<b>ITEM:</b>	Agenda Item for Strategic Advisory Reference Group
<b>SUBJECT:</b>	Workplace Health and Safety Update
<b>AUTHOR:</b>	Tracey Burrell, Acting Head of People & Wellbeing

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### Recommendation

That Strategic Advisory Reference Group notes this information report.

### Executive Summary:

On 4 June 2021, the Acting CEO requested a briefing advice on TSIRC's Work Health and Safety matters including; what action is being taken to re-establish the WHS Committee; engagement of a Safety and Wellbeing Advisor and how incidents are logged into the Mango incident and auditing reporting software.

### Key Issues:

1. Health and Safety Representatives (HSR) and Health and Safety Committee:
  - The primary role of an HSR is to represent the health and safety interests of a work group and to raise any issues with the employer.
  - HSR's and an HSR Committee were in place as at the commencement of 2020, there were seven (7) HSR's across the divisions.
  - During the COVID pandemic period in 2020:
    - two HSRs resigned from their HSR positions;
    - one member was appointed to the WHS Officer position on Mabuiag so there is no longer a need for an HSR on that Island; and
    - one member resigned from Council.
  - Elections to identify new HSRs were planned to be held during December 2020 and January 2021.
  - Due to power and communication outages that occurred during December the election process did not proceed as planned.
  - It is planned those elections will now be held in July 2021 to elect an HSR on each Division.
  - The re-establishment of HSRs will enable the resurrection of the Health and Safety Committee that will provide the means to give workers a voice in health and safety matters in the workplace and involve workers through participation and consultation.
  - The Health and Safety Committee will facilitate cooperation between TSIRC (the employer) and workers in developing and carrying out measures to ensure health and safety at work.
2. Health and Safety Representative transition to WHS Officer:
  - It is hoped that if a new elected HSR demonstrates a desire to and possesses the skills that they could be transitioned to becoming an Health Wellbeing Officer (HWO).

- This provides a career pathway for those interested in health and safety to be trained to become HWO and provides a succession plan for the HWO, Health & Wellbeing Advisor and Health and Wellbeing Coordinator roles.
3. Health & Wellbeing Advisor role
- This position has been budgeted in the 2021/22FY Budget however, at the present time there is not an urgent need to fill this position while WHS is in the process of developing the Safety Management System.
  - It has been identified that rather than engage another WHS officer to work in the Cairns office, it would be more beneficial to engage at least one other Health & Wellbeing Officer on a TSIRC Division.
  - As per point two (2) of this report, it is hoped that a newly elected HSR will be identified as suitable to transition to a WHO role and complete a traineeship in WHS.
4. Mango (incident and auditing reporting software)
- When an incident is reported by a member of staff, they are required to fill in six (6) fields in Mango, either through an application on mobile phone or computer desktop. When entered the information is to the Safety & Wellbeing Coordinator (or other member of the Safety & Wellbeing team) to be reviewed, investigated and assigned to the relevant manager for action.
  - A guide on "How to Report and Incident in Mango" is available on the TSIRC intranet.
  - All employees were required to complete a Take5 on Accident/Incident Reporting in Mango in February 2021.
  - S&W team is always available to provide additional support, and training in the use of Mango and incident reporting.
  - Reintroduction of WHS and incident reporting to fortnightly Executive Meetings.

#### **Consultation:**

- Health & Wellbeing Coordinator

#### **Links to Strategic Plans:**

##### **Sustainability**

- Increase WHS support and representative footprint within the region.



Tracey Burrell  
**Acting Head of People and Wellbeing**



Hollie Faithfull  
**Chief Financial Officer**



David Baldwin  
**Acting Chief Executive Officer**



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## SARG REPORT

**SARG MEETING:** June 2021

**DATE:** 15 June 2021

**ITEM:** Agenda Item for Strategic Advisory Reference Group

**SUBJECT:** Council Policies

**AUTHOR:** Tracey Burrell, Acting Head of People & Wellbeing

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### Recommendation

That the Strategic Advisory Reference Group recommends the following policies and support inclusion of this report at the June Ordinary Meeting:

- Code of Conduct Policy;
- Equal Employment Opportunity Policy; and
- Recruitment Policy;

### Executive Summary:

The policies contained in this report needed redrafting and updating due to either having expired or changes to legislation. To ensure compliance with legislation and already existing policies, these have been updated to reflect legislative changes or changes internally at Council.

The Code of Conduct Policy; Equal Employment Opportunity Policy; and Recruitment Policy were presented to and noted by the Audit Committee at its meeting on 12 April 2021.

The table below show the policies and procedures contained in this report:

Policy	Changes
Code of Conduct Policy	Had expired and updated to reflect internal changes.
Equal Employment Opportunity Policy	Had expired and updated to reflect internal changes.
Recruitment Policy	Had expired and updated to reflect internal changes.

### Conclusion:

That SARG Committee recommends the attached policies and supports inclusion of this report at the June Ordinary Meeting.

Tracey Burrell  
**Acting Head of People and Wellbeing**

Hollie Faithfull  
**Chief Financial Officer**

David Baldwin  
**Acting Chief Executive Officer**

**Note:** Following Council adoption, final document to be published as an employee handbook, rather than policy format.

## EMPLOYEE CODE OF CONDUCT

<b>Responsible Manager</b>	Head of People and Wellbeing
<b>Head of power</b>	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Public Service Act 2008</i> <i>Industrial Relations Act 1999</i> <i>Anti-Discrimination Act 1991</i> <i>Sex Discrimination Act 1984</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Human Rights and Equal Opportunity Act 1986 (Cth)</i> <i>Public Sector Ethics Act 1994</i> <i>Crime and Corruption Act 2001</i>
<b>Authorised by</b>	Chief Executive Officer
<b>Authorised on</b>	May 2021
<b>Implemented from</b>	TBC 2021
<b>Last reviewed</b>	June 2018
<b>Review history</b>	2013, 2014, 2016, 2018, 2021
<b>To be reviewed on</b>	June 2023
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. PURPOSE

The purpose of this Code of Conduct (Code) is to provide a set of standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgement.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethic. By consistently applying these standards, we enhance public trust and confidence in Council through the actions of each of us. Nothing in the Code interferes with your rights a private citizen or a community member.

The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations not covered by the Code. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your colleagues, your team leader/supervisor and by Council.

## 2. POLICY STATEMENT

It is the policy of Torres Strait Island Regional Council to operate in a manner that provides and preserves a harmonious place for all our workers within the bounds of the applicable industrial relations instruments including agreements and awards, and where all levels of management are focused on ensuring that all work is carried out with minimal disruption and with maintained industrial harmony.

Torres Strait Island Regional Council conducts its business with integrity, honesty and fairness, and complies with all relevant laws, regulations, codes and corporate standards.

Everyone working for Torres Strait Island Regional Council must follow the highest standards of ethical behaviour when dealing with customers and each other. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels.

Council actively supports, encourages, develops and expects its employees to:

- **Deliver value** by operating safely, ethically and responsibly. We drive productivity and efficiency to ensure we are a financially sustainable organisation.
- **Act as 'One Council'** by working together to provide seamless service to our residents and business customers. We respect Council's decision-making processes and corporate priorities at a local level for the greater good of the organisation.
- **Continuously improve** how we deliver services by listening to and understanding the needs of our customers. We operate in a self-service environment and use quality data from agreed 'sources of truth' to inform decisions and achieve best value.
- **Be capable and effective** by being adaptable and cost-effective in delivering our products and services. Our leaders are accountable to communicate business priorities and performance expectations to their teams and offer regular feedback and recognition.

### Public sector ethics and corporate values

The Public Sector Ethics Act 1994 (Qld) identifies four fundamental ethical principles that guide our behaviour as public officials. The four ethical principles are:

- integrity and impartiality
- promoting the public good
- commitment to the system of government
- accountability and transparency.

## Our Values

The values we share as employees of Torres Strait Island Regional Council are:

Value & Value Statement		Desired Behaviours
	<b>RESPECT</b> We have <b>respect</b> for each other and the <b>communities</b> we serve	<ul style="list-style-type: none"> <li>We respect and recognise Allan Kastom.</li> <li>We are open and collaborative, valuing clear community engagement.</li> <li>We recognise and respect diversity, individual needs, experience and strengths.</li> </ul>
	<b>COURAGE</b> We are <b>courageous</b> leaders, who think <b>innovatively</b>	<ul style="list-style-type: none"> <li>We encourage, value and reward creative thinking.</li> <li>We respect and explore different ideas and perspectives.</li> <li>We embrace change and actively promote Council's vision.</li> </ul>
	<b>ACCOUNTABILITY</b> We are <b>accountable</b> and responsive to our <b>communities</b>	<ul style="list-style-type: none"> <li>We take pride in our work and pursue a standard of service excellence.</li> <li>We consistently strive for transparency and good governance to the benefit of public interest.</li> <li>We are reliable, honest and ethical in all we do.</li> </ul>
	<b>RESILIENCE</b> We are builders of a <b>sustainable</b> and <b>resilient</b> region	<ul style="list-style-type: none"> <li>We actively seek opportunities to continuously improve and bring growth to our region.</li> <li>We think globally, act regionally.</li> <li>We empower our people and communities; embracing local opportunity and participation.</li> </ul>
	<b>ONE</b> We are <b>one team</b> who achieves who achieves <b>together</b>	<ul style="list-style-type: none"> <li>We show care for people and look out for each other.</li> <li>We speak up and support others to be safe and healthy.</li> <li>We respectfully address behaviours that conflict with Council's values.</li> </ul>

The four ethical principles, together with the Torres Strait Island Regional Council's values, form the basis of this Code of Conduct. They apply to all Torres Strait Island Regional Council workers and guide our thinking, actions and decision making.

## 3. SCOPE

All Torres Strait Island Regional Council workers, regardless of their employment status, role or position must be familiar with and follow the spirit and content of the Code of Conduct.

Torres Strait Island Regional Council workers are:

- Employees of Council who are permanent, temporary or casual employees. This includes executives, managers, supervisors, team leaders, apprentices and trainees, team members and individuals, regardless of whether they work full-time or part-time or on a flexible employment arrangement.
- Contractors, consultants, and labour hire workers who perform work for Council under a contract for services (commercial contract), even though they are not employees of Council.
- Employees of other organisations or agencies who are working in Council on a secondment arrangement.
- Students doing unpaid work experience or unpaid placements.
- Volunteers.



## 4. OBLIGATIONS AS AN EMPLOYEE OF COUNCIL

### 4.1. THE FIRST PRINCIPLE - Integrity and Impartiality

#### a) Ethics value

In recognition that public office involves a public trust, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and:

- are committed to the highest ethical standards;
- accept and value their duty to provide advice, which is objective, independent, apolitical and impartial;
- show respect towards all persons, including employees, clients and the general public;
- acknowledge the primacy of the public interest and undertake that any conflict-of-interest issue will be resolved or appropriately managed in favour of the public interest; and
- are committed to honest, fair and respectful engagement with the community.

#### b) Standards of conduct

##### (i) Behaviour towards each other

We must all treat each other with trust, respect, honesty, fairness, sensitivity and dignity. Employees who supervise or manage other employees have a special responsibility to model this kind of behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them.

You are expected to accommodate and respect different opinions and perspectives and manage disagreements by rational debate. You must not behave towards any other person in a way that could be perceived as intimidating, overbearing or as workplace harassment.

Effective teamwork is an essential part of a productive workplace culture. Each team member is expected to work co-operatively with fellow employees and willingly participate and engage in team activities (e.g. meetings).

##### (ii) Non-discriminatory workplace

Council is committed to creating and maintaining a workplace free from unlawful discrimination. By law, all employees must ensure that discrimination is not part of our workplace or our practices.

##### (iii) Workplace and sexual harassment

Council is committed to preventing harassment of employees and the public.

Creating a work environment free of harassment is everyone's responsibility. As an employee you must take steps to prevent workplace harassment and sexual harassment and address improper or inappropriate behaviours before they become severe, persistent or pervasive.

All employees are expected to contribute to building a workplace that tolerates differences and which is free from intimidation, bullying and harassment.

##### (iv) Conflict of interests

When making decisions, you must declare any conflicts of interest. Refer Definitions, Section 4 for more information.

A conflict of interest involves a conflict between your official duties and responsibilities in serving the public interest and your private interests. A conflict of interest can arise from

avoiding personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends.

If you believe you have a conflict of interest, refer to the Conflict of Interest Policy and Procedure.

If you feel you have a conflict of interest between professional and corporate values, discuss it with your team leader/supervisor.

**(v) Influences on decision-making**

You must not influence any person in an improper way to try to obtain any advantages or favours.

You must not deliberately mislead decision-makers by providing them with false, biased, incomplete, or inaccurate information.

All decisions you make must be, and be seen to be, fair and transparent. This can be achieved by:

- following Council's policies, procedures and processes;
- keeping clear, accurate and complete records; and
- recording how and why decisions were made.

The guide to ethical decision-making (see Section 5.7) has more information on this.

**(vi) Accepting gifts and benefits**

You must not ask for a personal payment or other benefit for doing something as a Council employee.

Occasionally you could be offered gifts or benefits from people with whom you do business, in all circumstances, you should follow Council's Gifts and Benefit Procedure.

**(vii) Employment outside Council, includes operating a personal business**

It is not Council's intention to stop you from holding secondary employment or operating a personal business outside your normal working hours, providing your private employment or business:

- does not create a real or perceived conflict of interests;
- has no effect on the performance of your official duties, including effects from a safety/fatigue management perspective and possible exacerbation of an illness or injury;
- is not likely to bring Council's reputation into disrepute; and
- continues to meet these requirements.

Approval is automatically granted for you to undertake private employment or operate a personal business outside of your normal working hours, providing the above requirements are met.

Although you don't need written approval, if you undertake voluntary work or a hobby you must ensure that these activities also meet the above requirements. If you are unsure, you must discuss the matter with your team leader/supervisor.

**(viii) Public comments on Council business**

Under Council's communication guidelines, only the Mayor or their delegate can comment publicly on Council business.

If you are asked to comment on any Council matter, typically by the media or public relations firms, refer the agency to the Corporate Affairs Department.

Sometimes, it might be appropriate to share information based on your personal and professional experience (e.g. in seminars or training programs). Make sure that if you share your experiences, you do not breach the confidentiality of Council information or privacy of other persons (this can potentially include comments made and information shared in your personal life by whatever method of communication you use, including social media).

#### **(ix) External activities**

You are not to take part in political affairs while on duty. Council's corporate IT & communications networks, including internet access and email, must not be used for political messages or circulating defamatory or disparaging remarks against individuals or groups.

You are free to engage in trade union, party-political, professional, interest group or charity activities. You must make sure that your participation in such activities does not cause a conflict of interest, and that it does not restrict or impact on the performance of your duties with Council.

If you comment publicly in connection with such activities, you must make it clear that the comment is your opinion as a member of those organisations. You must not give your unauthorised opinion as a Council employee.

You must not place negative or disparaging posts or make political comments on Council's official social media channels, e.g. Facebook, Twitter, from your personal accounts.

You must not use your role in Council, Council information or information gained in the course of your duties, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide Council information to members of other groups or related persons, except where this information is publicly available.

As an employee, you are the face of Council in the community. If you identify yourself or can be identified as a Council employee, your out-of-work behaviour and personal opinions are likely to come under public scrutiny. When using social media outside of work hours, assume that material you post online can be made public at any time and may be permanent. Be aware that your posts and photos may be shared by others in ways beyond your control and may reach unintended audiences. Even when you post material anonymously or use private social media channels, you must continue to uphold this Code of Conduct.

Example: If you are identified as a Council employee and you post derogatory or defamatory remarks about your manager or a colleague on the internet (for example Facebook), you may be in breach of this Code of Conduct.

#### **(x) Fairness to suppliers**

Council has a Procurement & Ethical Sourcing Policy, associated procedures and delegations of authority for various stages of procurement of goods and services. You must comply with these procedures when seeking suppliers for goods or services.

If you, through the course of your employment, are involved in offering contracts or buying goods and services from outside Council, you must be sure you have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work.

You also need to ensure that you do not incur any liability or enter into any contract on behalf of the Council, or alter the terms or conditions of any approved contract, unless you are authorised to do so.

### c) Working with children and young people

In accordance with the *Commission for Children and Young People and Child Guardian Act 2000*, Torres Strait Island Regional Council is required to have a Code of Conduct for working with children and young people. This Code outlines appropriate standards of behaviour for adults towards children. It serves to protect children and reduce any opportunities for abuse or harm to occur. The Code also assists employees and volunteers by providing guidance on how to best support children and avoid or better manage difficult situations.

#### **Working with Children and Young People Code of Conduct Statement:**

Council aims to be a child-safe organisation and create an environment where everyone feels safe, respected and valued. Council promotes and protects the rights, interests and wellbeing of children and young people within our local government area, particularly those most vulnerable.

Council supports the rights of children and young people and will act without hesitation to ensure a safe and caring environment is maintained at all times. Council also supports the rights and well-being of our workers and encourages active participation in maintaining a secure environment for all participants, including young people who are participants in Council's workforce, such as school-based trainees, apprentices, and students on work experience.

For positions which provide services or activities for children and young people:

- Council will ensure:
  - *Working with Children Blue Card* checks of employees are done as required; and
  - procedures are in place to manage any risks of harm to children and young people by Council employees.
- Workplace supervisors of young employees or students on work experience are not required to have a *Working with Children Blue Card*.
- You are responsible for notifying your manager if your *Working with Children Blue Card* lapses or is cancelled.

#### **Torres Strait Island Regional Council employees will:**

- follow organisational policy and guidelines for the safety of children, as outlined in this Code of Conduct and working with children guidelines, as well as all relevant local, state and national laws pertaining to working with children and young people;
- treat everyone with respect and honesty (this includes employees, volunteers, students, children, young people and parents);
- be respectful of children's rights, background, culture, religion, politics and beliefs;
- set clear boundaries about appropriate behaviour to children in the organisation and community;
- always have another adult present or in sight when working with, or in proximity to, children\*;
- conduct themselves in a manner consistent with their position as a positive role model to children, and as a representative of Torres Strait Island Regional Council;
- report and act on any breaches of these standards of behaviour;
- where a child discloses harm to an employee, or where an employee has a suspicion of harm, the employee must report this to Child Safety Qld.

#### **Torres Strait Island Regional Council employees will not:**

- become involved in inappropriate conversations of a sexual nature, make sexually suggestive comments or expose children and young people to the sexual behaviour of others;
- initiate unnecessary physical conduct with children or do things of a personal nature that children can do for themselves;
- personally correspond (including email and/or mobile phone) with a child or young person in respect of personal feelings for a child or young person;
- spend inappropriate time with a child or young person or show special favours.

Where an incident involves a young person who is a participant in Council's workforce, a senior workplace manager will make immediate contact with the young person's parent or guardian.

Suspected breaches of this Code will be treated individually and all relevant circumstances will be taken into account. Suspected breaches will be treated in line with the Managing Underperformance Procedure. Depending on the severity of the breach, formal disciplinary proceedings might be taken. Matters may be referred to the Crime and Corruption Commission as necessary.

## **4.2. THE SECOND PRINCIPLE - Promoting the public good**

### **a) Ethics value**

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public sector entities and public officials:

- accept and value their duty to be responsive to both the requirements of government and to the public interest;
- accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions;
- accept and value their duty to manage public resources effectively, efficiently and economically;
- value and seek to achieve excellence in service delivery; and
- value and seek to achieve enhanced integration of services to better service clients.

### **b) Standards of conduct**

#### **(i) Using Council assets**

Council's assets include property (physical and intellectual property), plant, equipment, IT & Communication assets, goods, products and valuables (this includes surplus material, waste material, and off-cuts). All employees share the responsibility for looking after them.

If you are in charge of assets you must take good care of them while they are in your possession or use, and ensure they are used economically and efficiently. It is an offence to unlawfully destroy or damage property of Council or to misuse, or allow anyone else to misuse, Council assets. You must make sure assets are secured against theft and properly stored, maintained and repaired.

You must abide by Council's security procedures and rules for accessing Council's assets.

You must not allow anyone else unauthorised access to Council assets.

You must ensure that you use Council assets only for official Council business unless written approval has been granted by your manager.

You are not to access or disclose any information about customers unless you are carrying out official Council business.

If you use a Council vehicle, you must not use it for private or non-official purposes, unless those circumstances are specifically allowed by Council or you have prior written approval from your manager.

When you leave Council, you must return any Council assets you have on loan and all work-related documents.

## **(ii) Using Council's IT & Communication assets**

Any file stored on, or information accessed using Council's IT & Communication assets, is discoverable by Council. All devices (including personal IT & Communication devices) or systems connected to Council's corporate IT & Communication network may be subject to scrutiny.

- You can use Council's IT & Communication assets for:
  - accessing data, information, websites, etc. for official purposes and as necessary where it supports or informs the work you do;
  - limited personal use, providing you comply with Council's rules and guidelines about acceptable use of ICT and social media. Limited personal use means use that is infrequent and brief, and is performed during your non-paid time, that is, before and after work and during lunch breaks. Refer Definitions, Section 4 for more information.
- You can use Council's telephones for messaging and making local calls that you cannot make conveniently outside working hours on a reasonable basis.
- You must not use Council's IT & Communication assets to:
  - store large quantities of personal data or photos or non-work documents;
  - download, stream or store music, movies, video clips, pictures, or other material not associated with your work;
  - make unauthorised copies of software, music, videos, games, etc;
  - introduce, download or use unauthorised software;
  - connect any personal ICT device to Council's corporate ICT network, e.g. iPods, cameras, USB thumb drives, without prior approval from Information Technology Services (ITS). When plugging in a personal ICT device to charge, employees are responsible for ensuring that Council's ICT assets are in no way placed at risk.
  - access or circulate inappropriate material.
- If you telecommute or work from a remote location, you must use an authorised secure means to access Council's ICT network.
- You must not download or store Council's electronic files in an unauthorised location, e.g. on a home computer, personal USB memory stick, personal ICT device.
- You must adhere to Council's security requirements and not attempt to bypass or modify any restriction or security measure put in place by Council or third parties.

## **(iii) Public money**

You must maintain high standards of accountability if you collect and use public money.

You are not to borrow or use Council money for private purposes. This also applies to items such as corporate credit cards and cab-charge cards.

## **(iv) Intellectual property**

You must obtain written approval before arranging to publish or disclose any articles or materials you produced as part of your official duties. Any original work, invention or product you contributed to in association with your work remains Council property.

Similarly, you must not publish or disclose any matters relating to Council's intellectual property without appropriate authority.

This does not stop you from sharing with other organisations information relating to your official duties. However, if you do, you must make sure you do not breach the confidentiality of Council information, its employees or its clients, or compromise Council's intellectual property rights.

You must also respect the intellectual property rights of individuals and organisations outside Council. For example, you must not copy, quote or reproduce their work unless they have given you permission to do so. Where you make reference to the work of others, you must cite or acknowledge the source.

You must not infringe Copyright Law, including the intellectual property, of any individual or organisation. For example, you must not store or copy audio, video or image files, printed media and software without appropriate license or approval on Council assets.

#### **(v) Customer service**

All Council employees are energised and proud to serve our communities. We are a trusted Council and take responsibility to deliver on promises, while treating members of the public with honesty, fairness, sensitivity and dignity.

At Council, we are one team working together to provide seamless service, it is important to know there is support available if you are unsure of how to deal with difficult situations and difficult people.

We value customer feedback. It is important to make all reasonable efforts to help customers lodge complaints. If you think a situation is threatening or intimidating, you are entitled to withdraw. If in doubt, ask for help from a more experienced colleague, or a team leader/supervisor.

Council will support any employee who believes they are under threat from a member of the public.

#### **(vi) Concern for the environment**

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions (e.g. taking care in disposing of waste and using and storing chemicals, reducing energy consumption and waste in our workspaces where we can, and applying high standards for environmental protection across the region).

#### **(vii) Community engagement**

Council's Corporate Plan 2020-2025 strongly articulates Council's intent to engage the community on major issues affecting the future of the region and activities that have significant impacts on the environment.

It is essential that Council has a consistent approach to community engagement and that it uses effective engagement practices. Any engagement undertaken by Council needs to be conducted in a meaningful way so that the community is clear about what it is able to

influence and knows that its interests have been considered in planning processes. Wherever possible, you are expected to provide community members with feedback on how their input has influenced Council's decisions. This will help to increase their trust in Council generally and maintain their involvement in future Council engagement activities.

Council is committed to developing a Community Engagement framework and guidelines for consistent and effective engagement practices. You are expected to comply with these when engaging with the community to augment Council's decision-making processes and to ensure that decisions are made in the public interest.

**(viii) Working with other government agencies\***

Torres Strait Island Regional Council aims to conduct its business with the best interests of the organisation and the community it serves. Building effective formal partnerships and leveraging informal networks with other government agencies\*, community and industry stakeholders are crucial to achieving our Corporate Plan 2020-2025. Below is a set of guidelines Council officers can refer to when undertaking their duties in dealing with Federal Government, State Government and other government agencies.

- 1) Council officers' work must first and foremost represent the interests and contribute to the achievement of Torres Strait Island Regional Council's strategic goals. As a Council official, you must carry out your duties with the best interests of Torres Strait Island Regional Council in mind.
- 2) You must obtain approval from your manager and/or relevant Executive before dealing with other government agencies\* on significant matters. These matters include:
  - entering into formal agreements;
  - advising on Council's strategic position that has not been formally adopted by full Council;
  - dealing with significant operational matters;\*\* and/or
  - sharing or disclosing Council information that is commercial-in-confidence and/or not publicly available.

These principles do not cover every situation and Council officers are advised to seek guidance from their supervisors when dealing with a particular issue or operational matter of which they may be uncertain.

\*Government agencies include other Local, State, Federal Governments, government-owned corporations, statutory authorities and other public bodies.

\*\*Examples of significant operational matters include (but are not limited to) core services that relate to Council's statutory obligations, capital projects above \$200,000 and services that have high community usage and/or are of significant public interest.



### 4.3. THE THIRD PRINCIPLE - Commitment to the system of government

#### a) Ethics value

In recognition that public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public sector entities and public officials:

- accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government;
- are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and
- accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

This does not limit the responsibility of a public sector entity or public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy or is a customary feature of the work of the entity or official.

#### b) Standards of conduct

##### (i) Acting within the law

As an employee of Council, you are expected to comply with:

- this Code of Conduct;
- Council's corporate rules, which include policies, procedures and guidelines;
- all relevant State and Commonwealth legislation; and
- specific legislation relating to your employment.

All employees of Council have the following responsibilities:

- (a) implementing the policies and priorities of the council in a way that promotes:
  - (i) the effective, efficient and economical management of public resources; and
  - (ii) excellence in service delivery; and
  - (iii) continual improvement;
- (b) carrying out their duties in a way that ensures the council:
  - (i) discharges its responsibilities under this Act; and
  - (ii) complies with all laws that apply to the council; and
  - (iii) achieves its corporate plan;
- (c) providing sound and impartial advice to the council;
- (d) carrying out their duties impartially and with integrity;
- (e) ensuring their personal conduct does not reflect adversely on the reputation of the council;
- (f) improving all aspects of their work performance;
- (g) observing all laws relating to their employment;
- (h) observing the ethics principles under the Public Sector Ethics Act 1994, section 4;
- (i) complying with a code of conduct under the Public Sector Ethics Act 1994.

You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or there is a better way of doing something, or if you think that a direction may be in breach of the law. When you have recorded your suggestion or concern you are required to work as directed by your supervisor, except where there is an imminent risk to safety. If the matter cannot be resolved within the workgroup, it should be immediately referred to your manager.

If you are charged, or about to be charged, in respect of:

- a summary offence relating to your employment with Council; or

- an indictable offence, whether or not that offence relates to your employment with Council,
- you must immediately report the circumstances to your divisional or executive manager.

You are responsible for advising your divisional or executive manager of the outcome of any such proceedings.

If you uncover evidence or have reasonable suspicion there is corrupt conduct, you must notify your divisional or Manager Risk and Ethics at the earliest opportunity.

## **(ii) Raising concerns**

You have the right to comment on or raise concerns about Council policies or practices where they impact on your employment. However, you must do this in a reasonable, constructive way and take responsibility for your comments and views. You are required to comply with any lawful management direction, except where there is an imminent risk to safety.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and the employee will be managed in accordance with the Managing Underperformance Procedure and procedures dealing with vexatious and frivolous complaints.

## **(iii) Handling information**

You must respect the copyrights, trademarks and patents of your suppliers. You must not reproduce or quote suppliers' material unless your license specifically allows it. See sections 5.2 (b) (ii) and 5.4 (b) (iii) of this Code.

You must not release information that you know, or should reasonably know, is information that:

- (a) is confidential to Council; and
- (b) Council wishes to keep confidential.

This obligation survives after you leave Council's employment or your contract for services ends.

## **(iv) Advice given to elected officials**

Council must give Councillors advice that is thorough, responsive and unbiased so that Councillors can make decisions and carry out their community responsibilities. If you are unsure on how to respond to a Councillor, refer to Council's Acceptable Requests & Communication Protocol Policy, or discuss this with your team leader/manager.

If you believe there is conflict between a request from an elected official and Council policies, discuss this with your team leader/supervisor.

# **4.4. THE FOURTH PRINCIPLE - Accountability and transparency**

## **a) Ethics value**

In recognition that public trust in public office requires high standards of public administration, public sector entities and public officials:

- are committed to exercising proper diligence, care and attention;
- are committed to using public resources in an effective and accountable way;
- are committed to managing information as openly as practicable within the legal framework; and
- value and seek to achieve high standards of public administration;
- value and seek to innovate and continuously improve performance; and

- value and seek to operate within a framework of mutual obligation and shared responsibility between public sector entities and public officials.

## **b) Standards of conduct**

### **(i) Diligence, care and attention**

Council aims to conduct its business with integrity, honesty and fairness, and to achieve the highest standards in service delivery. You contribute to this aim by carrying out your duties honestly, responsibly, in a conscientious manner, and to the best of your ability. This includes:

- giving priority to official duties over personal activities during work time;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting yourself in a way so others gain confidence and trust in the way Council does business;
- not allowing your conduct to distract or prevent others from working;
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or ordinance;
- ensuring that you carry out your work diligently, accurately, and to the required performance standards and timeframes;
- proactively seeking assistance if you are experiencing difficulties with your work; and
- ensuring your personal conduct does not reflect adversely on Council's reputation.

If you are responsible for managing or supervising others, you must also ensure that:

- you model the values and principles outlined in this Code, and ensure that employees within your area of responsibility understand and comply with the Code;
- you do not come under a financial obligation to any employee you supervise or manage;
- your work and the work of those you supervise contributes to the achievement of Council's goals;
- employee performance is monitored and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, employees are given training opportunities to assist them in developing their careers;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on timesheets and pay summary reports, and time is accurately costed;
- you do not exercise your delegations until you have considered all the necessary information and you are satisfied that all legislative or procedural requirements are met; and
- appropriate action is taken if breaches of this Code occur.

### **(ii) Attendance at and absence from duty**

You are expected to follow Council employment and working arrangements, agreements and rulings on attendance at work and leave. This includes notifying your team leader/supervisor of any unscheduled absences prior to the beginning of your shift (where practicable), not being absent without approval, and accurately and truthfully recording work and leave periods.

Absence without approval and without reasonable excuse can create concerns for your safety and unproductive time for others, and may result in deductions in salary/pay for the period of absence and/or possible disciplinary action.

**(iii) Privacy and confidentiality**

Council has information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful if released. Employees must only access information and records they require in the course of their Council duties. Employees must keep this information confidential at all times, and comply with Council's Privacy Policy.

You can maintain privacy by:

- taking care about discussing work matters with anyone not entitled to know such information;
- taking responsibility to safeguard confidential files and information;
- not disclosing system passwords to others;
- enforcing rules about storage of information over time; and
- referring all media enquiries to Corporate Affairs.

You must not use information acquired as a Council employee to gain (directly or indirectly) an advantage for yourself or someone else, or cause detriment to Council. This obligation survives after you leave Council's employment or your contract for services ends.

**(iv) Continuing development**

You are expected to maintain and improve your work performance and that of your work unit in the delivery of customer service. You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work. Council will assist you by providing equitable access to training and development opportunities.

**(v) Workplace health and safety**

You must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow employees and members of the public. This duty of care extends to both psychological and physical health and wellbeing.

We must all:

- identify hazards and manage risks to health and safety;
- perform all work safely and follow safe work practices;
- use personal protective equipment if required;
- report any incidents or hazards immediately and support investigations; and
- take corrective action to 'make safe' and implement improvements.

We must keep the workplace drug and alcohol free if we are to maintain the trust and confidence of customers and the health and safety of all employees. The use of drugs or alcohol adversely affects productivity, attendance and on-the-job safety.

You must not:

- use, possess or be impaired by the effects of illegal drugs while on duty;
- consume alcohol while on duty or in the workplace;
- come to work impaired by the effects of alcohol or drugs (refer Definitions, Section 4);
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions);
- smoke in Council buildings, offices or vehicles.

**4.5. Breaches of The Code of Conduct**

A breach of the Code of Conduct damages business, public and work relationships. Any act or lack of action that contravenes the Code may be a breach of Council policies. Suspected breaches will be treated individually, and all relevant circumstances will be taken into account. Suspected breaches will be treated in line with the procedures for managing poor performance and misconduct. Depending on the severity of the breach, formal disciplinary action might be taken in accordance with the Disciplinary Procedure.

Council has identified a number of matters that are reportable matters. The following matters must be reported to the Manager, Risk and Ethics for assessment, and the Crime and Corruption Commission as necessary:

- Corrupt conduct or suspected corrupt conduct (refer Definitions, Section 4).
- Allegations that an employee has carried out official duties in a way that lacks honesty and impartiality; or breaches the community's trust; or involves an improper use of official information.
- Any action that is deemed to be a criminal offence, or an act which, if established, would reasonably warrant dismissal from Council's employment. Examples are stealing Council property or a customer's property; accepting a bribe; fraud; assault of a co-worker or customer; disclosing confidential information.

You may be suspended from duty:

- if there is suspected misconduct, including corrupt conduct;
- while an investigation is progressed;
- while charges are determined by the relevant court.

Suspension from duty will be on full pay.

Any subsequent disciplinary action will be in accordance with the Managing Underperformance Procedure.

#### **4.6. If you have a concern**

The Public Interest Disclosure Act 2010 and the Public Sector Ethics Act 1994 aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct.

If you have a concern, or suspect a breach of the Code involving one or more Torres Strait Island Regional Council employees, the Public Interest Disclosure Act 2010 gives you the right and the protection to report issues using:

- internal channels (e.g. team leader, divisional or executive manager, Chief Executive Officer, Risk and Ethics Unit)
- external channels (e.g. Crime and Corruption Commission, Anti-Discrimination Commission, Queensland Ombudsman).

#### **4.7. A guide to ethical decision-making**

The following guide is designed to help you reach an ethical decision based on the relevant facts and circumstances of a situation.

Step 1: Assess the situation.

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against Council policy?
- Is it in line with the Code's principles?
- What principles does it relate to? Why?
- Who is affected? What rights do they have?

- What are your obligations or responsibilities?

Step 2: Look at the situation from Council's viewpoint.

- As a public official, what should you do?
- What are the relevant laws, rules and guidelines?
- Who else should you consult?

Step 3: How would others see your actions?

- Would a reasonable person think you used your powers or position improperly?
- Would the public see your action or decision as honest and impartial?
- Do you face a conflict of interests?

Step 4: Consider the options.

- Ask your supervisor, team leader, manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with Council's values, the four Principles and your obligations?
- What are the costs and long-term consequences?
- How would the public view each option?

Step 5: Choose your course of action.

Make sure your actions are:

- within your power to take, legal and in line with policy and this Code;
- fair and able to be justified to your manager and the public;
- documented so a statement of reasons can be supplied;
- consistent with Council's mission, goals and values;
- backed by advice from Council specialists, if this is appropriate.

## **5. FURTHER ASSISTANCE**

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your manager, team leader, divisional or executive manager. In most cases, they will be able to answer your enquiries.

If you have concerns about approaching any of these people, contact the next most senior person in your area. You might wish to contact your union representative or one of the following: [TBC]

## 6. DEFINITIONS

WORD/ABBREVIATION	DEFINITION
<b>Acceptable use</b>	See definition of Limited personal use
<b>Bullying</b>	see definition of Workplace harassment
<b>Conflict of interest</b>	<p>A conflict of interest involves a conflict between a Torres Strait Island Regional Council employee's work responsibilities and their personal or private interests. A conflict of interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of interest can be real (actual) or perceived (apparent). Interests can be financial, non-financial, personal, private, family or business.</p> <ul style="list-style-type: none"> <li>• <b>A real conflict of interest</b> is a conflict between the employee's duties and their private interests. <ul style="list-style-type: none"> <li>○ <i>Example:</i> Ron is on a recruitment and selection panel and his sister is applying for a position to be decided by that panel.</li> </ul> </li> <li>• <b>A perceived conflict of interest</b> is if it seems an employee's private interests could improperly influence them at work, as judged by a reasonable person. <p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>○ Frida works for Council as a community grants funding program manager. On the weekend she plays tennis with the director of a community organisation applying for funding through the program Frida is managing.</li> <li>○ Jerry, who is responsible for assessing building applications, receives an application for major extensions to a house owned by an old school friend.</li> </ul> </li> <li>• <b>A financial interest</b> is when the employee could gain a personal financial benefit including having shares, receiving gifts, benefits or bribes or receiving hospitality or travel. <ul style="list-style-type: none"> <li>○ <i>Example:</i> Kim's partner owns a company which is tendering for work with Council.</li> </ul> </li> <li>(a) <b>A non-financial interest</b> is when the employee could gain a non-financial benefit such as personal recognition, offer of employment, avoidance of a penalty, or influence a Council outcome for a friend or family member. <p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>○ You work in the strategic procurement area and a friend asks you to keep an eye on his tender application.</li> <li>○ You work in the funding application area and you are also president of a local group applying for funding from Council.</li> <li>○ You work in the development application's area and your children's school will be affected by a new</li> </ul> </li> </ul>

WORD/ABBREVIATION	DEFINITION
	development and the development proposal has been submitted to Council for approval.
<b>Discrimination</b>	<p>As defined in various state and federal legislation, discrimination occurs if a person treats, or proposes to treat, someone unfavourably due to a personal characteristic which is protected by law, for example their sex, relationship status, age, race.</p> <p>In some circumstances, discrimination can be considered lawful, such as where the inherent requirements of the position require certain attributes (e.g. required attributes of an arborist position may be climbing trees, carrying tools, and working at heights).</p>
<b>Corrupt conduct</b>	<p>As defined in the <i>Crime and Corruption Act 2001</i>, means the conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of:</p> <ul style="list-style-type: none"> <li>(i) a unit of public administration; or</li> <li>(ii) a person holding an appointment; <b>and</b></li> </ul> <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that:</p> <ul style="list-style-type: none"> <li>(i) is not honest or is not impartial; or</li> <li>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; <b>and</b></li> </ul> <p>(c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; <b>and</b></p> <p>(d) would, if proved, be:</p> <ul style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</li> </ul>
<b>IT asset</b>	May include, but not limited to, networks, computing systems, software, computers, telecommunication devices, mobile computing devices, removable media, digital or analogue recorders including DVD and video, cameras, printers, fax machines, photocopiers, scanners, media players etc. and managed or controlled by Council.
<b>Impaired by the effects of alcohol or drugs</b>	<p>Means:</p> <p>(a) For all employees:</p> <ul style="list-style-type: none"> <li>o a positive drug test result in excess of the cut-off levels specified in Australian Standard AS 4308-2008; or</li> <li>o physical or mental condition and/or behaviour which limits the employee's ability to undertake work in a safe and effective manner.</li> </ul> <p>(b) In addition to (a), for employees operating/driving heavy vehicles and buses:</p> <ul style="list-style-type: none"> <li>o a blood alcohol content greater than 0.00% (consistent</li> </ul>



WORD/ABBREVIATION	DEFINITION
	<p>with Queensland Transport Regulations).</p> <p>(c) In addition to (a), for employees driving light vehicles or operating mechanical tools or equipment:</p> <ul style="list-style-type: none"> <li>○ a blood alcohol content greater than 0.05% (consistent with Queensland Transport Regulations).</li> </ul>
<b>Indictable offence</b>	As defined by the <i>Criminal Code</i> and similar legislation. It ordinarily means a criminal offence that is punishable by imprisonment for over one year. An indictable offence may be heard by a court (and jury) or may be dealt with summarily by a judge.
<b>Limited personal use</b>	<p>Means:</p> <ul style="list-style-type: none"> <li>• personal use that is infrequent and brief and is performed during the employee's non-paid time, that is before and after work and during lunch breaks. Examples of permitted personal use include online banking, bill paying, sending or receiving infrequent personal messages by email providing the content of the message does not breach this Code of Conduct.</li> <li>• acceptable personal use does not: <ul style="list-style-type: none"> <li>○ interfere with the operations of the Torres Strait Island Regional Council or</li> <li>○ present a possible risk to Council's reputation or</li> <li>○ compromise Council's legal obligations in any way, e.g. breach of copyright, unauthorised storage of sensitive personal information or</li> <li>○ involve downloading, streaming or storing music, movies, video clips, pictures or any other material not associated with your work or</li> <li>○ result in a real or perceived conflict of interest between any private employment, or the operation of a personal business, and an employee's official duties or</li> <li>○ involve deliberate viewing, downloading, or contributing to inappropriate material, e.g. pornography, extreme violence, racism, terrorism or any illegal activity or</li> <li>○ detract from the performance of your work, e.g. online gaming, gambling, or auctions such as eBay.</li> </ul> </li> <li>• acceptable personal use does not breach this Code of Conduct, <i>Public Sector Ethics Act 1994</i> (Qld), <i>Public Service Act 1996</i> (Qld), <i>Crime and Corruption Act 2001</i> (Qld) or related State and Federal legislation and regulations.</li> </ul>
<b>Personal use</b>	Means your personal or life interests, not associated with the performance of your official duties.
<b>Public official</b>	Means an employee of Council.
<b>Public sector entity</b>	Means Council.
<b>Social media</b>	Social media is using ICT technology to share information, communicate and engage with others. Social media sites may include social networking (e.g. Facebook), micro-blogging (e.g.

WORD/ABBREVIATION	DEFINITION
	Twitter), photo and video sharing, blogs, wikis, forums, discussion boards, online social groups.
<b>Sexual harassment</b>	Is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.
<b>Summary offence</b>	Is a minor criminal offence or misdemeanour, which is dealt with summarily by a magistrate.
<b>Workplace harassment (bullying)</b>	Is repeated behaviour by a person, including the person's employer or co-worker or group of co-workers of the person, that: <ul style="list-style-type: none"> <li>• is unwelcome, unsolicited or uninvited;</li> <li>• offends, intimidates, humiliates or threatens (regardless of intent);</li> <li>• would offend, intimidate, humiliate or threaten a reasonable person if it happened to them.</li> </ul>
<b>Young People</b>	People who are under the age of 18 years.

**POLICY STATEMENT**

- (a) ~~Council is committed to being an employer of choice by maintaining industry parity in relation to the development, management and support of human resources.~~
- (b) ~~Council, local government employees, Councillors, contractors and agents of Council shall conduct themselves strictly in accordance with the *Local Government Principles* set out in section 4(2) of the *Local Government Act 2009* (Qld) and the *Ethics Principles* set out in section 4(2) of the *Public Sector Ethics Act 1994* (Qld), namely:~~
  - ~~(i) transparent and effective processes and decision-making in the public interest;~~
  - ~~(ii) sustainable development and management of assets and infrastructure and delivery of effective services;~~
  - ~~(iii) democratic representation, social inclusion and meaningful community engagement;~~
  - ~~(iv) good governance of and by, local government;~~
  - ~~(v) ethical and legal behaviour of Councillors and local government employees;~~
  - ~~(vi) integrity and impartiality;~~
  - ~~(vii) promoting the public good;~~
  - ~~(viii) commitment to the system of government; and (ix) accountability and transparency.~~
- (c) ~~Council shall maintain open and transparent internal and external complaints management processes, enabling continuous review of the conduct of Council, its employees, contractors and agents.~~
- (d) ~~A failure of a local government employee, Councillor, contractor or agent to conduct oneself strictly in accordance with the *Local Government Principles* and *Ethics Principles* shall be thoroughly investigated by Council and if proven, met with appropriate disciplinary action as available under Council Policy, Procedure and/or Regulation, including but not limited to mandatory reporting to regulatory bodies [eg. the Queensland Crime and Corruption Commission or the Chief Executive Officer of the Department of Infrastructure, Local Government and Planning].~~

**1. SCOPE**

~~This Code applies to all employees, Councillors, contractors, consultants, agents and assigns of Torres Strait Island Regional Council.~~

## 2. DEFINITIONS

~~CCC~~ means ~~Crime and Corruption Commission~~

~~CEO~~ means ~~Chief Executive Officer of Torres Strait Island Regional Council~~

~~Code~~ means ~~this Code of Conduct~~

~~Council~~ means ~~Torres Strait Island Regional Council~~

~~Functional Manager~~ means:

- ~~a) for all employees, contractors, consultants, agents and assigns – Manager responsible for each functional area as identified in Council’s organisational structure~~
- ~~b) for Councillors – Executive Manager Corporate Services or Chief Executive Officer~~

~~Officers~~ mean ~~all employees, Councillors, contractors, consultants, agents and assigns of Council or engaged by Council to perform duties~~

## 3. IMPLEMENTATION

- ~~a) Matters relating to the interpretation of this Procedure should be raised with the Functional Manager in the first instance.~~
- ~~b) The Chief Executive Officer (CEO) may review any interpretation as relevant.~~

## 4. PURPOSE

~~The object of this Code is to assist officers to:~~

- ~~a) Ensure high standards of workplace behaviour that support a safe working environment and positive working relationships with all parties.~~
- ~~b) Meet Council’s objectives and legal requirements.~~

- c) ~~Comply with their statutory duty to act honestly and exercise due diligence and a high degree of care.~~
- d) ~~Provide a guide to identifying and resolving situations which could result in:~~
  - ~~(ii) conflicts of interest – material personal interests~~
  - ~~(iii) impropriety~~
  - ~~(iv) improper use of their positions~~
  - ~~(v) improper use of resources of Council~~
  - ~~(vi) acting in ways which diminish both public perception and confidence in the administration and system of Local Government~~

## 5. **CONFLICT OF INTEREST**

~~A Conflict of Interest (including Material Personal Interest) occurs when an officer's personal interests are, or are perceived by others reasonably to be, in conflict with the Council's and community's interests. When there is a conflict, it may influence the outcome of the decisions they are required to make.~~

### **A. CONFLICT OF INTEREST PROCEDURE**

- a) ~~Council is required to manage the processes of resolving all conflicts of interest, including those conflicts of interest that should have been, but have not been disclosed.~~
- b) ~~The processes used by Council for managing conflicts of interest must be transparent, open to scrutiny and accountable.~~
- c) ~~Council will ensure that all its officers are made aware of the Conflict of Interest Procedure by requiring them to complete a Take 5 training exercise on the Procedure.~~
- d) ~~If an officer believes they have a potential, perceived, apparent and/or actual conflict of interest they are obliged to declare the conflict of interest. Conflicts of Interest should be declared or recorded in writing to the Functional Manager. The officer may use the Declaration of Interest form in Appendix 1 to declare a Conflict of Interest.~~
- e) ~~When a Councillor or employee declares an actual, potential, perceived and/or apparent Conflict of Interest at a Council Meeting, the disclosure should be recorded in the Meeting Minutes in accordance with Council's Meeting Handbook.~~

- f) ~~If an officer is of the understanding that another officer may have a conflict of interest, they may raise it directly with the officer, with the Executive Manager Corporate Services or with the CEO.~~
- g) ~~Council must maintain records of conflicts of interest that detail:~~
- ~~(ii) all notifications of conflicts of interest;~~
  - ~~(iii) any reported cases of failure to disclose;~~
  - ~~(iv) disclosure by others (e.g. officer or member of the public);~~
  - ~~(v) vexatious or trivial claims;~~
  - ~~(vi) assessment of the matter;~~
  - ~~(vii) any action taken; and~~
  - ~~(viii) any reviews of the assessment process.~~
- h) ~~The notification for conflicts of interest should include:~~
- ~~(ii) the person's name, position, phone number and address;~~
  - ~~(iii) details of the nature of the Conflict of Interest (perceived, apparent, potential or actual);~~
  - ~~(iv) date of notification; and~~
  - ~~(v) suggested course of action to deal with and resolve the conflict of interest.~~
- i) ~~When Council is determining the best option to address the conflict of interest, Council will ensure the process includes impartiality, fairness and protection of Council's interests.~~
- j) ~~Actions taken by Council may include:~~
- ~~(ii) limiting the person's involvement in the matter (e.g. participation in discussion but not decision-making);~~
  - ~~(iii) the person having no involvement in the decision-making or participation in discussion in the matter (e.g. excluding the person from receiving communications in any form or from taking part in discussions and decisions); and~~
  - ~~(iv) removing the source of conflict.~~
- k) ~~Councillors declaring a Conflict of Interest may refer decisions for recommendation, endorsement or approval to other decision-makers:~~

<b>Conflicted Party</b>	<b>Alternative Approver</b>
<b>Mayor</b>	Deputy Mayor/CEO

Councillor

Mayor

## 6. ETHICS

The following ethics principles must be observed by all officers:

- a) **Respect for the Law and the System of Government** – Officers shall uphold the laws of Queensland and Australia and shall not, without just cause, be a party to their breach, evasion or subversion.

Officers shall act with respect towards the institutions of both Parliament and Local Government. Officers shall ensure that their conduct, whether in a personal or official capacity, does not bring the Parliament or Local Government into disrepute or damage public confidence in the System of Government.

Responsibility	Standards of conduct
<i>Respect for the Law and the System of Government</i>	<ul style="list-style-type: none"> <li>Officers shall always abide by the Law and the System of Government.</li> <li>Officers will not engage in negative comment or behaviour that will bring disrepute or damage to the Law and the System of Government to internal or external parties. Officers shall proactively support and implement any policy or decision</li> </ul>
	<p>adopted by Council.</p> <ul style="list-style-type: none"> <li>Officers shall not engage in negative comment regarding any policy or decisions adopted by Council other than through the internal feedback mechanisms.</li> </ul>

- b) **Respect for persons** – Officers shall treat other officers, Council representatives, other officials and members of the public honestly and fairly and with proper regard for their rights, entitlements, duties and obligations.

Officers shall at all times act responsibly in the performance of their public duties.

Officers shall adopt an exemplary standard of conduct in respect to form and manner of communication with clients of Council irrespective of whether they are representatives of Government, the public or private sector or other Council officers.

Responsibility	Standards of conduct
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<i>Respect for persons</i>	<ul style="list-style-type: none"> <li>• Officers shall always respect other parties engaged internally or externally with Council including members of the public.</li> <li>• Officers shall not engage in negative or defamatory comment about the behaviour, actions or activities of other parties engaged with Council or members of the public.</li> <li>• Officers shall support and be helpful to other parties in their efforts to achieve Council objectives.</li> <li>• Officers will not comment on the decisions or activities of other personnel in other departments to other officers other than their Functional Manager.</li> <li>• Officers are not to interrupt other officers performing their duties through gossiping.</li> </ul>
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- c) **Integrity** — Officers shall at all times seek to advance the common good of the community which they serve, in recognition that public office involves a public trust.

In particular, officers shall ensure that their official powers or position are not used improperly for personal advantage. Officers shall ensure that any conflict between personal interests and public duty which may arise is resolved in favour of the public interest.

Responsibility	Standards of conduct
<i>Integrity</i>	<ul style="list-style-type: none"> <li>• Officers shall declare any conflict of interest that may affect the interactions or the decision-making of Council.</li> <li>• Officers shall maintain the highest standard of work performance at all times.</li> <li>• Officers shall not use their power within their role or at Council to disadvantage another party or for their own personal gain.</li> <li>• Officers shall not use their role or political power to incorrectly intimidate, discriminate or harass another person.</li> </ul>
<i>Bribes, gifts and benefits</i>  <i>Refer to TSIRC Gift Procedure</i>	<ul style="list-style-type: none"> <li>• Officers will not seek or accept a bribe or other improper inducement. Officers will not use their official position to gain advantage or to improperly influence Councillors, other officers or delegates in the performance of either their public or professional duties for the purpose of private gain or personal benefit.</li> <li>• Officers will not accept gifts or services other than minor incidental items in the course of their duties.</li> <li>• Officers will not, by virtue of their official positions, accept or acquire a personal profit or advantage of a personal material value (except of a token nature) other than permitted by this Code or any statute or Council procedure now or in the future.</li> </ul>



<i>Use of Council resources</i>	<ul style="list-style-type: none"> <li>• Officers must not use public resources for private purposes (except when supplied as part of a contract of employment) unless such use is lawfully authorised and/or proper payment is made where appropriate.</li> <li>• Officers must not use or convert to their own use any property of Council.</li> <li>• Officers must be scrupulously honest in the use of Council resources of all kinds, both physical and human and in accordance with any Council policy, award or other recognised work practice.</li> </ul>
<i>Use of information</i>	<ul style="list-style-type: none"> <li>• Officers will not advance a private interest by the use of confidential information gained in the course of public or professional duty.</li> <li>• Officers will only conduct their duties in a manner that allows Council members, other officers, delegates and the public to remain informed about Local Government, activity and practices.</li> <li>• Officers will treat confidential reports and confidential discussions of committees and Council with the strictest confidence.</li> <li>• Officers receiving confidential personnel actions or information shall treat this information with the strictest confidence.</li> </ul>

- d) **Diligence** — Officers shall exercise due diligence, care and attention and shall at all times seek to achieve the highest standards practicable in relation to their duties and responsibilities in their official capacity as officers of Local Government.

RESPONSIBILITY STANDARDS OF CONDUCT	
<i>Diligence</i>	<ul style="list-style-type: none"> <li>• Officers shall maintain the highest standard of work performance at all times.</li> <li>• Officers are to aim for continuous improvement within their own duties and within the organisation.</li> </ul>

- e) **Economy and efficiency** — Officers shall avoid waste, abuse and extravagance in the provision or use of public resources and shall expose fraud and corruption of which the officer is aware.

Responsibility	Standards of conduct
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<del>Economy and Efficiency</del>  <del>Refer to TSIRC</del> <del>Fraud and Corruption Control Procedure</del>	<ul style="list-style-type: none"> <li><del>Officers shall only exercise decision-making, supervision and financial activities as delegated within their position by their department Manager and as outlined in their position descriptions.</del></li> <li><del>Officers shall manage their duties in order to maximise productivity and minimise downtime and reliance on other officers to complete departmental goals (within the responsibilities of their position descriptions).</del></li> <li><del>Officers shall report any wastage and abuse of resources to their Functional Manager.</del></li> <li><del>Officers shall report any fraud or corruption to the Chief Executive Officer in accordance with Council's Fraud and Corruption Control Procedure.</del></li> </ul>
<del>Use of Council resources</del>	<del>Officers must avoid waste or extravagance in the use of public resources.</del>

## 7. BREACHES AND NON-COMPLIANCE

~~Alleged breaches or failure to comply with the Code of Conduct will be dealt with in accordance with the Human Resource Handbook (or under Regulation for Councillors) and within the following guidelines:~~

- ~~a) Questions of compliance raised by Council members, other officers or the community regarding the Code will be considered by the CEO or CEO's nominee.~~
- ~~b) Officers are entitled to representation in the consideration of a question of non-compliance against them. Investigation and management of the matter will have regard to the principles of fairness, equity and natural justice.~~
- ~~c) Investigations undertaken regarding compliance with the Code will be kept confidential. The CEO has responsibility for ensuring that compliance with the Code occurs.~~
- ~~d) If a question of compliance with the Code is raised by the CEO, the Mayor will determine with Council the manner in which to address the matter.~~
- ~~e) Where Council or the Mayor or a committee of Council addresses the matter, principles of fairness, equity and natural justice will apply and the matter will be handled confidentially.~~
- ~~f) If the CEO reasonably suspects that a matter involves, or may involve, corrupt conduct (as defined in the Complaint Management Procedure), the Chief~~

~~Executive Officer has an obligation to notify the Crime and Corruption Commission.~~

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# EQUAL EMPLOYMENT OPPORTUNITY POLICY

<b>Responsible Manager</b>	Head of People and Wellbeing
<b>Head of power</b>	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Public Service Act 2008</i> <i>Industrial Relations Act 1999</i> <i>Anti-Discrimination Act 1991</i> <i>Sex Discrimination Act 1984</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Human Rights and Equal Opportunity Act 1986 (Cth)</i> <i>Public Sector Ethics Act 1994</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	TBC 2021
<b>Implemented from</b>	TBC 2021
<b>Last reviewed</b>	March 2021
<b>Review history</b>	2013, 2014, 2017, 2018, 2021
<b>To be reviewed on</b>	March 2024

GOVERNANCE TO ADD HEADER

**Corporate Plan**

People, Sustainability and Prosperity

## 1. PURPOSE

The Equal Employment Opportunity Policy (and Procedure) aims to ensure all employees are treated on their merits, without regard to race, age sex, relationship status or any other factor. This Policy is designed to ensure that Torres Strait Island Regional Council complies with all of its obligations under the relevant legislation.

## 2. POLICY STATEMENT

Torres Strait Island Regional Council (TSIRC) is committed to creating a work environment which is free from discrimination and sexual harassment and where all members of staff are treated with dignity, courtesy and respect.

TSIRC is an equal opportunity employer. At all stages of the employment relationship (recruitment and selection, terms and conditions of work, training and professional development opportunities, promotion and transfer, retirement, retrenchment and termination) staff will be treated on their merits and valued according to how well they perform their duties.

Council is committed to the principle of Equal Employment Opportunity (EEO) and will not discriminate in matters of recruitment, selection or career progression on the basis of any distinction, exclusion, or preference having regard to a person's gender, marital status, pregnancy, parental status, sexual orientation, race, impairment, age, religion, trade union activity or political opinion.

~~Employees are treated on their merits at every stage of their employment—from the recruitment and interview process through to their daily duties, promotion, training and development opportunities, and their resignation, retrenchment or redundancy.~~

TSIRC believes that all staff should be able to work in an environment free from discrimination, victimisation, sexual harassment, vilification and the seeking of unnecessary information on which discrimination might be based. We consider these behaviours unacceptable and they will not be tolerated.

Staff who make a complaint of discrimination or sexual harassment will not suffer any victimisation by CYP for making the complaint. This also applies to staff who agree to be a witness in a complaint or have a complaint made against them.

TSIRC will provide regular staff training on discrimination and sexual harassment, and have procedures for complaints.

Further, TSIRC is committed to the attraction, recruitment, development and retention of local, First Nations people

**Disciplinary action** will be taken by TSIRC against any staff member found to have breached this policy. Action will be appropriate to the breach and may include: an official warning and note on the person's personnel file; a formal apology; counselling; demotion, transfer, suspension; or dismissal for very serious matters.

## 3. SCOPE

This Policy applies to all local government employees, Councillors and contractors.

## AUTHORISATION

This page and the previous bearing my initials was/were duly authorised by Council as the Torres Strait Island Regional Council ???????? Policy (PO?) on [INSERT DATE] and shall hereby

supersede any previous policies of the same intent.

---

~~???????~~David Baldwin

Chief Executive Officer

Date: \_\_\_\_\_

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# RECRUITMENT POLICY

Responsible Manager	Head of People and Wellbeing
Head of power	<del>Industrial Relations Bill 2016 (Qld)</del> <del>Local Government Act 2009 (Qld)</del> <del>Local Government Regulation 2012 (Qld)</del> <del>Industrial Relations Act 1999</del> <del>Human Rights and Equal Opportunity Act 1986 (Cth)</del> <del>Public Sector Ethics Act 1994</del>
Authorised by	Council
Authorised on	TBC 2021
Implemented from	TBC 2021
Last reviewed	March 2021
Review history	2017, 2018
To be reviewed on	March 2024
Corporate Plan	<del>Governance</del> <del>People, Sustainability and Prosperity</del>



## 1. PURPOSE

The purpose of the Recruitment Policy aims to ensure Torres Strait Island Regional Council (TSIRC) achieves best practice associated with the recruitment and selection of employees and to comply with procedural fairness and, equal employment opportunity principles and practices.

The associated Recruitment Procedure also provides guidance to ensure that TSIRC attracts and selects employees of the highest calibre in an efficient and effective manner.

In addition, this policy is designed as an effective child focused procedure in order to ascertain a person's suitability to work with children where required.

## 2. POLICY STATEMENT

- ~~a) This Policy is to ensure that Torres Strait Island Regional Council follows a transparent and unbiased recruitment and selection process. All recruitment and selection procedures and decisions will reflect Council's commitment to providing equal employment opportunities by assessing all potential candidates according to their skills, knowledge, qualifications and capabilities.~~
- ~~b) Council will internally advertise all vacant positions to current employees to encourage career advancement and increase participation.~~
- ~~c) Council is committed to providing a work environment that is free from harassment and discrimination.~~
- ~~d)a) Council respects and complies with its obligations under the privacy legislation. As such, any applicant information will be treated in accordance with the requirements of the Information Privacy Act 2009.~~

People are any organisation's single most important asset and their attraction and retention are critical to success. Likewise, enduring leadership and organisational performance is dependent on successful succession planning and implementation. TSIRC is therefore very committed to the pursuit of these objectives.

TSIRC is committed to providing high quality programs and services to our community. To support the achievement of this objective we recognise the importance of employing the most suitable applicant for all vacant positions.

TSIRC will ensure it has the best opportunity to attract the best available staff by broadly advertising (internally and externally as deemed appropriate) all vacant remunerated positions. TSIRC will internally advertise all vacant positions to current staff to encourage career advancement and increase participation.

TSIRC will take all reasonable steps to ensure that applicants may be safely entrusted with the duties of their position.

TSIRC is committed to providing a work environment that is free from harassment and discrimination.

All recruitment and selection procedures and decisions will reflect TSIRC's commitment to providing equal opportunity by assessing all potential candidates according to their skills, knowledge, qualifications and capabilities. No regard will be given to factors such as age, gender, marital status, race, religion, physical impairment or political opinions.

TSIRC is an Indigenous organisation and is committed to maintaining a high percentage of Indigenous employees and in seeking to achieve these objectives, it is our policy to strike a balance between merit-based attraction and retention, and indigeneity. In this regard, our policy is as follows:

- If two candidates are assessed as being of equal quality and one is indigenous and the other non-indigenous, preference will be given to the indigenous candidate.
- If there is an indigenous candidate whose ability to immediately perform meets TSIRC's expectations, that is to say their capacity is acceptable, and they are capable of being a high-performance employee, but there is an objectively stronger non-indigenous candidate, the former shall be offered the position.
- If the only candidate whose ability to immediately perform to TSIRC's expectations, that is to say, their capacity is acceptable, is non-indigenous, they shall be offered the position.

Where possible when TSIRC advertises for any position, it will be recognised as 'identified' i.e. the position is identified for filling by a Torres Strait Islander or Aboriginal person, pursuant to Section 105 of the Anti-discrimination Act 1991 (Qld).

Otherwise, advertisements shall state that Torres Strait Islander applicants are encouraged to apply. With a particular focus on ensuring the progression of strong Torres Strait Island employees, TSIRC shall build a leadership talent pool to ensure leadership continuity.

To attract and retain quality employees, TSIRC will ensure that:

- The health and safety of our employees is paramount.
- A culture of innovation and quality is fostered.
- We hire well – or not at all.
- Our people are managed well to ensure directed and motivated employees.
- We pay our people competitively and reward superior performance.
- Employees are treated with respect.
- We will provide perpetual learning and challenge.
- Support processes are built to ensure the ongoing success of valued employees.
- All appointments, promotions and transfers are based on ability, knowledge, skills and experience.
- We establish a work/life culture and climate that is attractive and supportive.
- We never neglect the health and safety of our employees.
- Succession planning and opportunities for development exist and are actively pursued.

### **3. SCOPE**

This Policy applies to all Torres Strait Island Regional Council employees and Councillors.

### **AUTHORISATION**

This page and the previous bearing my initials was/were duly authorised by Council as the Torres Strait Island Regional Council ???????? Policy (PO?) on [INSERT DATE] and shall hereby supersede any previous policies of the same intent.

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???????

Chief Executive Officer

Date: \_\_\_\_\_

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# TORRES STRAIT ISLAND REGIONAL COUNCIL

## SARG AGENDA REPORT

<b>ORDINARY MEETING:</b>	June 2021
<b>DATE:</b>	15/06/2021
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Policy Matter – Financial Policies Review
<b>AUTHOR:</b>	Mette Nordling, Manager, Governance and Compliance

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### **Recommendation:**

Council resolves to:

1. amend the Torres Strait Island Regional Council's

- Investment Policy;
- Debt Policy;
- Revenue Policy;
- Fiscal Governance Policy;
- Entertainment and Hospitality Policy;
- Information Technology Policy; and
- Procurement and Ethical Sourcing Policy,

previously endorsed by Council in June 2020, in the terms presented to Council at today's Ordinary Meeting and endorse the same

and

2. delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to exercise the functions and powers assigned to the Chief Executive Officer under the amended and endorsed policies, including the power to make any further minor administrative amendments to the policies as they arise.

### **Executive Summary:**

In accordance with *Local Government Act 2009* and the *Local Government Regulation 2012* Council is required to have a number of written policies and procedures. Regular monitoring and review of these are necessary to reflect legislative changes and to continuously improve Council governance.

The listed policies have been drafted to include all legislative requirements and to provide an overview to Councillors, Council officers and communities of how Council functions.

### **Background:**

These policies were previously endorsed in June 2020 with an annual review date of June 2021. Statutory policies are mandated under the *Local Government Regulation 2012*.

**Comment:**

Policies to be endorsed:

- Investment Policy (*Local Government Regulation 2012*, section 191)
- Debt Policy (*Local Government Regulation 2012*, section 192)
- Revenue Policy (*Local Government Regulation 2012*, section 193)
- Fiscal Governance Policy
- Entertainment and Hospitality Policy (*Local Government Regulation 2012*, section 191)
- Information Technology Policy
- Procurement and Ethical Sourcing Policy (*Local Government Regulation 2012*, section 198)

Policy	Changes
Investment Policy	Due to expire and minor grammatical changes
Debt Policy	Due to expire, minor grammatical changes and update of balance of existing borrowings as at 31 May 2021.
Revenue Policy	Due to expire and minor grammatical changes
Fiscal Governance Policy	Due to expire, minor formatting changes and position name change
Entertainment and Hospitality Policy	Due to expire and addition of criteria for appropriate entertainment and hospitality expenditure
Information Technology Policy	Due to expire, no changes
Procurement and Ethical Sourcing Policy	Due to expire, formatting changes and amendments to Appendix 1 – Financial and Contractual Delegations.

**Consultation:**

Key personnel from Council's Corporate Affairs, Information Technology and Finance departments.

**Links to Strategic Plans:**

These policies strategically align to specific delivery objectives under all 3 pillars of Council's Corporate Plan, being *People*, *Sustainability* and *Prosperity*.

**Risk:**

As some of these policies must be updated annually there is a risk to Council if the updated policies are not endorsed.

**Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

*Public Service Act 2008*

*Public Sector Ethics Act 1994*

*Statutory Bodies Financial Arrangements Act 1982*

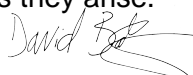
*Statutory Bodies Financial Arrangements Regulation 2007*

**Conclusion:**

That Council resolves to endorse the listed policies and delegates to the Chief Executive Officer to make further minor administrative amendments as they arise.

**Endorsed:**

Hollie Faithfull  
Chief Financial Officer

David Baldwin  
A/Chief Executive Officer

**Attachments:**

- Investment Policy
- Debt Policy
- Revenue Policy
- Fiscal Governance Policy
- Entertainment and Hospitality Policy
- Information Technology Policy
- Procurement and Ethical Sourcing Policy

# Investment Policy

<b>Responsible Manager</b>	Chief Financial Officer
<b>Head of power</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> Statutory Bodies Financial Arrangements Act 1982 Statutory Bodies Financial Arrangements Regulation 2007
<b>Authorised by</b>	Council
<b>Authorised on</b>	xx June 2021
<b>Implemented from</b>	1 July 2021
<b>Last reviewed</b>	2021
<b>Review history</b>	2012, 2013, 2015, 2016, 2017, 2018, 2019, 2020
<b>To be reviewed on</b>	June 2022
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. Purpose

To provide Torres Strait Island Regional Council with guidelines for the investment of Council's surplus cash in compliance with section 191 of the *Local Government Regulation 2012* and the *Statutory Bodies Financial Arrangements Act 1982*. This policy supports Council's investment and risk philosophy and the process for undertaking investment activities.

## 2. Application

This policy applies to the investment of all cash holdings of the Torres Strait Island Regional Council.

## 3. Definitions

**Surplus Cash Balances** are Council's cash holdings available for investment at any one time after consideration of the amount and timing of Council's cash flow needs. Surplus cash balances do not include Council's trust account balances.

## 4. Legislation/Policies

The following sets out the Investment Policy as required by chapter 5, part 4, and section 191 of the *Local Government Regulation 2012*.

Torres Strait Island Regional Council has been granted authority to exercise Category 1 investment power under Part 6 of the *Statutory Bodies Financial Arrangements Act 1982* and Schedule 2 Section 5 of the *Statutory Bodies Financial Arrangements Regulation 2007*.

All investments are to be made in accordance with:

- *Statutory Bodies Financial Arrangements (SBFA) Act 1982*
- *Statutory Bodies Financial Arrangements (SBFA) Regulation 2007*
- *Local Government Act 2009*
- *Local Government Regulation 2012*

## 5. Ethics and Conflicts of Interest

### (a) Prudent Person Standard

The standard of prudence is to be used by investment officers when managing the overall portfolio. Investments will be managed with the care, diligence and skills that a prudent person would exercise in managing the affairs of other persons. This includes having in place appropriate reporting requirements that ensure the investments are being reviewed and overseen regularly.

Investment officers are to manage the investment portfolios not for speculation, but for investment and in accordance with the spirit of this policy. Investment officers are to avoid any transaction that might harm confidence in Torres Strait Island Regional Council. They will consider the safety of capital and income objectives when making an investment decision.

### (b) Ethics and conflicts of interest

Investment officers and employees shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This includes activities that would impair the investment officer's or employee's ability to make impartial decisions as outlined in Council's Code of Conduct. This policy requires



that employees and investment officials disclose to the Chief Financial Officer any conflict of interest or any investment positions that could be related to the investment portfolio.

**(c) Delegation of Authority**

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with sections 257 of the *Local Government Act 2009*.

Authority for the ~~day-to-day~~ day-to-day management of Council's Investment Portfolio is delegated by the Chief Executive Officer to the Chief Financial Officer in accordance with section 259 of the *Local Government Act 2009* and is subject to regular reviews with the Chief Executive Officer.

## **6. Investment Objectives**

As the custodian of public monies, Council chooses to secure its capital base but takes the opportunity to produce revenue from cash assets as far as possible within established risk adverse constraints. At a minimum, any financial investment should offset the devaluing effects of inflation.

### **Investment Risk Philosophy**

In order of priority, the objective of undertaking investment activities shall be preservation of capital, maintenance of liquidity and return on investment. Council maintains a conservative and risk adverse investment philosophy for its surplus cash investments.

### **Preservation of capital**

Preservation of capital shall be the principal objective of the investment portfolio. This can be achieved by managing credit and interest rate risk with given risk management parameters and avoiding any transaction that would prejudice confidence in Council or its associated entities.

### **Credit Risk**

Council will evaluate and assess credit risk prior to investment. Credit risk is the risk of loss due to the failure of an investment issuer or guarantor. The investment officer will minimise credit risk in the investment portfolio by pre-qualifying all transactions including the brokers/securities dealers with which they do business, diversify the portfolio and limit transactions to secure investments

### **Interest Rate Risk**

Minimising the risk of a change in the market value can be managed by maintaining Council's investment portfolio in line with cash flow requirements and limiting investments to short term investments.

### **Maintenance of Liquidity**

The investment portfolio will maintain sufficient liquidity to meet all reasonably anticipated operating cash flow requirements of Council, as and when they fall due, without incurring significant transaction costs due to being required to sell an investment. Options for surplus funds and a list of approved investments for short term cash surpluses.

## 7. Investment Procedures

### Authorised Investments

Authorised investments are as permitted in accordance with Category 1 Investment Powers applicable to Torres Strait Island Regional Council under the *Statutory Bodies Financial Arrangements Regulation 2007*

### Credit risk guidelines

Cash (surplus and working capital) is only to be invested within QIC, QTC or the Council nominated banker who is required to attain a long-term credit rating of:

- AA, AA+ or AAA (Fitch Australia Pty Ltd); or
- Aa2, Aa1 or AAA (Moody's Investors Service Pty Ltd); or
- AA, AA+ or AAA (Standard and Poor's (Australia) Pty Ltd).

### New Investments

New investments are to be with either Queensland Investment Corporation or Queensland Treasury Corporation.

The available investment arrangements are as listed below:

- Queensland Investment Corporation Cash Fund
- Queensland Treasury Corporation Capital Guaranteed Cash Fund
- Queensland Treasury Corporation Fixed Rate Deposit (up to 12 months)
- Queensland Treasury Corporation Working Capital Facility

A new investment product requires a full risk assessment. It is permissible for working capital (non-surplus cash) to remain in the Torres Strait Island Regional Council's nominated operating accounts.

Manager Responsible for Review:

Chief Financial Officer

Adopted: ~~24/06/2020~~

Due for revision: 30/06/2024<sup>2</sup>

Chief Executive Officer

# Debt Policy

<b>Responsible Manager</b>	Chief Financial Officer
<b>Head of power</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	xx June 2021
<b>Implemented from</b>	1 July 2021
<b>Last reviewed</b>	2021
<b>Review history</b>	2011, 2013, 2015, 2016, 2017, 2018, 2019, 2020
<b>To be reviewed on</b>	June 2022
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. Purpose

Torres Strait Island Regional Council is strongly committed to ensuring robust financial management of Council's existing and future debt.

This policy provides Council with a debt management strategy based on sound financial management principles and guidelines.

## 2. Application

This policy applies to all borrowings associated with Torres Strait Island Regional Council and associated enterprises.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Act 2009*, ~~and the *Local Government Regulation 2012*, and the *Statutory Bodies Financial Arrangements Acts 1982*~~.

## 4. Principles

The following principles are accepted financial management principles associated with non-current liability management.

- (a) Borrowings will not be utilised to fund recurrent operations;
- (b) The term of any borrowings should not exceed the life of the asset being funded, unless a longer term is recommended by the Queensland Treasury Corporation~~Borrowings will be "matched" with the profile of the asset (asset life will exceed the term of any loans);~~
- (c) Borrowings for new assets should be linked with income producing assets that create wealth;
- (d) Before any ~~b~~Borrowings are undertaken a full risk evaluation and financial analysis on the asset or works is required to be undertaken to enable Council to make a fully informed decision and ensure it is receiving 'value for money';
- ~~(e) The ratio of Interest and Redemption to Grant Income should remain less than ten (10) percent;~~
- ~~(f)~~(e) Borrowings will only be for capital expenditure which has been approved through the annual budget and/or other documentation of a strategic nature e.g. State/Federal Government Planning;
- ~~(g) Where transactions are considered "off-balance sheet", a full financial analysis including a risk assessment is to be undertaken in accordance with State Government Guidelines to ensure that the Council is receiving "value for money".~~
- (f) Council will fund its capital works from revenue, grants and subsidies, contributions or specific reserves.
- ~~(h)~~(g) All borrowings will be considered in line with Council's long-term financial forecast and asset management plans.

## 6. Existing and Planning Borrowings

### Current Borrowings

Existing Loan	Amount outstanding as at 31 May 2020	Term Remaining
Island Co-ordinating Council	\$ <del>55,403.62</del> 129,070.65(MV), \$ <del>54,449.01</del> 122,621.16(BV)	<del>01.42</del> 5 years

### Borrowings planned for the next ten financial years

Council's current Long-Term Financial Plan does not identify any new borrowings for the next 10 financial years.

Manager Responsible for Review:

Chief Financial Officer

Adopted: ~~24/06/2020~~

Due for revision: 30/06/202~~1~~2

Chief Executive Officer

# Revenue Policy

<b>Responsible Manager</b>	Chief Financial Officer
<b>Head of power</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	xx June 2021
<b>Implemented from</b>	1 July 2021
<b>Last reviewed</b>	2021
<b>Review history</b>	2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020
<b>To be reviewed in</b>	June 2022
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. Purpose

The purpose of this policy is to provide details of the principles applied by Council when:

- a) Levying rates and charges; and
- ~~b)~~ c) Granting concessions for rates and charges; and
- ~~b)c)~~ The purpose of concessions
- ~~e)d)~~ Recovering overdue rates and charges; and
- ~~e)e)~~ Cost recovery methods; and
- ~~e)f)~~ The purpose of concessions
- ~~f)g)~~ Infrastructure charges for a new development

## 2. Application

This policy applies to Torres Strait Island Regional Council and associated enterprises.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

## 4. Provisions

### Making and Levying Rates and Charges

In levying rates and charges the following principles will be applied:

- Consider the level of revenue that can be achieved from direct user charges, grants and subsidies, contributions and other sources;
- Consider the cost of maintaining existing facilities and necessary services and the need for additional facilities and services;
- Make clear what is the Council's and each ratepayer's responsibility to the rating system;
- Timing any rates and charges to ensure a sustainable cash flow for the operation of Council and to spread the burden to the ratepayer over the financial year;
- Equity through flexible payment arrangements for ratepayers with a lower capacity to pay;
- Transparency in the making of rates and charges;
- ~~Having in place a rating regime that is~~ Making the system for paying rates and charges simple and inexpensive to administer;
- Equity by taking account of the different levels of capacity to pay within the local community;
- Flexibility to take account of changes to the local economy;
- Council will consider National Competition Policy when considering utility charges;
- Council may consider levying special and separate rates and charges where appropriate, to recover the cost associated with a particular service, project of facility that provides direct or additional benefit to the ratepayers or class of ratepayers.

### Concessions for Rates and Charges

In considering the application of concessions, Council will be guided by the principles of:

- Equity by having regard to the different levels of capacity to pay within the local community;
- The same treatment of ratepayers with similar circumstances;
- Transparency by making clear the requirements necessary to receive concessions;
- Flexibility to allow Council to respond to local economic issues.

Council may give consideration to granting a concession to a class of landowners without the need for an individual application in accordance with section 122(4) of the *Local Government Regulation 2012*.

### **The Purpose of Concessions**

Council will support community objectives through the application of concessions to:

- Reduce the financial burden of rates and charges payable by pensioners;
- Support the community activities of not for profit organisations and support their economic development;
- Provide assistance to ratepayers suffering genuine financial hardship;
- Encourage the economic development of all or part of the local government area.

### **Recovery of ~~Unpaid Amounts of~~Overdue Rates and Charges**

Council will exercise its recovery powers in order to reduce the overall burden on ratepayers. It will be guided by the principles of:

- Transparency by making clear the obligations of ratepayers and the processes used by Council in assisting them to meet their financial obligations;
- Making the processes used to recover outstanding rates and charges clear, simple to administer and cost effective;
- Capacity to pay in determining appropriate arrangements for different sectors of the community;
- Equity by having regard to providing the same treatment for ratepayers with similar circumstances;
- Flexibility by responding where necessary to changes in the local economy;
- Council may charge interest on overdue rates and charges;
- Council's Debt Recovery Procedure PR-PO4-7 sets out the detail of the processes used to recover outstanding rates and charges.

### **Cost Recovery Methods**

Section 97 of the *Local Government Act 2009* allows Council to set cost-recovery fees. ~~Council recognises the validity of fully imposing the user pays principle for its cost-recovery fees, unless the imposition of the fee is contrary to its express social, economic, environmental and other corporate goals. Cost-recovery fees are fixed to cover the costs, including allocated administrative costs of each cost-recovery regime. These fees will not be set at more than the cost to Council for providing the service or taking the action for which the fee is charged. The user-pays principle is applied in setting the fees unless the imposition of the fee is contrary to its express social, economic, environmental and other corporate goals.~~



This is considered to be the most equitable and effective revenue approach and is founded on the basis that the Region's rating base cannot subsidise the specific users or clients of Council's regulatory products and services. ~~However, in setting its cost-recovery fees, Council will be cognisant of the requirement that such a fee must not be more than the cost to Council of providing the service or taking the action to which, the fee applies~~

All cost-recovery fees set by Council are included in the Fees and Charges Register which is open for inspection at Council offices or on its website.

### **Infrastructure Charges for a New Development**

While it is expected that developers will contribute to new physical and social infrastructure when they commence a new development, the amount of their contribution and how much of the infrastructure they fund may vary. This will depend on many factors and will be assessed for each development. The processes used in determining the contribution, however, will be transparent, fair and equitable

Manager Responsible for Review:

Chief Financial Officer

Adopted: ~~XX23~~/06/202~~10~~  
Due for revision: 30/06/202~~21~~<sup>4</sup>

Chief Executive Officer

# Fiscal Governance Policy

<b>Responsible Manager</b>	Chief Financial Officer
<b>Head of power</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	xx June 2021
<b>Implemented from</b>	1 July 2021
<b>Last reviewed</b>	2021
<b>Review history</b>	2013, 2015, 2016, 2017, 2018, 2019, 2020
<b>To be reviewed on</b>	June 2022
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. Purpose

Torres Strait Island Regional Council is strongly committed to ensuring robust fiscal governance.

## 2. Application

This policy applies to all local government employees, Councillors, contractors and agents of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Act 2009* and the *Public Sector Ethics Act 1994*.

## 4. Principles

Council, local government employees, Councillors, contractors and agents of Council shall conduct itself/themselves strictly in accordance with the Local Government Principles set out in:

~~s~~Section 4(2) of the *Local Government Act 2009*; and the Ethics Principles set out in section 4(2) of the *Public Sector Ethics Act 1994*, namely:—

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of Councillors and local government employees; and

Section 4(2) of the *Public Sector Ethics Act 1994*

- 1) integrity and impartiality; and
- 2) promoting the public good; and
- 3) commitment to the system of government; and
- 4) accountability and transparency.

~~Council shall employ a proactive approach to efficient identification, minimisation and reporting of events and procurement in accordance with the requirements of the *Local Government Regulation 2012* by with reference to the sound contracting principles:~~

- ~~• value for money;~~
- ~~• open and effective competition;~~
- ~~• development of competitive local business and industry;~~
- ~~• environmental protection;~~
- ~~• ethical behaviour and fair dealing~~

## 5. Write-off Delegations

- The Chief Executive Officer has delegated authority to write-off amounts of up to \$1,000 for any one loss or series of losses arising out of one original source or cause, in respect of lost and stolen Council property. Amounts in excess of \$1,000 can only be written off by Council resolution.

- The Chief Executive Officer has delegated authority to write-off amounts of up to \$1,000 for rates, charges and sundry debtors, including interest and legal costs, per account as a bad debt.
- The Chief Executive Officer has delegated authority to write-off up to \$200,000 against a statute barred debtor or deceased debtor per account as a bad debt. Amounts in excess of \$200,000 can only be written off by Council resolution.
- The Chief Financial Officer has delegated authority to write-off debt amounts of up to \$500 for rates, charges and sundry debtors, including interest and legal costs, per account as a bad debt.

Debt is “**bad debt**” where the Chief Executive Officer or Chief Financial Officer is satisfied that:

- the debtor is deceased and, as a matter of policy, Council should not seek to recover against the deceased estate; and/or
- pursuant to the Limitation of Actions Act 1974 (Qld), it is statute-barred debt and therefore cannot be legally enforced in a Court of competent jurisdiction; and/or
- it would not be commercial to pursue debt recovery, taking into account the anticipated time and cost of debt recovery.

## 6. Reversals and Adjustments

The ~~Financial Controller~~Head of Financial Services and Chief Financial Officer are delegated authority to approve the reversal of a charge or an adjustment of a charge that is deemed an administrative error.

A charge is an “**administrative error**” where the delegated officer is satisfied that Council has incorrectly levied a charge, for one or more of the following reasons:

- the wrong debtor account and or amount has been charged;
- GST was charged incorrectly;
- the charge involved a data keying error (typographical error), for example Council charged \$3,000 instead of \$300, or the narration (description of the charge) requires correction;
- there is no source documentation or data to substantiate the charge
- a charge has been duplicated;
- for a social housing–related charge where:
  - rent charges were increased without a rent increase notice being served properly;
  - rent charges continued after the termination of a tenancy;
  - change in rent charges was implemented after change date;
  - there is no tenancy documentation to substantiate the charge;
- for local government charges, the debtor was not occupying the land or building and has no legal obligation to pay the charge confirmed by Councils Legal Services.

Manager Responsible for Review:

Chief Financial Officer

Adopted: ~~23/06/2020~~

Due for revision: 30/06/2024~~2~~

Chief Executive Officer

# Entertainment and Hospitality Policy

<b>Responsible Manager</b>	Chief Financial Officer
<b>Head of power</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	x June 2021
<b>Implemented from</b>	1 July 2021
<b>Last reviewed</b>	2021
<b>Review history</b>	2008, 2009, 2014, 2015, 2016, 2017, 2018, 2019, 2020
<b>To be reviewed on</b>	June 2022
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. Purpose

The purpose of this policy is to provide clarity as to what Torres Strait Island Regional Council considers reasonable entertainment.

## 2. Application

This policy applies to the Torres Strait Island Regional Council and associated Enterprises and applies to all entertainment and hospitality expenses.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Regulation 2012*.

### 3.4. Definitions

**Charter** means a contracted flight outside of scheduled RPT movements.

**Civic Duty** means the responsibility to attend (within Queensland) Sad News, Funerals and/or Tombstone Unveiling, by the Mayor or Deputy Mayor (deputised by the Mayor) and the Divisional Councillor for the Division / Island that the past Leader represented.

**Chief Executive Officer** means Chief Executive Officer of Council

**Council** means the Torres Strait Island Regional Council (TSIRC) and its Councillor(s)

**Deputy Mayor** means Deputy Mayor of TSIRC

**Ferry** means a local operating ferry service with scheduled movements for transport

**Funeral** means ceremony for a deceased person prior to burial / cremation

**Mayor** means Mayor of TSIRC

**Regular Passenger Transport (RPT)** means a Government Contracted transporter for passengers operating in the Torres Strait.

**Sad News** means terminology referring to the passing of a person

**Tombstone** means a cultural event where the headstone is unveiled, and the spirit of the deceased has joined other ancestors and marks the end of the mourning period

### 4.1. Legislation/Policies

~~This policy is established with reference to obligations specified in the *Local Government Regulation 2012*.~~

## 5. Principles

Council understands that part of its role is to engage in entertainment activity at local, national and international levels and that the engagement is to further the economic, social and cultural development of the Torres Strait.

The provision of support further strengthens the cultural and social fabric of Torres Strait Communities.

As a publicly funded body, however, it must ensure that public sector standards of accountability are maintained, and that practice is consistent across the organisation. The guiding principles are that expenditure must be reasonable, able to be justified as of benefit to the Torres Strait Communities, and properly documented.

## 5.1 Roles

The Council, Councillors or Council Officers may undertake the following roles:

- (a) Building relationships with dignitaries (both local and international) that will benefit the Torres Strait in terms of access to people, services, goods and resources;
- (b) Forming regional links to ensure the continued economic development of the Torres Strait region;
- (c) Working within the Torres Strait community to further develop the social and cultural fabric binding the region;
- (d) Working with employees to recognise service and performance; and
- (e) Attendance at Council hosted events e.g., Australia Day Awards.

Additionally;

- (f) The Mayor or Deputy Mayor (deputised by the Mayor) and an individual Councillor may undertake the Civic Duty role of attendance (within Queensland) at Sad News, Funerals and/or Tombstone Unveilings

Attendance is restricted to events associated with past leaders, parent(s) of existing Councillor, elder statesmen or others generally recognised as contributing to the advancement of the Torres Strait.

In performing any of the aforementioned roles, it may be necessary from time to time for Council and its Officers to engage in entertainment activities.

Entertainment and hospitality expenditure will be considered appropriate if it conforms with the following criteria:

- it is considered reasonable and cost effective;
- it can be supported within adopted budget allocation;
- it is able to withstand public scrutiny;
- it serves an official purpose; and
- it complies with legal, financial, audit and ethical requirements.

All expenditure for entertainment and hospitality purposes must be pre-authorised and Council officers must not authorise their own expenditure. In assessing whether expenditure is reasonable, the person claiming the expenditure must be comfortable in publicly disclosing the expense, should that be required, and be able to identify the benefit for Council. Similarly the officer approving the payment or reimbursement should be comfortable that the claim was reasonable and meets the aforementioned criteria.

Table 1 lists the types of entertainment considered appropriate for Council business and who authorised to approve such expenditure.

**Table 1 Types of Roles**

Type of Function	Authorising Officer	Administration Roles
Mayoral Reception	Mayor / CEO	Budget Monitoring - CEO Budget to be expressly stated at Original Budget adoption Documentation required: <ul style="list-style-type: none"> <li>• Purpose</li> <li>• Number of Invitees</li> <li>• Breakdown of Cost</li> </ul>
Council Hosted Function	Mayor / CEO	Budget Monitoring - CEO Budget to be expressly stated at Original Budget adoption Documentation required: <ul style="list-style-type: none"> <li>• Purpose</li> <li>• Number of Invitees / Council Officers</li> <li>• Breakdown of Cost</li> <li>• Appropriate FBT form required</li> <li>• Tax Invoices from Suppliers</li> </ul>
Civic Duty	Council (or quorum of Council by Email / Fax)	Budget Monitoring - CEO Budget to be expressly stated at Original Budget adoption Documentation required: <ul style="list-style-type: none"> <li>• Purpose</li> <li>• Number of Travel Attendees</li> <li>• Breakdown of Cost</li> <li>• Payment in Advance or Arrears</li> <li>• (Payment to maximum of RPT Flight costs where Charters are utilised)</li> <li>• Council staff to make bookings where required for Mayor / Deputy Mayor / Councillor</li> <li>• Tax Invoices from Suppliers</li> </ul>

Only Entertainment associated with afore mentioned roles will be allowed. Entertainment is taken to be the provision of meals and beverages as part of official business.

**Mayoral Receptions** are hosted by the Council to demonstrate hospitality, courtesy or provide recognition for a milestone, for example, Cultural Ceremonies, Launch of New Initiatives or the Welcome for a Conference.

**Council Hosted Function** are those functions that improve the relationship and linkage within the region and internationally.



**Civic Duty functions** are functions of significance which brings Community together. It may be necessary from time-to-time for the Mayor or Deputy Mayor or Councillor's to access travel, accommodation and meals to attend such functions. The provision of such shall be at Council expense.

Should a Councillor travel for Civic Duty purposes it is an express requirement that the Councillor is the Divisional Councillor for the Division / Island that the past Leader represented in a public office capacity.

Civic Duty expenses shall be ratified by the whole Council. Where this is not possible due to timing, a quorum of Councillor(s) responses to the CEO shall provide the CEO with direction to proceed with expenditure or not – a quorum is taken to be eight (8) duly elected Councillors of the TSIRC. Eight positive responses from Councillors to the CEO are required before any travel is to be undertaken. Phone conversations are not considered a response.

Civic Duty travel is taken to be part of official business with the Mayor or Deputy Mayor or Councillor representing the Council at these significant events in the Community.

Civic Duty travel costs are to be recognised and kept to a reasonable limit. Payment by the Council shall occur at Council adopted travel rates.

Civic Duty payments made in advance shall require receipts to be furnished to justify expenditure. Should payment not be in advance, re-imbursement of expense shall be made payable in the next available Creditor Payment run.

Civic Duty payments for travel will be paid via the following methods:

- Payments for travel within the Torres Strait region will be limited to Regular Passenger Transport (RPT) services and/or ferry runs. Should a charter be required the Council shall reimburse the Mayor or Deputy Mayor the value of the RPT flight and/or ferry run only.
- Travel outside of the Torres Strait region will be paid direct to the supplier by Council.

## **5.2 Hospitality**

Council provides a \$750 per annum Hospitality Budget for each Councillor.

Council provides a \$2,500 per annum Hospitality Budget for the Mayor.

The Mayor and the Councillor's will provide evidence of the expenditure to the CEO or at an ordinary meeting. The Council or the CEO will deem the appropriateness of the expenditure, that being for the purpose of providing hospitality to a third party, not related to the Mayor or Councillor.

Hospitality is the provision of food, drinks or entertainment. Fundamentally the event must be directly related to Council activities.

### 5.3 Fringe Benefit Tax

A Fringe Benefit Tax (FBT) Declaration for Entertainment and Hospitality Expenditure Form is to be completed for all of functions, meals or entertainment and events provided by Council which is attended by Council employees.

“Entertainment” is defined in the Income Tax Assessment Act (ITAA) (1997) section 32-10 as below;

- (a) Entertainment by way of food, drink, or recreation or
- (b) Accommodation or travel to do with providing entertainment by way of food, drink or recreation

Table 2 gives examples of the types of expenditure that would be considered Entertainment and therefore attract FBT, along with some examples of expenditure that would not be considered entertainment.

**Table 2 Types of Entertainment**

Note: only entertainment provided to employees and their associates (spouse) is subject to FBT.

Type of Food and Drink Provided	Meal Entertainment
Friday drinks at the office	Y
Food and drink consumed at a social function held on or off business premises (i.e. Christmas Party, Melbourne Cup lunch)	Y
Food and drink consumed at a café or restaurant whilst working overtime	Y
A business lunch at a café or restaurant	Y
Tea / coffee provided for on-going consumption on business premises (i.e. for all employees and visitors)	N
Food and drink except for alcoholic drinks consumed during a work meeting or training session on business premises	N
Birthday cakes consumes on business premises during morning / afternoon tea	N
Food and drink consumed by an employee whilst travelling on business	N
Food and drink provided to employees at eligible seminar; Conference, workshop, meeting, training session course lasting at least four (4) hours.	N

### Record Keeping and Costing

Entertainment can be provided to employees and their associates, customers, clients or suppliers. However, only entertainment provided to employees and their associates is subject to fringe benefit tax.

Employees are required to keep the following records when entertainment expenses occur:

- Total cost of food and drinks consumed
- Duration of the event (i.e. hours)
- Total number of employees and associates, and other parties participating in the event

All entertainment and hospitality expenditure is to be charged to natural account 63462 in order to capture accurate financial information.

Manager Responsible for Review:

Chief Financial Officer

Adopted: ~~23/06/2020~~

Due for revision: 30/06/202~~4~~2

Chief Executive Officer

# Information Technology Policy

<b>Responsible Manager</b>	Manager, Information Technology Services
<b>Head of power</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	xx June 2021
<b>Implemented from</b>	1 July 2021
<b>Last reviewed</b>	2021
<b>Review history</b>	2017, 2020
<b>To be reviewed on</b>	June 2022
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. Purpose

Torres Strait Island Regional Council is strongly committed to implementing a standard for the management, governance and utilisation of all Information Technology [IT] infrastructure and data necessary to facilitate the delivery of Council functions. Such standard is required to:

- minimise the risk of loss or corruption of Council information;
- ensure availability and timeliness of Council electronic communications;
- enhance the efficiency and effectiveness of Council programmes; and
- ensure accountability.

## 2. Application

This policy applies to Councillors, Council employees, contractors, vendors and agents who use Council IT equipment and infrastructure.

This policy covers all software and hardware including, but not limited to computers, servers, smartphones, tablets and other technology devices owned by Council and/or utilising a Council carriage service.

Privately-owned devices accessing non-Council carriage services are not included in the scope of this Policy.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

Manager Responsible for Review:

Chief Financial Officer

Adopted: ~~24/06/2020~~

Due for revision: 30/06/202~~1~~2

Chief Executive Officer

# Procurement and Ethical Sourcing Policy

<b>Responsible Manager:</b>	Head of Corporate Affairs
<b>Head of power:</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Authorised by:</b>	Council
<b>Authorised on:</b>	
<b>Implemented from:</b>	July 2021
<b>Last reviewed:</b>	June 2021
<b>Review history:</b>	2012, 2013, 2014, 2017, 2018, 2019, 2020
<b>To be reviewed:</b>	June 2022
<b>Corporate Plan:</b>	People, Sustainability and Prosperity

## 1. Purpose

This policy aims to provide Torres Strait Island Regional Council with a procurement framework which is open and transparent and provides value for money in compliance with Section 198 of the *Local Government Regulation 2012*.

The Council is committed to better target their procurement activities to ensure local Indigenous businesses have equitable access to the procurement opportunities that exist within Council and deliver improved economic, environmental and social outcomes for the Torres Strait region holistically.

## 2. Application

This policy applies to all Council procurement activities.

## 3. Legislation

All Council procurement must be carried out in compliance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

## 4. Procurement

Procurement means to purchase, hire, lease, rental, exchange or any other commercial transaction involving the outlay of funds in return for the provision of goods, equipment and or services. The purchase of goods, works, or services shall not be broken down into unreasonable components or reduced order quantities in order to avoid the necessity to comply with the dollar limit requirements under this Policy.

## 5. Sustainable and Social Procurement

### Torres Strait Islander and Social Procurement

Council is committed to the development of local Torres Strait Islander businesses and social procurement, a strategic approach to meeting social objectives through procurement and contracting, and in particular facilitating employment opportunities to communities within Council's jurisdiction and the Torres Strait region.

Torres Strait Islander and social procurement delivers benefits to Council including:

- Developing and attracting Torres Strait Islander businesses and social enterprises;
- Encouraging local businesses to include Torres Strait Islander, social or community objectives into daily business practices;
- Promoting employment opportunities and inclusive and accessible work environments for young people or older persons who are unemployed and people with disabilities;
- Building the skills, knowledge and ability of not-for-profit community groups to enable them to access funds and expand services.

Council intends to use a portion of its annual procurement spend to engage suppliers that provide a direct benefit to the communities within Council's jurisdiction and the Torres Strait region, including offering quoting opportunities directly to Torres Strait Islander businesses, social enterprises and social benefit suppliers.

## **Sustainable Procurement**

Council is committed to protecting the environment and doing business with ethical and socially responsible suppliers and procuring goods and services that achieve sustainability outcomes such as those that have a reduced negative impact on the environment and/or an improved social outcome. When procuring goods and services, Council will consider:

- Strategies to avoid unnecessary consumption and manage demand;
- Minimising environmental impacts over the whole-of-life of the goods and /or services;
  - Products that are durable and long lasting e.g. avoiding or reducing disposable products and single use plastics;
  - Products that consume less energy, fuel or water in their operation;
- Supplier's socially responsible practices; and
- Value for money over the whole-of-life of the goods and/or services, rather than just initial cost.

Torres Strait Islander, social and sustainable procurement must be conducted in line with consideration to the sound contracting principles and other legislative requirements.

## **5.6. Provisions**

### **Introduction**

~~All Council procurement must be carried out in compliance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.~~

### **Objectives**

Council's procurement activities aim to achieve beneficial outcomes by:

- Promoting value for money with probity and accountability;
- Advancing Council's economic, social and environmental policies;
- Providing reasonable opportunity for local Indigenous businesses to supply to Council;
- Promoting compliance with relevant legislation; and
- Promoting continuous improvement and best practice in procurement activities.

### **Responsibility**

Council officers are required to:

- Adhere to the sound contracting principles as stipulated in the *Local Government Act 2009*;
- Preserve Council's integrity in the procurement process to ensure that council acts beyond reproach in all dealings; and
- Obtain best value whole of life costs.

During the entire procurement process, any officers who intend to have any input or influence should ensure they have read Council's Code of Conduct as well as the supporting documents to this Policy.

All officers involved in procurement and contracting activity must comply with the following interlinked principles and objectives of probity:



- Use of a competitive process;
- Fairness and impartiality;
- Transparency of process;
- Independence through effective management of conflicts of interest;
- Accountability of process; and
- Security and confidentiality of information and materials.

Officers participating in procurement and contracting activities must comply with the requirements of Council's Code of Conduct, and the supporting documents to this Procurement Policy and must:

- Notify the Strategic Sourcing Manager immediately they become aware of any conflict of interest (perceived, potential or actual);
- Not accept gifts from parties related to any procurement or contracting activity; and
- Action the pre and post offer declarations of conflict of interest and confidentiality as applicable.

Councillors and staff must ensure that they do not participate in any action, which may be deemed to be:

- Canvassing by any party with a material interest in the procurement; or
- Releasing commercial in confidence information; or
- Collusion - i.e. collaboration between parties involved in the procurement process.

Any approach or known evidence of canvassing, breach of confidentiality or collusion must be reported to the Chief Executive Officer.

## **6.7. Sound Contracting Principles**

Council officers must have regard to the sound contracting principles set out in section 104(3) of the *Local Government Act 2009*:

- a) value for money;
- b) open and effective competition;
- c) the development of competitive local business and industry;
- d) environmental protection;
- e) ethical behaviour and fair dealing.

### **Value for money**

The objective of the value for money principles is to ensure that all procurement and contracting activities represent the best return and performance for money spent from a whole-of-life cost perspective to assist Council to effectively and efficiently use public money.

Value for money should not be limited to price alone. In assessing value for money, officers must consider:

- The contribution to the advancement of Council priorities and vision, including buying from local Torres Strait Island businesses and organisations as first preference, community and social benefits, and suitability considerations consistent with and supporting the strategic direction of the Corporate Plan;

- Factors such as fit for purpose, innovation, maintenance and support, relevant experience and performance, availability and suitability of staff, plant and equipment, application of relevant and sound systems of operational management, risk, legal and reputation exposure and business continuity; and
- Cost related factors including whole-of-life costs, transactional costs and risk exposure associated with the acquisition, use, administration, holding, maintenance and disposal of the goods and/or services.

As the application of the value for money principle may not necessarily favour the lowest price, contracting decisions must substantiate how application of the principles ensures council is receiving the most advantageous outcome for our community.

### **Open and effective competition**

Procurement processes must be open and transparent to suppliers and the public and result in effective competition in the provision of all goods and services. Council must give fair and equitable consideration to all prospective suppliers.

### **Development of competitive local business and industry**

Council will proactively support local Torres Strait Islander owned businesses, organisations and industry to provide jobs within Council's jurisdiction, and the greater Torres Strait region, in recognition of the economic and social benefits that this brings. When applying these principles Council will:

- Buy from local Torres Strait Islander businesses and organisations as first preference;
- Reserve the right to invite only local Torres Strait Islander owned businesses, organisations and industry to quote for appropriate contracts; and
- Include a statement in its invitation to quote/tender documentation that Council, through this policy, encourages the development of competitive local Torres Strait Islander businesses, organisations and industry.

A local supplier means a supplier that maintains a workforce whose usual place of residency is located within Council's jurisdiction and/or the Torres Strait region. If a capable local supplier does not exist within the Torres Strait region, the area should be extended to include the Cape York and Cairns region and then extended progressively to Queensland, then Australia until a suitable supplier is identified.

### **Environmental protection**

The objective of the principle of environmental protection is to maintain commitment to long-term ecological sustainability through procurement and contracting activities that conserve resources, save energy, minimise waste, protect human health and maintain environmental quality and safety.

In undertaking procurement activities council will endeavour to:

- Promote the procurement of environmentally friendly goods and services that satisfy the value for money criteria;
- Foster the development of products and processes of low environmental and climatic impact;
- Provide an example to business, industry and the community by promoting the use of climatically and environmentally friendly goods and services:

- Ensure suppliers clean up construction sites and remove all plant and equipment from islands; and
- Encourage environmentally responsible activities.

### **Ethical behaviour and fair dealing**

Council officers must behave with impartiality, fairness, independence, openness, integrity and professionalism in their discussions and negotiations with suppliers and their representatives.

It is the responsibility of Council officers to report any actual, potential or perceived conflict of interest to their branch manager prior to and during any business dealings.

## **7-8. Budgetary Provisions**

Procurement must be in accordance with the adopted Annual Budget or a Council resolution and sufficient funds must be available to meet the full cost of the proposed procurement.

## **8-9. Procurement Guidelines**

### **Procurement Thresholds**

<b>Value threshold (GST excl.)</b>	<b>RFQ Documentation</b>
Under \$2,000	1 written quote
\$2,000 to \$14,999	2 written quotes
\$15,000 to under \$200,000	3 written quotes
≥ \$200,000	Public tender

When seeking quotations, officers should consider the likelihood of exceeding the value thresholds listed above in a financial year. If there is a risk that these limits will be exceeded, then the appropriate number of quotes or a public tender should be sought. All thresholds are cumulative thresholds. If the anticipated value of goods or services of a similar nature procured from the same supplier exceeds \$200,000 in a financial year, or over the proposed term of the contractual arrangement, then a public tender is required.

## **9-10. Exemptions to Procurement Guidelines**

Legislation obligates Council to utilise a public tender process (or a closed tender process if

an expression of interest has first been called to shortlist tenderers) before making a contract for the carrying out of work, or the supply of goods and services involving a value of \$200,000 or more, unless there is a legislative exemption.

Council officers must follow the procurement guidelines unless they utilise a legislative exemption. Exemptions are provided for under sections 229-235 of the *Local Government Regulation 2012*. These exemptions are:

- A quote or tender consideration plan
- A contractor on an approved contractor list
- A supplier on a register of pre-qualified suppliers
- A supplier on a preferred supplier arrangement
- A supplier on another LGA arrangement, e.g. LGAQ (LocalBuy).

Further exemptions exist if:

- Council resolves (Council resolution obtained) it is satisfied that there is only one supplier who is reasonably available (sole suppliers); or
- Council resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tender; or
- A genuine emergency exists; or
- The contract is for the purchase of goods and is made by public auction; or
- The contract is for the purchase of second-hand goods; or
- The contract is made with, or under an arrangement with, a government agency e.g. Queensland State Government arrangements.

Refer to sections 230-235 of the *Local Government Regulation 2012* for further details on the above exemptions.

### **Register of Pre-qualified Suppliers (ROPS)**

Council may establish a ROPS for carrying out of works, goods, services or ICT, by inviting public tenders. Suppliers must submit a tender response and if successful following the evaluation process, suppliers are appointed to the ROPS for a term of up to three years. Once the ROPS is established, further quotes or cost estimates from selected suppliers are required to ensure value for money.

### **Preferred Supplier Arrangement (PSA)**

Council can establish a PSA where better value for money can be obtained by aggregating the demand for goods and services. Council must invite public tenders and evaluate submissions from suppliers in order for suppliers to be successfully appointed to the PSA. Prices or a schedule of rates are usually fixed for the duration of the arrangement.

### **Sole Suppliers**

Where the required goods or services are available only from one original source or available from only one stockist, agent or supplier with relative ease of accessibility to Council, the supply of those goods and or services can be applied for under a sole supplier arrangement via Council resolution.

Procurement provides a report on an annual basis listing all proposed sole supplier arrangements, for the financial year, for adoption by Council. A report is presented to Council bi-annually listing expenditure on sole suppliers.

### **Emergencies**

In recognition that full compliance with existing Council procurement procedures may not support Council's needs during a critical or emergency incident, an alternative procurement process may operate during the incident. This alternative process aims to accommodate urgent Council needs, while ensuring that the procurement process adopted is reasonable and conducted with appropriate consideration of standard procurement principles.

Any emergency procurement must be authorised by the Chief Executive Officer, once a critical or emergency incident has been declared. Such incidents are:

- A state of disaster declared under the *Disaster Management Act 2003*, or any other emergency declaration made by the State's Premier under an enactment;
- Any incident declared by the Chief Executive Officer where the safety or security of any person or property associated with the Council is threatened; and
- An external incident to which the Chief Executive Officer has authorised the provision of urgent support.

Once the immediacy of the incident has passed, purchase orders must be raised to record the expenditure in the same way as they would have been in normal circumstances.

As soon as practical upon cessation of the emergency, a report must be presented to Council to authorise the unapproved expenditure, where this expenditure exceeds delegation, and the methodology by which it was incurred. The Council Resolution must define the genuine emergency situation (such as natural disaster), as well as delegate authority.

### **10.11. Financial Delegation**

The Chief Executive Officer has procurement authority of \$200,000. Any amount greater than this requires Council approval.

The Chief Executive Officer further has delegation to issue requests for quotes and tenders for any project up to any amount.

Other officers may only incur expenditure on behalf of Council if:

- The officer has been granted the financial delegation by the Chief Executive Officer and this delegation has been recorded in the Register of Financial Delegations, and
- The expenditure is provided for in Council's budget, and
- The officer has received training in Council's procurement systems and procedures, or
- There is a disaster/genuine emergency.

No officer, except the Chief Executive Officer may have procurement delegation exceeding \$200,000.

The Chief Executive Officer must approve all financial delegations by recording them in a register of financial delegations to enable procurement activities to occur.

Appendix 1 lists the delegations for all management positions.

## **11.12. Variations to Purchases**

For the purposes of this policy, variation refers solely to a financial deviation from original contract value. The contract can be a Council purchase order or agreement signed by a delegated Council officer with an external service provider/organisation. Other variations such as non-financial scope changes, extension of time etc are to be managed by delegated Council officers.

Variation procedures are as follows:

- Each variation can only be approved by an officer up to their authorised contractual and financial delegation;
- All variations are to be approved in writing;
- Each variation requires an additional line item on the original purchase order stating the scope and cost.

## **~~12.1. Sustainable and Social Procurement~~**

### **~~Torres Strait Islander and Social Procurement~~**

~~Council is committed to the development of local Torres Strait Islander businesses and social procurement, a strategic approach to meeting social objectives through procurement and contracting, and in particular facilitating employment opportunities to communities within Council's jurisdiction and the Torres Strait region.~~

~~Torres Strait Islander and social procurement delivers benefits to Council including:~~

- ~~• Developing and attracting Torres Strait Islander businesses and social enterprises;~~
- ~~• Encouraging local businesses to include Torres Strait Islander, social or community objectives into daily business practices;~~
- ~~• Promoting employment opportunities and inclusive and accessible work environments for young people or older persons who are unemployed and people with disabilities;~~
- ~~• Building the skills, knowledge and ability of not for profit community groups to enable them to access funds and expand services.~~

~~Council intends to use a portion of its annual procurement spend to engage suppliers that provide a direct benefit to the communities within Council's jurisdiction and the Torres Strait region, including offering quoting opportunities directly to Torres Strait Islander businesses, social enterprises and social benefit suppliers.~~

## **Sustainable Procurement**

~~Council is committed to protecting the environment and doing business with ethical and socially responsible suppliers and procuring goods and services that achieve sustainability outcomes such as those that have a reduced negative impact on the environment and/or an improved social outcome. When procuring goods and services, Council will consider:~~

- ~~• Strategies to avoid unnecessary consumption and manage demand;~~
- ~~• Minimising environmental impacts over the whole of life of the goods and /or services;~~
  - ~~• Products that are durable and long lasting e.g. avoiding or reducing disposable products and single use plastics;~~
  - ~~• Products that consume less energy, fuel or water in their operation;~~
- ~~• Supplier's socially responsible practices; and~~
- ~~• Value for money over the whole of life of the goods and/or services, rather than just initial cost.~~

~~Torres Strait Islander, social and sustainable procurement must be conducted in line with consideration to the sound contracting principles and other legislative requirements.~~

Manager Responsible for Review:

Head of Corporate Affairs

**Adoption:**

**Due for Revision:**

Chief Executive Officer

## Appendix 1 — Financial and Contractual Delegations

Officers may incur expenditure on behalf of Council but only if the expenditure is provided for in Council's budget the officer's position has been delegated the power to enter into contracts up to an amount not less than the amount of the expenditure proposed to be incurred.

Each delegation to an officer of the power to enter into contract must be delegated by the Chief Executive Officer.

The delegation is a positional delegation and remains in force unless revoked by the Chief Executive Officer.

Any officer incurring expenditure on behalf of Council must do so in accordance with any constraints imposed by Council or the Chief Executive Officer.

Position	Delegation (ex GST)
Chief Executive Officer	\$200,000
Chief Operating Officer	\$50,000
Chief Financial Officer	\$50,000
Chief Engineer	\$50,000
<u>Head of Department and Functional Manager</u> <del>-or- Regional Manager</del>	<del>\$235,000</del>
<u>Regional Manager</u>	<u>\$25,000</u>
<u>Regional Building Supervisor</u>	<u>\$25,000</u>
<u>Senior Executive Assistant to Mayor and CEO</u>	<u>\$25,000</u>
Divisional Manager	\$10,000
<u>Other officers where financial delegation is considered an operational requirement, CEO discretion</u>	<u>\$10,000</u>

Council further delegate to the Chief Executive Officer the authority to negotiate, finalise and execute recurring operational expenditure, that are within the adopted budget. ~~These for example include~~ rent on leased Council premises, Council rates, electricity, telephone, freight, fuel, vehicle registration and others, regardless of whether the value of the expenditure is more or less than \$200,000.





# TORRES STRAIT ISLAND REGIONAL COUNCIL

## COMMITTEE REPORT

<b>ORDINARY MEETING:</b>	June 2021
<b>DATE:</b>	15/06/2021
<b>ITEM:</b>	Agenda Item for Recommendation
<b>SUBJECT:</b>	Policy Matter – Strategic External Grant Funding Policy
<b>AUTHOR:</b>	Mette Nordling, Manager Governance and Compliance

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### Recommendation:

That the Strategic Advisory Reference Group Committee note the information contained in this report and recommend the following for Council endorsement:

1. Endorse the Strategic External Grant Funding Policy in the terms presented to Council at today's Ordinary Meeting and endorse the same  
And
2. delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to exercise the functions and powers assigned to the Chief Executive Officer under the endorsed policy, including the power to make any further minor administrative amendments to the policy as they arise

### Executive Summary:

The proposed Strategic External Grant Funding Policy seeks to ensure effective management of external grant funding acquisition and donor management related activities by establishing a framework for managing the external grant funding process. It provides for a proactive and consistent approach to external funding opportunities aligned to Council's adopted Corporate Plan.

### Background:

Council is reliant on external grant funding to be able to provide services to our communities, upgrade and maintain existing infrastructure, as well as building new essential for life infrastructure.

It was deemed necessary to draft a policy covering this area to ensure that a proactive and consistent approach is taken to the external grant funding process.

### Comment:

The purpose of the proposed Strategic External Grant Funding Policy is to ensure effective management of external grant funding acquisition and donor management related activities.

The key aim is to establish a framework for managing the external grant funding process and provide a consistent and objective analysis of external funding opportunities. This will be done by ensuring alignment to Council's adopted Corporate Plan, bearing in mind Council's capacity to comply with all conditions of the external grant funding. The policy will enable a strategic approach to grant administration and operational management.

The proposed policy recognises that Council provides a diverse range of programs and projects to meet the needs of our communities and internal stakeholders. To meet these needs, Council must balance cost pressures with community and internal stakeholder expectations.

The policy also recognises the variability of the domestic grant landscape, particularly in eligibility criterion, thus acknowledging that in applying for a grant, it is important to ensure Council fully complies with the terms of the grant, through a rigorous funding acquisition process, which includes:

As the elected Council regularly review the priority projects for each community, and these are well documented, there is a continuous focus on researching funding opportunities aligned to these priority areas.

The policy takes into account that a lot of funding opportunities are announced with very short timeframes to respond and submit a compliant funding application.

Funding applications that require Council own funds, which have not been budgeted, will require endorsement from Council.

Formal Council resolution is required prior to the execution of grant funding agreements for amounts over \$1,000,000.00. The Chief Executive Officer must execute all other agreements.

#### **Consultation:**

- Acting Chief Executive Officer (Ilario Sabatino)
- Enterprise Development and Delivery Team
- Finance Department

#### **Links to Strategic Plans:**

This project strategically aligns to specific delivery objectives under the Prosperity, People, and Sustainability pillars of Council's Corporate Plan.

#### **Finance & Risk:**

There is a financial risk to Council if Council is not able to secure the funding required to provide the services and infrastructure that is needed in our Communities. This risk is mitigated by having a proactive and consistent approach to external grant funding as per the proposed policy.

#### **Sustainability:**

The proposed policy will be reviewed on continuously to ensure that it meet the requirements of Council and adapts to the ever-changing State and Commonwealth funding landscape.

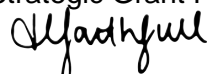
#### **Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation*

#### **Conclusion:**

That the SARG Committee recommended that Council resolves to adopt the proposed External Strategic Grant Funding Policy.



**Endorsed:**

Hollie Faithfull  
Chief Financial Officer



David Baldwin  
A/Chief Executive Officer

# Strategic External Grant Funding Policy

<b>Responsible Manager</b>	Head of Corporate Affairs
<b>Head of power</b>	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	
<b>Implemented from</b>	2021
<b>Last reviewed</b>	March 2021
<b>Review history</b>	
<b>To be reviewed on</b>	June 2023
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. Purpose

The purpose of this policy is to ensure effective management of external grant funding acquisition and donor management related activities. The key aim is to:

- a. establish a framework for managing, monitoring and evaluating grants and grant funded initiatives, and
- b. provide a consistent and objective analysis of external funding opportunities, ensuring:
  - i. alignment to Council's integrated planning and reporting, and
  - ii. Council's capacity to comply with all conditions of the external grant funding.
- c. Enable a strategic approach to grant administration and operational management.

## 2. Scope

This policy applies to all grants that require applications to be made. The policy applies to all Council Officers, including contingent employees, and Elected Members:

- a. where Council is submitting an external funding application,
- b. where Council is one of a number of partners in a joint external funding application,
- c. where Council auspices an external grant on behalf of another organisation,
- d. where an application is being made for renewal of a currently held grant, and
- e. where funding provided approves a grant application with variations to the original proposal.

## 3. Legislation/Policies

This policy is established with reference to the *Local Government Act 2009* and the *Local Government Regulation 2012* as well as the following Council policies and key documents:

- Acceptable Request and Communication Protocol Policy
- Grants Management Procedure
- 5-Year Corporate Plan
- Annual Operational Plan
- Annual Budget (incl. Long Term Financial Plan)
- Asset Management Plans

## 4. Definitions

Acquittal	The process of evaluating and reporting on the outcomes and expenditure of external grant funding provided by the Donor. All necessary documents should demonstrate that Council has spent the external grant funding as specified in the funding agreement.
Capacity	Council's ability to deliver the donors criteria set forth in the funding agreement, typical factors include: <ol style="list-style-type: none"><li>a. Resources,</li><li>b. Capability,</li><li>c. Infrastructure, and</li><li>d. Time.</li></ol>
Donor	The organisation, which is typically State, Federal or non-government agencies, who is providing the external grant funding.

Eligibility	Council's ability to meet the required application conditions, as stipulated by the Donor.
External Grant Funding	Assistance by way of a sum of money or other resource provided to Council by Donor on the condition that the assistance is used to deliver a specific project, provide a new service or enhance an existing service.
Funding Acquisition Tool	Council's in-house tool, developed to facilitate funding acquisition activities, donor management and associated reporting.
Funding Agreement	A legally enforceable agreement setting out the terms and condition governing funding determined by the Donor. The form of the agreement will depend on the intent of the grant and the degree of control required. The forms of enforceable funding agreements include: <ul style="list-style-type: none"> <li>a. Deed,</li> <li>b. Contract, and</li> <li>c. Exchange of letters.</li> </ul>
Integrated Planning & Reporting	Council's 5-year corporate and annual operational plans, and other related legislative documents such as the annual budget and asset management plans.

## 5. Provisions

This policy recognises that Council provides a diverse range of programs and projects to meet the needs of our communities and internal stakeholders. To meet these needs, Council must balance cost pressures with community and internal stakeholder expectations.

The policy also recognises the variability of the domestic grant landscape, particularly in eligibility criterion, thus acknowledging that in applying for a grant, it is important to ensure Council fully complies with the terms of the grant, through a rigorous funding acquisition process, which includes:

### a. Approval

Approval must be obtained from the appropriate Executive prior to applying for funding. Further approval must also be obtained from the Head of Financial Services or Chief Financial Officer for any applications that require Council own funds as already budgeted or in-kind contributions. Once all approvals have been obtained the Enterprise Development & Delivery team are authorised to submit the application on behalf of Council as the Authorised Representative.

Funding applications that require Council own funds, which have not been budgeted, will require endorsement from Council.

Formal Council resolution is required prior to the execution of grant funding agreements for amounts over \$1,000,000.00. The Chief Executive Officer must execute all other agreements.

### b. Funding qualification considerations

Before applying for a grant, an assessment should be carried out on the likely impact of the grant on Council. Questions to consider include:

- i. Does the grant align with Council's Integrated Planning?

- ii. What are the links and/or partnerships it will provide?
- iii. What impacts will it have on Community and Council?
- iv. Does Council have the capacity and expertise to carry out the project or service for which we are receiving the grant?
- v. Are the necessary processes and requirements in place i.e. legal, governance, supervision, record-keeping etc.?
- vi. What are the risks and emerging issues that may affect council's obligations to fulfil the obligations under the grant?
- vii. Whole of Life cost impacts if relevant.
- viii. Councils required contribution (both cash and in-kind).
- ix. Does the funding agreement cover multiple years?

**c. Conflict of Interest**

Council's Elected Members must be committed to make decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the *Local Government Act 2009* and the *Local Government Regulation 2012*.

**d. Recognition Treatment**

Grant revenue recognition will comply with Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB). Council is a not-for-profit entity for financial reporting purposes and complies with Australian Accounting Standards as applicable to not-for-profit entities.

**e. Reporting**

Monthly information reports will be made available through Council's Funding Acquisition Tool and presented to the Executive Leadership Team, articulating the following:

- i. funding needs and forecasting,
- ii. funding application statuses,
- iii. application scope changes, and
- iv. completed and/or acquitted funding expenditure.

Appropriate records will be kept in accordance with Council's legislative requirements.



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## SARG COMMITTEE REPORT

<b>SARG COMMITTEE MEETING:</b>	June 2021
<b>DATE:</b>	15/06/2021
<b>ITEM:</b>	Agenda Item for the Strategic Advisory Reference Group
<b>SUBJECT:</b>	W4Q Project Status Update
<b>AUTHOR:</b>	Hollie Faithfull, Chief Financial Officer

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### Recommendation

That the Strategic Advisory Reference Group notes this report.

### Background:

The 'Works for Queensland' (W4Q) is a State funded program administered by *State Development, Infrastructure, Local Government and Planning*, which supports regional Councils to undertake job-creating maintenance and minor infrastructure projects throughout Queensland.

The initial \$600 million Works for Queensland (W4Q) program supports regional councils to undertake job-creating maintenance and minor infrastructure projects relating to assets owned or controlled by the Council. This funding was allocated to 65 Councils outside of South-East Queensland over 3 separate rounds. Details of the funding allocation for each round is per below:

- Round 1 - 2016-2017: \$200 million
- Round 2 - 2017-2019: \$200 million
- Round 3 - 2019 -2021: \$200 million

As part of the Queensland Government's Economic Recovery Strategy: *Unite and Recover for Queensland Jobs*, on 19 May 2020 the Premier announced \$200 million for a COVID Works for Queensland (2020–21 COVID W4Q) program, to be delivered during 2020–21. The \$200 million 2020–21 COVID W4Q program was available to all Queensland councils and was to be used to support the delivery of job creating new infrastructure, maintenance or minor works projects, including the bring-forward of planned/budgeted maintenance or capital works, that are focused on essential services, economic development and community wellbeing outcomes.

The Queensland Premier recently announced an additional \$200 million has been approved for eligible councils for the 2021-24 round.

Council currently has two active W4Q rounds being managed by BSU and Engineering Department. Details are per below:

Funding Program	Funding Allocation	Duration of Program	Funding End Date	Managing Department
W4Q – 2019 - 21	\$ 2,820,000.00	2019 - 2021 (3 Years)	30 June 2021	Building Services
W4Q – COVID	\$ 2,880,000.00	2020 – 2021 (1 Year)	30 June 2021	Engineering Services

In addition, Council has submitted projects (per Council endorsement) for the W4Q – 2021-24 round and awaiting confirmation from the State. Details of 2021-24 round is as per below:

<b>Funding Program</b>	<b>Funding Allocation</b>	<b>Duration of Program</b>	<b>Funding End Date</b>	<b>Managing Department</b>
W4Q – 2021 - 24*	\$ 3,050,000.00	2021 – 2024 (3 Years)	30 June 2024	Various Departments

**Officer Comment:**

Physical works projects for the two active rounds were scheduled to be completed by 30 June 2021 per the program guidelines. Council is able to request variations to the amounts between endorsed projects and timeframes for the State's consideration. Due to various reasons, Council has applied for extensions for 6 of the 8 projects in W4Q 2019-21 round and 3 of the 10 projects in W4Q COVID round.

W4Q 2019-21

Council is still awaiting confirmation of extension of time from the State regarding the 6 of the 8 W4Q 2019-21 projects. This request has been raised by Council at a political level and are hopeful of a positive response.

W4Q COVID

Council has received confirmation from the State for the extension of time until 31 December 2021 for TSIRC-W4QC20-3, and is currently awaiting to hear back in regards to the extension of time for TSIRC-W4QC20-1 and TSIRC-W4QC20-4.

Council has also submitted a change of funding allocation request to utilise savings from completed projects on other project which have budget shortfalls. It is to be noted that the total funding amount is unchanged with the reallocation.

The below two tables outline the status of each project for the active W4Q rounds.



TSIRC Works for Queensland 2019-21 – Project Updates				
Project ID Number	Project Title	Allocated Budget	Project update	Extension of Time Applied Status
TSIRC W4Q 19-21 0096 - P1	Poruma Island Airport Waiting Shed and Toilet Construction	\$ 465,000.00	BSU will undertake the works internally to reduce project cost. QS has been engaged. Redesign of the airport is at final stages of certification. Descoping of the project has been completed to meet allocated project budget.	Extension of Time has been approved. Funding end date is 31 December 2021.
TSIRC W4Q 19-21 0096 - P2	Saibai Island Airport Waiting Shed and Toilet Construction	\$ 465,000.00	BSU will undertake the works internally to reduce project cost. QS has been engaged. Redesign of the airport is at final stages of certification. Descoping of the project has been completed to meet allocated project budget.	Extension of Time has been approved. Funding end date is 31 December 2021.
TSIRC W4Q 19-21 0096 - P3	Masig Island Builder's Workshop	\$ 180,000.00	This project will be co-funded by W4Q and TSIRCS Insurance. Insurance requested TSIRC to go out tender as the QS report from external Engineering Consultant was not supported. The project is currently at Scoping for Tender Stage.	Extension of Time to rollover the funds to 2021/22 FY have been submitted - pending approval.
TSIRC W4Q 19-21 0096 - P4	Hammond Island Undercover Shelter at Workshop	\$ 240,000.00	Project is currently at Tender Award Stage. Council resolved (May OM) to delegate authority to the CEO to finalise contract in relation to this project subject to confirmation of grant funding extension of time.	Extension of Time to rollover funds to 2021/22 FY has been submitted until 31 December 2021 - pending approval.
TSIRC W4Q 19-21 0096 - P5	Dauan Community Hall and Basketball Court Upgrade	\$ 350,000.00	Project is currently at Tender Award Stage. Council resolved (May OM) to delegate authority to the CEO to finalise contract in relation to this project subject to confirmation of grant funding extension of time. Confirmation received early June, extension of time approved.	Extension of Time has been approved. Funding end date is 31 December 2021.
TSIRC W4Q 19-21 0096 - P6	Ugar Guest House Upgrade	\$ 270,000.00	Project is tracking within budget and scheduled to be completed by 30 June 2021	NA
TSIRC W4Q 19-21 0096 - P7	Kubin Community Hall	\$ 45,000.00	Project completed and closed-out.	NA

Project ID Number	Project Title	Allocated Budget	Project update	Extension of Time Applied Status
TSIRC W4Q 19-21 0096 - P8	Iama Covered Sporting Facility	\$ 805,000.00	Project is currently at Tender Award Stage. Council resolved (May OM) to delegate authority to the CEO to finalise contract in relation to this project subject to confirmation of grant funding extension of time.	Extension of Time to rollover funds to 2021/22 FY has been submitted - pending approval.
		<b>\$ 2,820,000.00</b>		

TSIRC Works for Queensland COVID19 – Project Updates					
Project ID Number	Project Title	Allocated Budget	Re-Allocated Budget	Project Update	Extension of Time Applied Status
TSIRC-W4QC20-3	Boigu lagoon cover replacement	\$1,160,000.00	\$1,160,000.00	The Project is at Tender & Procurement Stage with Tender Award forecasted for June 2021.	Extension of Time has been approved. Funding end date is 31 December 2021.
TSIRC-W4QC20-9	Iama and Mer Reservoir magflow and power supply installation	\$40,000.00	\$32,000.00	Procurement Stage. Project is within budget and on track for completion before 30 June 2021.	NA
TSIRC-W4QC20-1	Erub 80mm water main replacement	\$80,000.00	\$280,000.00	This project is at procurement stage. Funding shortfall has been identified. Variation has been submitted to transfer funds from within the program. Budget shortfall also to be funded by ICCIP funding.	Extension of Time to rollover funds to 2021/22 FY has been submitted until 30 September 2021.
TSIRC-W4QC20-6	Warraber sewerage treatment plant fencing replacement	\$215,000.00	\$165,000.00	This project has been successfully completed by TSIRC Civil Crew. Cost savings identified and variation submitted to transfer cost saving to funds budget shortfall on Erub 80mm water main replacement project.	NA
TSIRC-W4QC20-7	St Pauls wastewater lagoon fence replacement	\$245,000.00	\$127,000.00	This project has been successfully completed by locally owned contractor. Cost savings have been identified and variation submitted to transfer cost saving to funds budget shortfall on Erub 80mm water main replacement project.	NA
TSIRC-W4QC20-5	Leak detection equipment and monitoring program for Mer, Badu & St Pauls	\$190,000.00	\$240,000.00	Project is tracking within budget and scheduled for completion before 30 June 2021	NA
TSIRC-W4QC20-4	Mer sewerage treatment ablation and shower block	\$320,000.00	\$359,000.00	Design finalised. Project is at procurement stage.	Extension of Time to rollover funds to 2021/22 FY has been submitted until 30 September 2021.

Project ID Number	Project Title	Allocated Budget	Re-Allocated Budget	Project Update	Extension of Time Applied Status
TSIRC-W4QC20-2	Mabuiag well, pump station, telemetry and riser upgrade	\$220,000.00	\$175,000.00	Tender Awarded. Project is currently at implementation stage. Tracking within budget and scheduled to be completed before 30 June 2021.	NA
TSIRC-W4QC20-10	190kL desalination unit purchase	\$385,000.00	\$322,000.00	Desal has been purchased. This project has been closed-out.	NA
TSIRC-W4QC20-8	Ugar bores - bag filter and pipework replacements	\$25,000.00	\$20,000.00	On track and within budget.	NA
		<b>\$2,880,000.00</b>	<b>\$2,880,000.00</b>		

**Risk:**

Financial:

The Department has advised that Council will retain all project funds, and a negotiation will take place if projects can't be completed on time. Per the payment terms Council would not receive the next 40% payment until an agreement and milestones are reached.

**Conclusion:**

That the Strategic Advisory Reference Group notes the status of the various W4Q projects.



Hollie Faithfull  
**Chief Financial Officer**



David Baldwin  
**Acting Chief Executive Officer**



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## SARG AGENDA REPORT

<b>ORDINARY MEETING:</b>	MAY 2021
<b>DATE:</b>	11/05/2021
<b>ITEM:</b>	Agenda Item for <u>Noting</u> by SARG
<b>SUBJECT:</b>	Local Disaster Management Group Separation Plan
<b>AUTHOR:</b>	Mathew Brodbeck – Manager, Engineering Operations

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### **Resolution:**

Strategic Advisory Reference Group (SARG) resolves:

- To note this report

### **Executive Summary:**

To provide Council will an update on the planned re-establishment of a TSIRC Local Disaster Management Group.

### **Background:**

In early 2013 the then District Disaster Coordinator advised TSIRC and TSC that, subject to Ministerial approval, the formation of one LDMG was approved. The formation occurred shortly thereafter in April 2013 upon approval by the then Minister for Police and Community Safety.

In May 2020 at the Council Ordinary meeting, it was resolved to commence the conversations with Mayor and Chief Executive Officer of Torres Shire Council regarding separation of the current combined Disaster Management Plan and to commence the conversations led by the Mayor and Chief Executive Officer with the applicable state government agencies regarding the endorsement of the proposed separation of the existing combined arrangement.

An Information Report was presented at the January Ordinary Meeting which outlined the main steps and considerations that are required to be considered and addressed for the establishment of a standalone Local Disaster Management Group (LDMG). These steps and considerations were broadly categorised as being:

- Membership and Stakeholders.
- Administration and Plans
- Legislative Requirements
- Local Disaster Coordination Centre

The report noted that to address the above items, the following task grouping is required:

- Engagement (with key stakeholders)
- Administration (revision of plans, reporting, governance arrangements)
- Infrastructure (equipment, technology, control centre, etc)

A further report was issued at the March Ordinary Meeting which provided further detail in the form of a project timeline and project plan/task listing.

This information report specifically addresses the recommended Membership and Stakeholders of the proposed TSIRC LDMG.

## Comment:

TSIRC Mayor has met with Torres Shire Council Counterpart to discuss the separation.

The TSIRC Local Disaster Management Plan has been drafted along with the associated sub-plans.

Below is the proposed timeline regarding the for the formation of the separate TSIRC Local Disaster Mangement Group.

*Table 1- Forecasted timeline of events*

Task Name	Duration	Start	Finish
<b>TSLDMP Separation Plan</b>	<b>85 days?</b>	<b>Mon 1/03/21</b>	<b>Fri 25/06/21</b>
Mayor & A/CEO to meet with TSC Counter Parts	5 days	Mon 19/04/21	Fri 23/04/21
TSLDMP and Subplan Review	10 days	Mon 8/03/21	Fri 19/03/21
TSIRC CDMP Updates	10 days	Mon 22/03/21	Fri 2/04/21
Report to SARG - LDMG Membership Arrangements	5 days	Mon 5/04/21	Fri 9/04/21
Agenda Report to Council April Ordinary Meeting seeking membership endorsement for core and advisory membership	2 days	Tue 20/04/21	Wed 21/04/21
Notification Cairns DDMG, State Disaster Coordinator, Key Agencies	5 days	Mon 3/05/21	Fri 7/05/21
Discussion of membership with Key Agencies and advisors	5 days	Mon 10/05/21	Fri 14/05/21
Risk Identification Workshop	5 days	Mon 24/05/21	Fri 28/05/21
Develop Risk Management Plan	5 days	Mon 31/05/21	Fri 4/06/21
<b>Temporary Local Disaster Coordination Centre (Secondary)</b>	<b>7 days?</b>	<b>Mon 10/05/21</b>	<b>Tue 18/05/21</b>
Room Plan Layout	2 days	Mon 10/05/21	Tue 11/05/21
Purchase of required equipment	8 days	Wed 12/05/21	Fri 21/05/21
Print Plans. Maps, etc and store	3 days	Wed 12/05/21	Fri 14/05/21
Formalise proposed membership and invite to inaugural TSIRC LDMG Meeting	5 days	Mon 17/05/21	Fri 21/05/21
<b>Initial Meeting of "New" LDMG</b>	1 day	Fri 25/06/21	Fri 25/06/21
Adoption of new Local Disaster Management Plan and Subplans	1 day	Fri 25/06/21	Fri 25/06/21
Issue Annual Report of former combined LDMG in conjunction with TSC	1 day	Mon 5/07/21	Mon 5/07/21

## Considerations

### Reputational

One of Council's values is accountability, which is achieved by being transparent, honest, and ethical to the benefit of the community. A reputational risk exists should Council not deliver on what is expected of both the department and community. By ensuring inclusiveness through consultation that will maintain trust amongst stakeholders and the community.

**Consultation:**

- Chief Engineer
- Emergency Management Coordinator - Queensland Fire & Emergency Services

**Links to Strategic Plans:**

- Outcome 6: Our Communities remain resilient to the effects of climate change and natural disasters

**Statutory Requirements:**

- *Disaster Management Act 2003 (QLD)*
- *Disaster Management Regulation 2014 (QLD)*
- Torres Strait Local Disaster Management Plan

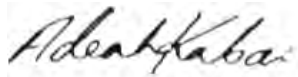
**Conclusion:**

Strategic Advisory Reference Group (SARG) resolves:

- To note this report

**Author**

Mathew Brodbeck  
Manager, Engineering Operations

**Recommended:**

Adeah Kabai  
Acting Chief Engineer

**Approved:**

David Baldwin  
Acting Chief Executive Officer



## Updated TSLDMG Separation Plan

Task Name	Duration	Start	Finish
<b>TSLDMG Separation Plan</b>	<b>85 days?</b>	<b>Mon 1/03/21</b>	<b>Fri 25/06/21</b>
Mayor & A/CEO to meet with TSC Counter Parts	5 days	Mon 19/04/21	Fri 23/04/21
TSLDMP and Subplan Review	10 days	Mon 8/03/21	Fri 19/03/21
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Issue Annual Report of former combined LDMG in conjunction with TSC	1 day	Mon 5/07/21	Mon 5/07/21

# **TORRES STRAIT ISLAND REGIONAL COUNCIL**

## **SARG REPORT**

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### **SARG MEETING**

**DATE:** June 2021

**ITEM:**

**SUBJECT:** TSIRC–TSRA Memorandum of Agreement (MOA) EXPIRED

**AUTHOR:** Peter Krebs, Senior Legal Counsel

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### **INTRODUCTION**

This report is to review the expired TSIRC–TSRA Memorandum of Agreement (Agreement) and to consider drafting a new one.

### **OFFICER COMMENT**

The TSIRC–TSRA Memorandum of Agreement 2016–2018 (**Attachment 1**) was executed on 2 December 2016.

However, clause 3.2 states that the Agreement only becomes operative once formally adopted by each party by way of formal resolution at a TSIRC Ordinary Meeting and TSRA Board meeting.

The TSRA Board formally adopted the Agreement at its meeting on 7–8 September 2016 (see **Attachment 2**), and TSIRC passed a Council resolution on 20–21 February 2017 (see **Attachment 3**). Therefore, the Agreement came into operation on 21 February 2017 and expired on 20 February 2020.

### **OBJECTIVES OF THE AGREEMENT**

Clause 2.1 of the Agreement listed 20 objectives which were the focus of the agreement, and overall they were concerned with enhancing a collaborative relationship between the TSRA and TSIRC on a whole range of matters, including information sharing, joint public relations and media coverage, cost-sharing arrangements and formalising deputations and inviting each other to official meetings. (**Attachment 1**)

The Agreement further outlines the tasks that TSIRC will undertake (Clause 5.1) and what tasks TSRA will undertake (Clause 5.2).

A review of the Agreement overall reveals certain topics and matters of interest, namely:

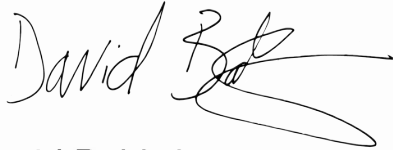
1. There is no mention of Regional Governance or 'One Boat'.
2. Facilitating an ongoing improvement in the quality of life for all residents of the Torres Straits through a joint planning regime.
3. There are references to working to develop the Regional Infrastructure ILUA which is now complete.
4. An open invitation to attend each organisation monthly and other meetings.
5. Providing a mechanism for information exchange.
6. Simplifying and streamlining funding processes.
7. How to manage conflicts of interest where the TSIRC councillor is also a TSRA member.
8. Notifying the other organisation when High level deputations from Federal and State Ministers are attending and extending an invitation to attend any such event.
9. Cost sharing arrangements and the complimentary use of each other's meetings and board rooms. It is noted that TSIRC has by far more office infrastructure than TSRA. It is also noted that the agreement provides complimentary transportation to TSRA staff around island communities.
10. Entering into a secondment arrangement where staff can be transferred from one organisation to the other.
11. The formalisation of joint public relations and media releases. The former Mayor Gela was concerned that this could in effect 'gag' TSIRC.

It is not known if the Agreement was ever actually implemented or used during its term.

## **CONCLUSION**

If it is proposed to enter into another Agreement on a similar basis with the TSRA, it is suggested that a more comprehensive review be carried

out by an appointed working group to clearly articulate TSIRC's aspirations and expectations from any agreement. It is recommended that if a new Agreement be proposed, then a letter from the TSIRC Mayor to the TSRA Chair inviting discussions on the terms and conditions of the new Agreement with a view to setting up a joint working group to negotiate the terms and conditions which are mutually acceptable to both TSIRC and TSRA.



David Baldwin  
**A/CEO**



Peter Krebs  
**Senior Legal Counsel**

**ATTACHMENTS:**

1. TSIRC–TSRA Memorandum of Agreement 2016–2018 (EXPIRED)
2. Confirmation of TSRA resolution
3. Confirmation of TSIRC resolution



Australian Government



**TSRA**  
www.tsra.gov.au

RECEIVED

15 DEC 2016

6 December 2016

Cr Fred Gela  
Mayor  
Torres Strait Island Regional Council  
PO Box 7336  
CAIRNS QLD 4870

**Memorandum of Agreement 2016-2018**

Dear Mayor Gela,

On behalf of the Torres Strait Regional Authority Board, I wish to thank you for the formal signing of the Memorandum of Agreement (MOA) between our respective organisations at TSRA Board Meeting 101 on 2 December 2016. I have attached an original copy of the signed MOA for your records.

I also wish to thank you for your presentation to TSRA Board Meeting 101 and sharing information on the opportunities, challenges and initiatives being driven by the Torres Strait Island Regional Council. The presentation was of great benefit to the Board and we look forward to working closely with you under our MOA arrangements to achieve good outcomes for our communities.

The TSRA Administration will be in contact with your administration to work through potential dates for our quarterly MOA Meetings.

Once again please accept my thanks and appreciation.

Yours sincerely,

Mr Napau Pedro Stephen, AM  
Chairperson  
Torres Strait Regional Authority

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# **MEMORANDUM OF AGREEMENT**

**2016 - 2018**

*Between*

**TORRES STRAIT ISLAND REGIONAL COUNCIL**

*and*

**TORRES STRAIT REGIONAL AUTHORITY**

## MEMORANDUM OF AGREEMENT

**DATED** this                      day of                      2016

## PARTIES

**BETWEEN TORRES STRAIT ISLAND REGIONAL COUNCIL ("TSIRC")**

AND TORRES STRAIT REGIONAL AUTHORITY ("TSRA")  
("the Parties")

## PREAMBLE

- A.** TSIRC is a Local Government under the *Local Government Act 2009 (Qld)* and is responsible for providing municipal services in its local government area, being all inhabited islands in the Torres Strait region excluding Thursday, Horn and Prince of Wales Islands and is charged with the responsibility of : -
- i. doing anything that is necessary or convenient for the good rule and local government of its local government area, including the development and implementation of Local Laws; and
  - ii. playing a principal role in partnership with one or more other local, State or Commonwealth governments, to conduct a joint government activity in its local government area.
- B.** TSRA is an Australian Government Statutory Body established on 1 July 1994 under the *Aboriginal and Torres Strait Islander Commission Act 1989 (Cth)*, today known as the *Aboriginal and Torres Strait Islander (ATSI) Act 2005 (Cth)*, with responsibility to: -
- i. Formulate, coordinate and implement programs for Torres Strait Islander and Aboriginal people living within the Torres Strait region;
  - ii. Monitor the effectiveness of these programs, including programs conducted by other bodies;
  - iii. Advise the Minister of Indigenous Affairs on matters relating to Torres Strait Islander people living in the Torres Strait region;
  - iv. Recognise and maintain the special and unique Ailan Kastom of the Torres Strait Islander people living in the Torres Strait region; and
  - v. Undertake activities necessary to perform its functions as defined in the *Aboriginal and Torres Strait Islander (ATSI) Act 2005 (Cth)*.
- C.** TSRA is a funding body of TSIRC.
- D.** This MOA provides a mechanism for the Parties to monitor and work in collaboration to improve the effectiveness of project delivery in the Torres Strait region and defines the roles and responsibilities of each Party.

**THE PARTIES AGREE AS FOLLOWS:**

## 1. SCOPE

- 1.1 This MOA, whilst not intended to create legal relations between the Parties, is entered into in good faith by both Parties on the basis that informal undertakings are given by each Party to the other that they will make all reasonable endeavours to abide by the terms of this MOA in the development and implementation of processes and programmes collaboratively for the benefit of the Torres Strait Islander people living in the Torres Strait region.

## **2. OBJECTIVES**

- 2.1 This MOA seeks to establish a collaborative relationship between the Parties to achieve their mutual objectives in the local government area, namely:-

- i. Identifying and coordinating strategic objectives;
- ii. Developing and implementing agreed working arrangements on community needs and projects of common concern to address social, economic and environmental needs;
- iii. Facilitating an ongoing improvement in the quality of life for all residents of the Torres Strait through a joint planning regime;
- iv. Researching needs and opportunities for joint social growth enhancement activities;
- v. Exploring opportunities for shared initiatives in the broad community interest;
- vi. Disseminating information regarding funding opportunities;
- vii. Co-operating in the planning for future regional service and infrastructure development;
- viii. Identifying scope for cost-sharing arrangements;
- ix. Formalising TSRA and TSIRC roles in Regional Plan Advisory Groups;
- x. Identifying, developing and implementing a joint public relations and media coverage arrangement(s);
- xi. Providing a conduit for the exchange of information between the Parties;
- xii. Effectively communicating on strategies on both a private and public basis to ensure they are complementary to existing internal or external administrative and cultural protocol in the region;
- xiii. Formalising predetermined deputations by TSIRC and TSRA during scheduled/unscheduled Federal Ministerial visitations;
- xiv. Facilitating a meeting of Departmental heads of the Parties on a minimum of a quarterly basis to discuss the working arrangement(s) associated with the MOA and areas of responsibility, to ensure open and clear communication and effectiveness of joint service delivery and community engagement;
- xv. Working in partnership to collaboratively develop and implement a new model of delivery for Major Infrastructure Projects;
- xvi. Exchanging annual schedules of meetings and other significant dates, with regular updates as required;
- xvii. Simplifying and streamlining funding processes;
- xviii. Co-operating in the development and implementation of a Regional Indigenous Land Use Agreement;
- xix. Complying with the laws of the local, State and Commonwealth governments in conducting activities and operations in the Torres Strait region; and
- xx. Entering into long-term secondment arrangements, as appropriate, for the staff from one organisation to the other (minimum three (3) month term) to facilitate Human Relations education, development and training objectives and to achieve a greater mutual understanding of the roles, responsibilities, achievements and shortcomings of the Parties to assist in the identification of areas for improvement



and/or commendation and to facilitate growth of this MOA to further strengthen the interaction and general relations between the Parties.

2.2 The Parties agree to co-operate in seeking to fulfil their mutual roles by maintaining: -

- i. equality;
- ii. professionalism;
- iii. efficiency;
- iv. simplicity;
- v. communication;
- vi. mutual respect;
- vii. integrity; and
- viii. confidentiality.

### 3. TERM

3.1 The Term of the MOA shall be three (3) years and shall commence on the                      day of                      2016 ("the Commencement Date") and, unless sooner terminated by the Parties, will expire on the                      day of                      2018 ("the Expiry Date").

3.2 This MOA shall only become operative once formally adopted by each Party by way of formal resolution at a TSIRC Ordinary Meeting and TSRA Board meeting.

### 4. INDEPENDENCE OF EACH PARTY

The Independence of each party and their respective rights to act freely and unilaterally in the exercise of statutory responsibilities and policy directions from the respective Governing Bodies is not to be prejudiced or diminished by this MOA. The Parties recognise, accept and agree that this MOA does not create contractual rights or obligations of any description upon either Party which are enforceable at law, however that should not diminish the fundamental intent by the Parties to strictly adhere to the terms outlined herein in its future dealings in good faith during the Term.

## 5. RESPONSIBILITIES

### 5.1 TSIRC

5.1.1 TSIRC has agreed to undertake the following tasks in the pursuit of achieving the mutual objectives listed in clause 2 of this MOA, namely-

- i. To enter into regular discussions with TSRA representatives to identify and co-ordinate strategic objectives;
- ii. To formalise a joint public relations, media coverage and communications strategy with TSRA (e.g. standing space allocation within entity publication, joint press releases, notification of upcoming regional press coverage affecting TSRA);
- iii. Provided consistent with the *Information Privacy Act 2009* (Qld) and other relevant privacy legislation, to share information, statistics and data with TSRA as compiled by TSIRC or as available to TSIRC as relevant to the roles and responsibilities of TSRA as listed in the Preamble to this MOA;
- iv. To consider cost-sharing arrangements with TSRA where practicable in areas such as travel, freight and staff training (first aid, fire, capacity building etc);
- v. To work in partnership with TSRA senior management to develop a new model for the delivery of Major Infrastructure Projects for the Torres Strait Region;

- vi. To comply with the terms of TSRA Funding Agreements entered into between the Parties;
- vii. To work collaboratively with the TSRA to develop a Regional Indigenous Land Use Agreement which promotes the following fundamental principles, namely: -
  - a. time and cost efficiency;
  - b. certainty;
  - c. finality;
  - d. equity;
  - e. procedural fairness;
  - f. recognition of Ailan Kastom; and
  - g. protection of Cultural Heritage;
- viii. To ensure that a senior Executive of each Local Government Department is involved in a TSRA Regional Plan Advisory Group;
- ix. To offer administrative support by TSIRC officers to at least two (2) TSRA Regional Plan Advisory Groups;
- x. In January each calendar year, to advise TSRA of proposed dates of Ordinary meetings and to extend a standing invitation to representatives of TSRA;
- xi. Upon request by TSRA at least 14 days prior to an Ordinary meeting of TSIRC, to ensure an allocation of at least thirty (30) minutes for TSRA to present deputation(s) applicable to the TSRA and TSIRC regional collaboration/ programme(s);
- xii. Provision by TSIRC to TSRA of TSIRC minutes of Ordinary meeting (excluding closed business);
- xiii. To ensure the availability of Departmental heads where reasonable, to attend quarterly meetings with divisional heads of TSRA on subjects applicable to their area(s) of responsibility;
- xiv. Provision by TSIRC to TSRA of resolutions or information which may have potential to affect the activities and/or programmes of TSRA in the Torres Strait region, including but not limited to the adoption, amendment or repeal of Local Laws (excluding closed business items);
- xv. To provide to TSRA a full up-to-date list of Executive Managers and department heads of TSIRC and areas of responsibility;
- xvi. When and where available, upon request by TSRA to TSIRC, to provide TSRA with complimentary hire of TSIRC meeting and boardrooms;
- xvii. When and where available, upon request by TSRA to TSIRC, to provide TSRA representatives with complimentary transportation between the divisional airports and townships within the local government area;
- xviii. Provision of invitations to TSRA representatives to TSIRC social events;
- xix. Negotiating in good faith the lease/ license of TSIRC Infrastructure and buildings to TSRA for island programmes (Rangers etc); and
- xx. Consideration of staff secondment opportunities between the Parties.

## 5.2 TSRA

- 5.2.1 TSRA has agreed to undertake the following tasks in the pursuit of achieving the mutual objectives listed in clause 2 of this MOA, namely-
  - i. To enter into regular discussions with TSIRC representatives to identify and co-ordinate strategic objectives;

- ii. To formalise a joint public relations, media coverage and communications strategy with TSIRC (e.g. standing space allocation within entity publication, joint press releases, notification of upcoming regional press coverage affecting TSIRC);
- iii. Provided consistent with the *Information Privacy Act 2009* (Qld) and other relevant privacy legislation, to share information, statistics and data with TSIRC as compiled by TSRA or as available to TSRA as relevant to the roles and responsibilities of TSIRC as listed in the Preamble to this MOA;
- iv. To consider cost-sharing arrangements with TSIRC where practicable in areas such as travel, freight and staff training (first aid, fire, capacity building etc);
- v. To work in collaboration with TSIRC senior management to develop a new model for the delivery of Major Infrastructure Projects for the Torres Strait Region;
- vi. To make available to TSIRC within 14 days of notification to TSRA, via the officer nominated in Schedule 1 to this MOA, details of all TSRA funding opportunities;
- vii. To work collaboratively with TSIRC to develop a Regional Indigenous Land Use Agreement which promotes the following fundamental principles, namely:
  - a. time and cost efficiency;
  - b. certainty;
  - c. finality;
  - d. equity;
  - e. procedural fairness;
  - f. recognition of Ailan Kastom; and
  - g. protection of Cultural Heritage;
- viii. In January each calendar year, to advise TSIRC of proposed dates of TSRA Board meetings and to extend a standing invitation to TSIRC;
- ix. Upon request by TSIRC at least 14 days prior to an TSRA Board meeting, to ensure an allocation of at least thirty (30) minutes for TSIRC to present deputation(s) applicable to the TSRA and TSIRC regional partnership(s)/programme(s);
- x. To provide permanent membership (with speaking rights) to the TSIRC Mayor on TSRA committees where meeting agenda includes matters pertaining to the TSIRC local government area, excluding TSRA Governance committees and closed business;
- xi. Provision by TSRA to TSIRC of endorsed TSRA Board meeting minutes (excluding closed business);
- xii. To ensure the availability of senior TSRA managers where reasonable, to attend quarterly meetings with Departmental heads of TSIRC on subjects applicable to their area(s) of responsibility;
- xiii. Provision by TSRA to TSIRC of resolutions or information which may have potential to affect the activities and/or programmes of TSIRC in the Torres Strait region;
- xiv. To provide reasonable notice to TSIRC of Ministerial visitations to the Torres Strait Region and make pre-arrangements for TSIRC deputation;
- xv. To provide to TSIRC a full up-to-date list of department heads of TSRA and areas of responsibility;

- xvi. When and where available, upon request by TSIRC to TSRA, to provide TSIRC with complimentary hire of TSRA meeting and boardrooms;
- xvii. Provision of invitations to TSIRC representatives to TSRA social events; and
- xviii. Consideration of staff secondment opportunities between the Parties.

## **6 WORKING RELATIONSHIP**

The Parties agree that nothing in this MOA creates any relationship of principal and agent, partnership, or joint venture between the Parties.

## **7 INFORMATION PRIVACY**

7.1 If a Party collects or has access to Personal Information, in order to give effect to this MOA the Party must:

- (a) comply with the *Information Privacy Act 2009* (Qld) in relation to the discharge of its obligations under this MOA;
- (b) not use Personal Information other than for the purposes of this MOA, unless required or authorised by law;
- (c) not disclose Personal Information without the prior written consent of the other Party, unless required or authorised by law;
- (d) not transfer Personal Information outside of Australia without the prior written consent of the other Party;
- (e) ensure that access to Personal Information is restricted to those of its employees and officers who require access in order to perform their duties;
- (f) ensure that its officers and employees do not access, use or disclose Personal Information other than in the performance of their duties;
- (g) ensure that its contractors and sub-contractors who have access to Personal Information comply with obligations the same as those imposed on the Parties under this clause;
- (h) fully co-operate with the other Party to enable the other Party to respond to applications for access to, or amendment of a document containing an individual's Personal Information and to privacy complaints; and
- (i) comply with such other privacy and security measures imposed on the Parties as reasonably advised in writing from time to time.

7.2 A Party must immediately notify the other Party on becoming aware of any breach of clause 7.1.

"Personal Information" means information or an opinion (including information or an opinion forming part of a database), whether true or not and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained, from the information or opinion.

## **8. INTELLECTUAL PROPERTY RIGHTS**

8.1 Intellectual Property Rights in all material created for joint use by the Parties in the planning and implementation of the objectives after the Commencement Date of this MOA, shall vest jointly with TSIRC and TSRA, unless otherwise agreed in writing.

8.2 Intellectual Property Rights in existing material brought into existence prior to the Commencement Date shall remain with its creator.

## **9 CONFIDENTIALITY**

9.1 A Party shall not, except as expressly authorised by the other Party or required by law, reveal to any person any of the confidential operations, dealings, or affairs of the other which may

come to its knowledge through carrying out of the MOA and without limitation to the foregoing, shall not use or attempt to use any information or knowledge aforesaid in any manner which may injure or cause loss either directly or indirectly to the other Party. The Parties shall ensure that their servants and agents also observe the provisions of this clause.

## **10 DISPUTE RESOLUTION**

- 10.1 For the purpose of this clause, a dispute will have arisen when either Party gives notice in writing to that effect to the other Party ("the Dispute Notice").
- 10.2 The Parties agree to settle any dispute arising in connection with this MOA in good faith by negotiation or mediation within 30 days of receipt of the Dispute Notice.
- 10.3 Any dispute will be referred to the Parties' dispute resolution representatives nominated in Schedule 1 or other persons the Parties notify to each other in writing.

## **11 NOTICES**

Any notice or other communication to be given under this MOA must be in writing and may be delivered by hand, pre-paid post, facsimile or e-mail transmission at the address set out in Schedule 1.

## **12 VARIATION**

- 12.1 This MOA may be varied at any time by an agreement in writing executed by both Parties.
- 12.2 It will be sufficient evidence of any agreement to vary a schedule to the MOA if the Parties execute and date a document purporting to be a substitute schedule.

## **13 TERMINATION**

Either Party may at any time terminate this MOA by providing 30 days written notice to the other Party and must provide written reasons to the other Party as to termination.

## **14 FURTHER CO-OPERATION**

Further cooperation between the Parties is encouraged and can be the subject of ongoing discussions.

## **15 COSTS**

Each Party will bear its own costs incurred in negotiating and settling the terms of this MOA.

## **16 AILAN KASTOM**

- 16.1 It is acknowledged by TSRA and TSIRC that Ailan Kastom is fundamental to the Torres Strait and that the Parties must seek to consider Ailan Kastom in the development and implementation of the objectives in the region.
- 16.2 It is acknowledged by the Parties that they must consult with each other and relevant Indigenous stakeholders, including divisional Community Forums and Native Title Prescribed Bodies Corporate in each division prior to and during development, implementation and variation of the objectives in the Torres Strait to ensure compliance with Traditional Lore and Ailan Kastom.

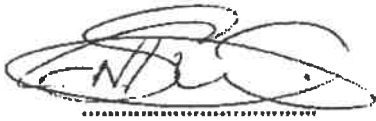
## **17 INTERPRETATION**

"MOA" means this document and all attachments to this document, including Schedules attached hereto.

"Parties" means the Parties to the MOA and includes their employees, agents, successors and assigns.

## EXECUTION

Signed by the Parties on the dates set out below



Signed for and on behalf of TSRA

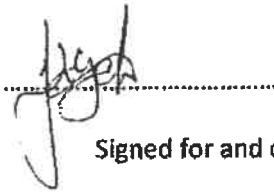
**Napau Pedro Stephen AM**  
TSRA Chairman



Witnessed by

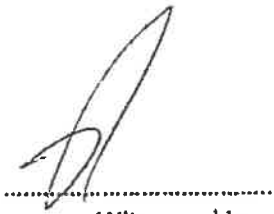
WAYNE SKE KHE  
Print Name

this 2<sup>nd</sup> day of December 2016



Signed for and on behalf of TSIRC

**Fredrick Solomon Gela**  
Mayor



Witnessed by

WAYNE SKE KHE  
Print Name

this 2<sup>nd</sup> day of December 2016

*SCHEDULE 1*

**CONTACT PERSONS/ADDRESS FOR NOTICES**

*FOR TSRA*

**Contact Person:** Wayne See Kee  
**Position:** Chief Executive Officer  
**Address for Service:** PO Box 261, THURSDAY ISLAND, QLD, 4875  
**Telephone:** (07)4069 0700  
**Facsimile:** (07)4069 1879  
**E-mail:** wayne.seekee@tsra.gov.au

*FOR TSIRC*

**Contact Person:** Chris McLaughlin  
**Position:** Acting Chief Executive Officer  
**Address for Service:** PO Box 7336, CAIRNS, QLD, 4870  
**Telephone:** (07) 4034 5700  
**Facsimile:** (07) 4034 5726  
**E-mail:** ceo@tsirc.qld.gov.au



19 April 2017

Mr Chris McLaughlin  
Acting Chief Executive Officer  
Torres Strait Island Regional Council  
PO Box 7336  
CAIRNS QLD 4870

**MEMORANDUM OF AGREEMENT 2016/2018 Between TORRES STRAIT ISLAND REGIONAL COUNCIL (TSIRC) and TORRES STRAIT REGIONAL AUTHORITY (TSRA)**

Dear Mr McLaughlin

Chris

I am writing in response to your letter dated 13 March 2017. The TSRA Board tabled the Memorandum of Agreement (MOA) between TSIRC and TSRA at Board Meeting No. 100 which was held on the 7 – 8 September 2016. At this meeting, the TSRA Board made the following decision:

Decision 1201 - Local Government Memorandum of Understanding/Memorandum of Agreement (MOUs/MOA):

**3. Endorsed the MOA with Torres Strait Island Regional Council.**

This decision applies for the purpose of Clause 3.2 of the Memorandum of Agreement 2016-2018 between Torres Strait Island Regional Council and Torres Strait Regional Authority. The MOA has been endorsed by the TSRA Board.

Should you have any further queries, please do not hesitate to contact Mr Damon Lewis in the TSRA's Governance and Leadership Programme on Telephone No. 07 40690718 or alternatively via email at [damon.lewis@tsra.gov.au](mailto:damon.lewis@tsra.gov.au).

Yours sincerely,



Mr Wayne See Kee, PSM  
Chief Executive Officer  
Torres Strait Regional Authority



## TORRES STRAIT ISLAND REGIONAL COUNCIL

Lot 12 Francis Road Hammond Island QLD 4875

p: (07) 4048 6009 f: (07) 4069 1692 e: [records@tsirc.qld.gov.au](mailto:records@tsirc.qld.gov.au)

PO Box 7336 Cairns QLD 4870

ABN 15 292 645 165

13 March 2017

Mr Pedro Stephen  
Chairperson  
Torres Strait Regional Authority  
PO Box 261  
THURSDAY ISLAND QLD 4875

BY EMAIL [info@tsra.gov.au](mailto:info@tsra.gov.au)

### **TORRES STRAIT ISLAND REGIONAL COUNCIL – TORRES STRAIT REGIONAL AUTHORITY - MEMORANDUM OF AGREEMENT – 2016/2018**

At its 20 and 21 February 2017 Ordinary Meeting, Council made the following resolution, namely:

*That Council formally adopt the Memorandum of Agreement 2016–2018 between Council and Torres Strait Regional Authority executed on 2 December 2016.*

This resolution applies for the purpose of clause 3.2 of the Memorandum of Agreement. We shall now await your corresponding advice that the Memorandum of Agreement has been formally adopted by TSRA Board meeting resolution.

Should you have any queries with the above, please contact myself on 07 4048 6216, or email: [chris.mclaughlin@tsirc.qld.gov.au](mailto:chris.mclaughlin@tsirc.qld.gov.au).

Yours faithfully

**Chris McLaughlin**  
Acting Chief Executive Officer

# **TORRES STRAIT ISLAND REGIONAL COUNCIL**

## **SARG REPORT**

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### **SARG MEETING**

**DATE:** June 2021

**ITEM:**

**SUBJECT:** Religious Church Services using Council  
Community Halls and other facilities

**AUTHOR:** Peter Krebs, Senior Legal Counsel

---

### **INTRODUCTION**

Legal Services advises on queries relating to local law permits issued within Council's region and manages all leases and occupancy licence agreements with organisations and individuals for TSIRC owned facilities.

Trustee policy for Church leases is the payment of a peppercorn rent (ie no rent as such), and guidance is sought on whether this policy should be extended to the grant of occupancy licences for church and religious purposes which occur on a regular basis at TSIRC facilities.

For one-off religious events such as church fellowships and weddings, a local law permit or Council facility hire agreement is appropriate. However, for regular and ongoing use of TSIRC facilities for church and religious purposes, Legal Services recommends 12-monthly licence agreements as the most appropriate mechanism to regulate this facility use.

There are concerns regarding the payment of utility charges as well as who is responsible for cleaning up after a church service and the burden this may place on Divisional staff and additional cost to TSIRC.

There are also issues regarding the possible conflicting need of TSIRC or other community members to use the facility at the same time that a Church group is using it.

Currently there is no policy in place to deal with these situations and guidance is sought on the formulation of a policy.

### **OFFICER COMMENT**

Over the last few years, there has been some noticeable momentum within our local communities of several religious/church groups formed

under various denominations. Most of these other groups are not associated to the existing/current religious groups that are already present within a community on a long-term basis and which most cases have their own long-standing church infrastructure.

The table below is a sample of religious/church groups and where their services are normally held at Council facilities:

Group & Location	Facilities
Barbara Guilgo - Badu	Jack Ahmat Stadium
Synod of the Diocese Church of the Torres Strait – Badu	Community Hall
Parish of St Phillips Independent – Badu	Ugarie Hall
Independent Church Parish of Ascension – Dauan	Community Hall

The current approach taken by Legal Services to date regarding the terms of licence agreements for church and religious groups is based upon advice from former Mayor Gela, as follows:

- Use on every Sunday between 10am to 12pm
- Use on Religious holidays between 10am to 12pm
- Use on Good Friday, Ash Wednesday, Christmas Eve and New Year's Eve
- Licensee to reschedule church service if the premises are required by TSIRC or a third party for another activity
- Any condition otherwise approved in writing by the Chief Executive Officer
- Peppercorn licence fee and no utilities or outgoings payable

Public liability also needs to be considered for any licence. Council's insurer, LGM Liability, has advised (correspondence 26 May 2021) that public liability coverage is only provided to Council and its employees and to the liability of casual hirers to third parties. For the "casual hirer" coverage to apply, the "casual hirer" must be non-commercial, not incorporated, not involved in high-risk sport and can hire the Council facility no more than 12 times per year. Council's public liability insurance therefore does not cover frequent/regular hirers of Council facilities or hire for commercial purposes such as regular church services, organised sports, coaching or fundraising, or other hire by incorporated entities. For risk management, it is important that church groups that wish to use Council's facilities regularly have their own public liability insurance.

## **CONCLUSION**

In order to prepare a policy regarding occupancy licences to church and religious groups, the following guidance is sought from SARG on the following matters:

1. Will any occupancy licence be for a peppercorn rent?
2. Will TSIRC cover the utility charges?
3. Will any occupancy licence contain a condition that the lessee be responsible for cleaning up after a service?
4. Should one-off church and religious group use be processed as a permit?
5. In the event that TSIRC requires the use of the facility, should it be a condition that upon TSIRC giving 14 days' notice, that the church or religious group will have to make other arrangements?
6. Should any occupancy licence for church and religious groups be restricted to Sundays or any other holy days thereby allowing other uses outside these times?
7. Should any grant of an occupancy licence for a church and religious group be subject to approval from the Divisional councillor and/or Island PBC?
8. Should the term of the occupancy licence be for only 12 months?
9. Should any variation of the terms and condition be approved in writing by the Chief Executive Officer.
10. Should it be a condition of any licence that the church and religious group have their own public liability insurance.

Upon obtaining guidance from SARG on the above matters, then a policy can be drafted up and presented to council for consideration.



**David Baldwin**  
**A/CEO**



**Peter Krebs**  
**Senior Legal Counsel**

# Casual Hirers Liability Cover

## OVERVIEW OF COVER

The LGM Casual Hirers Liability cover is unique in that it covers the liability of a casual hirer of a Council facility and in doing so provides Council with protection in the event of personal injury or property damage occurring on Council premises.

The cover has a limit of indemnity of \$10 million (\$20 million automatic increase) and a deductible of \$2,000 is applicable to each and every claim.

## WHO HOLDS THE COVER?

It is important to recognise that this cover is held by the Council (not the third party casual hirer) and the cover only extends to the liability of the hirer in circumstances where:

- the relevant criteria discussed below are met; and
- Council considers the casual hirers to be appropriate with respect to the nature of the hire and the risks associated with same.

It is recommended that a risk assessment should inform these decisions.

## WHAT IS A 'CASUAL HIRER'?

A casual hirer is defined to be an individual or a group who enters into an agreement for use of a Council facility, where that individual or group:

- is non-commercial,
- is not incorporated,
- is not involved in high risk sports; and
- hires a Council facility no more than 12 days per year.

By way of example, the cover will extend to:

- knitting groups meeting at a Council hall;
- a mothers group meeting at a Council park; or
- parents organising an 18th birthday party at a Council facility,

where personal injury or property damage/loss affects another person at the venue as a result of the hirer's liability.







Cover does not extend to commercial and incorporated bodies as they are engaged in other activities that prudent bodies would obtain public liability insurance to cover. In some instances, these bodies are required by law to have public liability insurance.

## WHAT COUNCIL FACILITIES ARE INCLUDED?

The cover is not restricted to the hire of halls but applies to the hire of any Council facility, including but not limited to Council controlled parks.

## WHAT ARE 'HIGH RISK SPORTS'?

High-risk sports are sports that involve a high degree of inherent risk of injury and include:

- boxing or martial arts;
- gymnastics, weightlifting or athletics;
- cricket, baseball or similar involving the use of hard balls;
- competitive racing;
- parkour or obstacle course events;
- bull riding (mechanical or animal-based);

- contact sports including football and soccer;
- sports conducted on courts; and
- climbing or abseiling.

High risk sports do not include sports with a low degree of inherent risk of injury such as indoor bowls, board games, lawn bowls, tethered pony rides, table tennis, cricket or baseball involving the use of a light weight rubber or tennis ball, frisbee, bocce, darts, billiards or similar.

## OTHER EXCLUSIONS

There are other exclusions that should be considered when assessing risks associated with the casual hire of facilities which include participation liability, supply of second hand, children's and electrical goods, the use of amusement rides and devices, security personnel, pyrotechnics and sexual abuse.

## WORDING

For full details of this cover, including the PDS and the policy wording can be obtained on the LGMS Member Centre website at <https://lgms.jlta.com.au>



## CONTACT US

LGMS Member Services

T: 07 3000 5555

[memberservicesqld@jlta.com.au](mailto:memberservicesqld@jlta.com.au)

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# Employee Housing Policy

<b>Responsible Manager</b>	Head of People and Wellbeing
<b>Head of power</b>	<i>Local Government Act 2009 (QLD)</i> <i>Local Government Regulation 2012 (QLD)</i> <i>Public Service Act 2008 (QLD)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Industrial Relations Act 1999 (QLD)</i> <i>Anti-Discrimination Act 1991 (QLD)</i> <i>Sex Discrimination Act 1984 (QLD)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Human Rights and Equal Opportunity Act 1986 (Cth)</i> <i>Public Sector Ethics Act 1994 (QLD)</i> <i>Crime and Corruption Act 2001 (QLD)</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	
<b>Implemented from</b>	
<b>Last reviewed</b>	N/A
<b>Review history</b>	N/A
<b>To be reviewed on</b>	June 2022
<b>Corporate Plan</b>	People, Sustainability and Prosperity



## **1. Purpose**

Torres Strait Island Regional Council (Council) is committed to providing effective, legal and consistent human resource systems that benefit the organisation and its employees.

This policy sets out Council's position on employer provided housing and the rights and responsibilities of both the employer and employee.

## **2. Application**

This policy applies to all Council employees who have been offered and accepted employee housing as part of their employment contract.

## **3. Legislation/Policies**

This policy is established with reference to obligations specified in the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) and other relevant legislation.

## **4. Provisions**

Council is committed to the attraction, recruitment, development, and retention of local, First Nations people.

Further, Council may provide accommodation to employees as part of their employment contract. The Chief Executive Officer is responsible for the allocation of all employee housing. As housing is limited, not all positions will be offered employee housing.

Where employee housing is offered to an employee, a General Tenancy Agreement (Form 18A) must be executed by both the Landlord and Tenant. For the purposes of the agreement, the Landlord is Council, and the employee is the Tenant.

Specific inclusions and exclusions must be stipulated at section 5.2 of the agreement. The General Tenancy Agreement will be referenced within and attached to the employment contract.

Manager Responsible for Review:

Head of People and Wellbeing

**Adoption:**

Ilario Sabatino

**Due for Revision:** June 2022

Acting Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## SARG COMMITTEE REPORT

<b>COMMITTEE MEETING:</b>	June 2021
<b>DATE:</b>	15 June 2021
<b>ITEM:</b>	Agenda Item for SARG Committee
<b>SUBJECT:</b>	Department – Housing – Policies and Procedures
<b>AUTHOR:</b>	Harrison Sabatino, Manager, Housing

### Recommendation:

- That the SARG Committee endorses the twenty-four policies and procedures attached.
- The SARG committee agrees to remove the following:
  - o Conflict of Interest Policy – Tenancy Management
  - o Social Housing Management Procedure.
  - o Change name of Policy from 'Succession of Tenancy' to 'Change of Tenancy'.

### Executive Summary:

The policies and procedures contained in this report needed review and updating due being outdated, reflecting changes internally through council and/or changes to legislation. To ensure compliance with legislation and already existing policies, all policies and procedures have been redrafted and proposed to council for implementation.

The table below shows the policies and procedures contained for implementation and removal in this report:

Housing Policies and Procedures	
Social Housing Policy	Tenancy Breach Policy
Rent Procedure	Tenancy Breach – Rent in Arrears Procedure
Social Housing Application Policy	Appeals Policy
Social Housing Application Procedure	Housing Complaint Management Policy
Allocation of Housing Policy	Rent Review Procedure
Allocation of Housing Procedure	Rent Review Policy
Termination of Tenancy Policy	Abandoned Properties Policy
Rent Policy	Tenancy Breach Policy
Home Visit Policy	Tenant Absence Policy
Change of Tenancy Policy	Housing Application Review Policy
Tenancy Sign Up Policy	Notifications Policy
Rental Debt Policy	
Home Visit Procedure	
Delete (Remove)	
Conflict of Interest Policy – Tenancy management	Social Housing Management Procedure

## Background:

Since endorsement of Housing Policies and Procedures, there has not been any formal review to ensure legal compliance. Last review date for most documents was 2018, with minority agreed for endorsement in 2020. To-date, there has been many changes to the Residential Tenancy Authority and Residential and Rooming Act 2008 which directly impacts tenancy services carried out across the Torres Strait Region. Therefore, to ensure TSIRC provides quality services, all policies and procedures have been redrafted and put forth to council for review prior to implementation.

## Considerations

### Risk Management

If council fails to endorse redrafted policies and procedures, the Housing department will be operating by non-compliant policies and procedures therefore placing TSIRC at risk of litigation, in the event a tenant challenges a decision of Housing Staff members.

## Statutory Requirements:

*Local Government Act 2009*

*Local Government Regulation 2012*

## Conclusion:

That the SARG Committee endorses the attached policies and procedures.

### Endorsed:

Rachel Pierce  
Head of Community Services

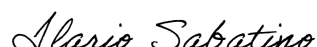


David Baldwin  
Acting Chief Executive Officer



### Recommended:

Ilario Sabatino  
Chief Operating Officer





## ALLOCATION OF HOUSING POLICY

SPO10

## ALLOCATION OF HOUSING POLICY

Responsible Manager

Manager, Housing

Head of power

~~Local Government Act 2009 (Qld)~~  
~~Local Government Regulation 2012 (Qld)~~  
~~Housing Act 2003 (Qld)~~  
~~Housing Regulation 2003 (Qld)~~  
~~Residential Tenancies and Rooming  
Accommodation Act 2008 (Qld)~~  
~~Social Housing Policy PO12~~  
~~Social Housing Application Policy SPO9~~

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Council

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Authorised on

May 20~~17~~<sup>24</sup>

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Implemented from

May 20~~2~~<sup>17</sup>

Last reviewed

April 2021

Review history

~~Nil~~<sup>May 2017</sup>

To be reviewed on

June 2023

Corporate Plan

~~Community Services—Environment~~<sup>People,</sup>  
~~Sustainability and Prosperity~~

## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Allocation of Housing Policy. All properties will be allocated in accordance with regulatory guidelines ~~as depicted by Queensland Residential Tenancy Authority (RTA) for Queensland.~~

### 1.1. Overview

This policy sets out the principles to be followed ~~when~~ allocating Social Housing properties to eligible applicants. Our aim is to ensure:

- a) Torres Strait Island Regional Council's processes for the allocation of social housing be transparent and decisions be made without favouritism or bias; ~~and~~
- b) ~~Take into~~ The needs of prospective tenants ~~and household is taken into consideration~~.

### 2.1. Provisions

~~a) Councilors and staff shall:~~

- ~~i. declare any conflict between their personal interests and the interests of Council, pursuant to Council's Code of Conduct;~~
- ~~ii. not disclose any confidential information about an applicant or tenant, their waitlist status or any financial information to any external party.~~

~~3.~~

~~b) Council shall use eligibility criteria for long term social housing when allocating new tenants. To be eligible for long term social housing, applicants must meet all eligibility criteria set out in the Social Housing Application Policy SPO0.~~

~~c) Council shall allocate social housing based on a priority classification [level of need] centred on eligible applicants' needs and Prescribed Body Corporate (PBC) with the traditional and cultural considerations. Eligible applicants assessed with the highest needs shall be offered assistance ahead of applicants with lower housing needs.~~

~~4.~~

~~d) Council shall attempt to match client needs with a house which is appropriate to the client's housing needs. Bedroom entitlements shall be assessed by the household composition in accordance with the Assistance Agreement with the Department of Housing and Public Works.~~

### 5.2. Application

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This policy applies to all tenants, staff and applicants of TSIRC Social Housing Register.  
Application of Housing Allocation applicants applying for Social Housing within the  
communities of the Torres Strait.

6.3. **Legislation/Policies Scope**

†This policy is established with reference to obligations specified in the Housing Act 2003 and  
Residential Tenancies and Rooming Act 2008. This Policy is to be applied in conjunction with  
Allocation of Housing Procedure SPO10-PR1.

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4. **Provisions**

4.1. Councillors and staff must:

- a) Declare any conflict between their personal interests and the interests of Council, pursuant to Council's Code of Conduct; and
- b) Not disclose any confidential information about an applicant or tenant, their waitlist status or any financial information to any external party.

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4.2. Council must use eligibility criteria:

- a) For long term social housing when allocating to prospective tenants; and
- b) For all applicants whom are seeking long term social housing through TSIRC as depicted in Social Housing Application Policy.

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4.3. Allocation is based on:

- a) Priority classification [level of housing need];
- b) bedroom entitlement;
- c) Social housing design that best meets the need of applicant; and
- d) Consideration of cultural connection to land and traditional ties to family, and where appropriate, can be verified in consultation with respective Prescribed Body Corporate (PBC) group.

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7. **Councillors and staff shall:**

5. **Authorisation of Property Allocation**

declare any conflict between their personal interests and the interests of Council pursuant to Council's Code of Conduct;

not disclose any confidential information about an applicant or tenant, their waitlist status or any financial information to any external party.

Council shall use eligibility criteria for long term social housing when allocating new tenants. To be eligible for long term social housing, applicants must meet all eligibility

## Allocation of Housing Policy SPO10

criteria set out in the Social Housing Application Policy SPO9.

Council shall allocate social housing based on a priority classification [level of need] centred on eligible applicants' needs and Prescribed Body Corporate (PBC) with the traditional and cultural considerations. Eligible applicants assessed with the highest needs shall be offered assistance ahead of applicants with lower housing needs.

Council shall attempt to match client needs with a house which is appropriate to the client's housing needs. Bedroom entitlements shall be assessed by the household composition in accordance with the Assistance Agreement with the Department of Housing and Public Works.

### 8. Responsibilities

The responsibility for allocating all social housing is:-

The responsibility for allocating all social housing dwelling to eligible applicants.

#### 5.1. For existing housing

a) Allocation decision shall be made in consultation with the Division Councillor.

a)

b) Councillor may seek advice from the Prescribed Body Corporate [PBC] to confirm an applicant's connection to the land, family ties and suitability to live in the Division.

#### 5.2. For new housing under a funded Federal Government building scheme

a) Applicants shall provide Council with a proof of their cultural or traditional connection to the vacant land upon which housing is to be built, prior to Council commencing the allocation process on a given Division.

a)

b) Council shall use a consultative process with Government representatives, PBC and the Councillor to relevant stakeholders to deliver a joint decision determine the allocation of yield for new housing in each Division, taking into account Council's housing needs and Ailan Kastom.

Should no allocation decision be reached for existing and/or new housing through a consultation process within the allocated timeframe, the Executive Manager Housing Services shall intervene to resolve the issue.

### 4.6. AUTHORISATION

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Allocation of Housing Policy SPO10

This Policy was duly authorised by Council as the Torres Strait Island Regional Council *Allocation of Housing Policy* on xx June17 May 2021 and shall hereby supersede any previous policies of the same intent.

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CEO NameHario Sabatino

Date:

\_\_\_\_/\_\_\_\_/\_\_\_\_21

Acting Chief Executive Officer



# ALLOCATION OF HOUSING PROCEDURE

Responsible Manager

Manager, Housing

Head of power

Local Government Act 2009 (Qld)  
Local Government Regulation 2012 (Qld)  
Housing Act 2003 (Qld)  
Housing Regulation 2003 (Qld)  
Residential Tenancies and Rooming  
Accommodation Act 2008 (Qld)  
Social Housing Policy  
Social Housing Application Policy  
~~Allocation of Housing Policy~~  
~~Social Housing Application Policy~~  
~~Social Housing Policy~~Allocation of Housing  
Policy

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Authorised by

~~Chief Executive Officer~~Council

Authorised on

~~17 May 2024~~November 2017

Implemented from

November 2017

Last reviewed

~~30 June 2019~~May 2021

Review history

2019N/A

To be reviewed on

June ~~17 May~~ 2021

GOVERNANCE TO ADD HEADER AFTER APPROVAL

Corporate Plan

People, Sustainability and  
~~Prosperity~~Prosperity

## 1. Relationship to Allocation Policy

Council is strongly committed to ensuring that Allocation Procedure for Social Housing of Torres Strait Island Regional Council directly correlates with Allocation Policy and complies with all relevant legislations and regulations. :-

- a) ~~Torres Strait Island Regional Council's processes for the allocation of social housing shall be transparent and accountable and decisions shall be made without favouritism or bias.~~
- b) ~~Councillors and staff shall:~~
  - i. ~~declare any conflict between their personal interests and the interests of Council, pursuant to Council's Code of Conduct;~~
  - ii. ~~not disclose any confidential information about an applicant or tenant, their waitlist status or any financial information to any external party.~~
- c) ~~Council shall use eligibility criteria for long term social housing when allocating new tenants. To be eligible for long term social housing, applicants must meet all eligibility criteria set out in the Social Housing Application Policy SPO10.~~
- d) ~~Council shall allocate social housing based on a priority classification (level of need) centred on eligible applicants' needs, traditional and cultural considerations (Ailan Kastom). Eligible applicants assessed with the highest needs shall be offered assistance ahead of applicants with lower housing needs.~~
- e) ~~Council shall attempt to match client needs with a house which is appropriate to the client's housing needs. Bedroom entitlements shall be assessed by the household composition in accordance with the Assistance Agreement with the Department of Housing and Public Works.~~

## 2. Application

This procedure applies to all ~~Council~~ TSIRC Social Housing applicants, ~~existing~~ tenants, ~~employees~~ staff, Councillors, contractors, volunteers and agents of Torres Strait Island Regional Council

### 3. Legislation/Policies

This policy is established with reference to obligations specified in the Local Government Act 2009, Local Government Regulation 2012, and Councils Social Housing Policy. ~~following Policies:~~

### 4. Provisions

~~1. 4.1. Allocation of Housing Policy~~

~~2. Social Housing Application Policy~~

~~3. Social Housing Policy~~

#### 4. Allocation Principals

- a) Allocation of social housing is made to applicants based on ~~a priority system~~ **needs**. Applicants assessed as having the highest needs [i.e in the very high or high need categories] will be offered assistance ahead of applicants with lower housing needs [i.e moderate need or lower need categories] irrespective of how much longer the lower need applications have been waiting for assistance. Ailan Kastom considerations may impact on offers of housing.
- b) Applications within each category have equal priority and are listed in order of application date.
- c) The allocation process will commence once a property becomes vacant to ensure that properties are tenanted within the shortest possible timeframe.
- d) Offers of housing are made from the following four categories:

#### 1. Very high need - applicants who are experiencing

- i. homelessness
- ii. child safety issues
- iii. disability or medical needs
- iv. domestic violence

**Note:** where a tenant of a dwelling immediately impacted by a Katter Lease or entitlement is not the applicant or the beneficiary of that Lease or entitlement and relocation is required, the tenant shall be allocated a very high need prioritisation.

#### 2. High need - applicants living within the community whose current housing situation is overcrowded.

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**3. Moderate need** - applicants living outside of the community without adequate housing who are applying to relocate to the community.

**4. Lower need** - applicants living outside of the community with adequate housing who are applying to relocate to the community.

**Note:** applicants living outside of the community who are requesting to move to an island and are experiencing homelessness in their current situation shall be rated as having a very high need.

- e) Where a vacant property has disability modifications, it will be offered to the first applicant on the Register of Need whose needs are best met by the modifications. If there are no applicants listed on the Register that require disability modifications the property will be allocated in order of need.
- f) Where a vacant property has no disability modifications, it is to be offered to applicants in the following order:
  - i. transfers initiated by Council
  - ii. very high need applicants in order of date of application
  - iii. high need applicants in order of date of application
  - iv. moderate need applicants in order of date of application
  - v. lower need applicants in order of date of application

## 5. Allocation Process

### 5.1 Existing dwellings

- a) Housing Officer [HO] uses the Register of Need to identify a short list of no more than three suitable applicants per each available dwelling, in accordance with eligibility, highest need, bedroom entitlement, date order of application and traditional considerations. Refer Social Housing Application Policy-SPO10 and Social Housing Application Procedure-SPO10-PR1.
- b) Once applicants have been selected, HO to conduct a review of each applicant to ensure that they continue to meet social housing eligibility criteria and household is confirmed.
- c) When shortlisting applicants, Ailan Kastom can be taken into consideration; when taken into consideration, notes must be provided to justify the decision.
- d) Using the Housing Allocation Recommendation Form, HO forwards the short list to Housing Coordinator [HC]. HC endorses the short list and

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forwards to Councillor and Housing Manager [HM], requesting an allocation be endorsed within 14 days. ~~Appendix A – Housing Allocation Recommendation Form [ECM No 101047].~~

- e) If Councillor does not respond within 14 days, HC is to follow up. If after a further seven days there is no response, HC must refer the short list to ~~HM and EMHS~~. ~~HM or EMHS~~ is to contact Councillor. If after a further seven days no response has come forward, ~~EMHS-HM~~ will refer the short list to the ~~Chief Executive Officer and Mayor~~ Head of Community Services [HoCS].
- f) Councillor is to select one name from the short list as their proposed allocation and provide notes as to the reasons for that selection.
- g) Where required, the PBC must be consulted on the proposed allocation. The Councillor should undertake this consultation but may delegate to ~~EMHS or~~ HM.
- h) Councillor [or delegate] will request that PBC respond within 14 days.

**Note:** Native Title disputes must be addressed by PBC to enable the allocation process to occur.

- i) If a proposed allocation is subject to a Native Title land dispute, Council will delay the proposed allocation, pending advice from PBC as to the resolution of the dispute, in line with the timeframe for dispute resolution prescribed in the PBC Handbook.
- j) If PBC has not provided advice on a dispute within 30 days of receiving the allocation proposal, Councillor or delegate shall make attempts to contact PBC directly to resolve the issue.
- k) HC and HM may at their discretion extend the response timeframe where special circumstances exist [for example, sad news in the community or a land dispute].
- l) If PBC rejects the proposed allocation, reasons for the decision must be presented to Councillor in writing. Councillor will then revisit the short list and provide alternative allocation proposal to PBC and so on, until allocation is endorsed by both Councillor and PBC and tenancy is allocated.
- m) Councillor or delegate is to continue engagement with PBC on regular basis [i.e fortnightly] until resolution is reached. If no resolution is achieved out of the initial three applicants' short list, HO is to propose an alternative shortlist until allocation is endorsed by all parties.

**Note:** Council is committed to resolving new allocations within the

shortest possible timeframe of a tenancy becoming vacant.

- n) When proposed allocation is endorsed, Councillor advises HC in writing and HC advises HO of allocation approval.
- o) Council will not advise applicants who have been shortlisted. Only the successful applicants will be notified of the decision.
- p) HO through Senior HO notifies successful applicant of allocation decision using the Notification of Housing Allocation letter and confirms whether applicants accept or decline the allocation. HO to provide the applicant with a timeframe for when the property will be ready for tenancing. ~~Appendix B – Notification of Housing Allocation letter [ECM No xxx]~~.
- q) Approved applicant accepts or declines the allocation. If accepted, HO notifies HC and prepares a General Tenancy Agreement. Refer to ~~Tenancy Sign up Procedure SPO16-PR1~~.
- r) If applicant declines offer of housing, Councillor is to be contacted for next recommendation. This process is repeated until property is tenanted.
- s) If an applicant declines the offer of a property, they lose their waiting time and their application is placed at the bottom of their category. The date of the refusal becomes the revised date of application.

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## 5.2 New dwellings

- a) Nominal yields (number) of new houses per division will be determined by DHPW utilising Council housing data.
- b) Upon confirmation of yield numbers, Council will identify a number of level 1 and 2 applicants to match the number of nominated yields.

The list will be based on Council's housing Register of Need, available land and Ailan Kastom. The process of listing allocations will commence with the very highest need applicant and progress down the Register.

- c) Council will provide names to PBC who shall confirm if applicants have access to:
  - vacant serviced land;
  - serviced land with either a social housing dwelling or private dwelling identified and endorsed as a demolition [occupied or unoccupied];
  - un-serviced land; allocation will only be made to this category if the program includes infrastructure funding.

- d) Council will consult on a regular basis with PBC to check on progress of allocations.
- e) If PBC are unable to match applicants to land, a new list of applicants will be generated and provided to PBC.
- f) Once applicants have been confirmed, Council will provide Yields Approval Form, ~~[ECM No xx] Appendix C~~, to be signed by Councillor, ~~EHMS-HoCS~~ and PBC.
- g) If there is not enough suitable land to accommodate a particular division's allocation of new dwellings, the unachieved dwellings will be relocated to an alternate division, based on Council housing data and availability of suitable land.

g)

Applicants for new housing who have existing tenancy or ex-tenant debts with Council will be required to enter into a repayment plan in conjunction with an offer of housing. The offer will not be formally offered until the applicant's debt repayment plan has been in effect for three months

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## 6. AUTHORISATION

~~This page and the previous bearing my initials was duly authorised by me as Torres Strait Island Regional Council Allocation of Housing Procedure on 24 November 2017 and shall hereby supersede any previous procedures of the same intent.~~

### 6.

This Procedure was duly authorised by Council as the Torres Strait Island Regional Council Allocation of Housing Procedure on xx June 2021, and shall hereby supersede any previous procedures of the same intent.

~~This page and the previous bearing my initials was duly authorised by me as Torres Strait Island Regional Council Allocation of Housing Procedure on 24 November 2017 and shall hereby supersede any previous procedures of the same intent~~

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(CEO Name)

Chief Executive Officer

Date: \_\_/\_\_/\_\_21



## **SuccessionChange of Tenancy Policy**

<b>Responsible Manager</b>	<del>Executive Manager Housing Services</del> <u>Manager, Housing</u>
<b>Head of power</b>	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <u><i>Social Housing Policy</i></u> <del>Housing Policy PO12</del>
<b>Authorised by</b>	Council
<b>Authorised on</b>	July 2017
<b>Implemented from</b>	July 2017
<b>Last reviewed</b>	<u>May 2021</u> <del>N/A</del>
<b>Review history</b>	<u>Nil</u> <del>N/A</del>
<b>To be reviewed on:</b>	June <u>2023</u> <del>e-2019</del>
<b>Corporate Plan</b>	People, Sustainability and Prosperity

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#### **1. POLICY STATEMENT Purpose**

##### **1.**

Council is strongly committed to ensuring that the local government principles are reflected in the Change of Tenancy Policy.

##### **1.1. Overview**

This policy sets out the principles to be followed when a change of tenancy can occur for eligible applicants. Our aim is to ensure:

- a) Torres Strait Island Regional Council will undertake a “~~changes~~~~succession~~ of tenancy” when there is a change in the household circumstances that require a change to the legal tenant on the original general tenancy agreement.

a)

#### **2. Application**

This policy applies to all tenants, staff and applicants of TSIRC Social Housing Register.

#### **3. Legislation/Policies**

This policy is established with reference to obligations specified in the *Housing Act 2003 and Residential Tenancies and Rooming Act 2008*. This Policy is to be applied in conjunction with *Change of Tenancy Procedures*.

#### **4. Under Occupancy**

Where properties are under occupied, council must:

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- a) engage with tenants to determine whether transferring the tenant/s to a more appropriate dwelling size is appropriate; and / or
- b) encourage the best use of resources to address under-utilisation of its housing assets.

## 5. Provisions

5.1. A ~~changesuccession~~ of tenancy means terminating the existing tenancy agreement and creating a new agreement for the same property, listing the new legal tenant/s in order to:

- ~~i~~a) provide household members with security of tenure;
- ~~ii~~b) prevent ineligible applications having a direct interest in the tenancy; and
- ~~a~~
- ~~iii~~c) assist Council with future debt recovery, as the legal tenant/s responsible for all debts are clearly identified.

### 5.2.

A ~~changesuccession~~ of tenancy must be approved where the applicant meets the eligibility criteria stated in Social Housing Application Policy SPO10, under the following circumstances:

~~b)~~

removing of a joint tenant;

a)

—

a) death of a joint tenant;

b)

—

b) death of a sole tenant;

c)

—

e) adding a new tenant; and

d)

—

e) in any other circumstances at the discretion of Council.

~~i~~

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### 5.3.

In addition to meeting social housing eligibility criteria the following circumstances require Councillor endorsement:

a) death of a sole tenant;

a)

b) adding a new tenant; and

b)

i-c) in any other circumstances at the discretion of Council.

### 5.4.

Council may use its discretion to approve applicants who are impacted by domestic violence who may not meet the social housing eligibility criteria.

5.5. A tenancy will only be succeeded in accordance with Ailan Kastom practiced widely in the community concerned.

5.6. Requests for a succession of tenancy where a new tenant is being added will only considered when rental debts on the current tenancy are being repaid through a payment plan agreement with Council.

5.7. A succession of tenancy is not required when a tenant changes name after marriage, by deed poll or reverts to their maiden name.

## 6. Authorisation

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## ~~2. UNDER OCCUPANCY~~

- ~~a) Where cases of under occupancy exist, Council will engage with tenants to determine whether transferring the tenant/s to a more appropriate dwelling size is appropriate.~~
- ~~b) Council will encourage the best use of resources to address under utilisation of its housing assets.~~

## ~~3. SCOPE~~

~~This Policy applies to all Council social housing tenants, including employees, Councillors, contractors, volunteers and agents of Council.~~

~~This Policy is to be used in conjunction with the following procedures:~~

- ~~i. Succession of Tenancy Procedure Removing a Joint Tenant~~
- ~~ii. Succession of Tenancy Procedure Death of a Joint Tenant~~
- ~~iii. Succession of Tenancy Procedure Death of a Sole Tenant~~
- ~~iv. Succession of Tenancy Procedure Adding a New Tenant~~

## ~~4. AUTHORISATION~~

This Policy was duly authorised by Council as Torres Strait Island Regional Council ~~Succession~~Change of Tenancy Policy on ~~xx June 2021~~14 June 2017 and shall hereby supersede any previous policies of the same intent.



~~CEO Name~~Chris McLaughlin

~~Date: xx/xx/2021~~14/06/2017

Acting Chief Executive Officer

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## Home Visit Policy-SPO14

Responsible Manager	Manager, Housing
Head of power	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Housing Policy <del>PO12</del></i> <i><u>Residential Tenancies and Rooming Act 2008</u></i> <i><u>Housing Act 2004</u></i> <i><u>Residential Tenancy Authority Authority</u></i>
Authorised by	<del>Council</del> <i>Chief Executive Officer</i>
Authorised on	July 2017
Implemented from	July 2017
Last reviewed	April 2021
Review history	Nil
To be reviewed on	June 2023
Corporate Plan	People, Sustainability and Prosperity

## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in ~~what this policy refers to~~ the Home Visit Policy.

### 1.1. Overview

This policy sets out the principles to be followed when conducting home visit to properties in communities. Our aim is to ensure:

- a) Council is committed to building sustainable relationships with Council social housing tenants. Council will use home visits to identify and respond in a timely manner to tenants' needs, with the aim of improving the way Council manages social housing tenancies.
- b) Council may visit all its social tenants. Council may not visit tenants whose tenancy is managed by the Department of Housing and Public Works or other agencies in the Torres Strait.
- c) When completing home visits, Council staff will ensure that cultural, professional and legislative protocols are observed.
- d) Council is committed to the health and safety of its staff and will ensure that all home visits are conducted in a manner that does not place staff or tenants at risk of injury.

## 2. Application

This policy applies to all Council employees, Councillors, volunteers, agents and assigns of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003*. This policy is to be applied in conjunction with ~~in the relevant legislation~~ *Home Visit Procedure* ~~SPQ14-PR1~~.

## 4. Authorisation

### 4.

This page and the previous bearing my initials were duly authorised by Council on ~~xx May~~ June 2021 as Torres Strait Island Regional Council *Home Visit Policy* and shall hereby supersede any previous policies of the same intent.

\_\_\_\_\_  
**CEO Name** **Date:**    /    /    21  
**Acting Chief Executive Officer**

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## Home Visit Procedure **SPO14-PR1**

Responsible Manager	Manager, Housing
Head of power	<u>Local Government Act 2009 (Qld)</u> <u>Local Government Regulation 2012 (Qld)</u> <u>Torres Strait Island Regional Council</u> <u>Social Housing Policy PO12</u> <u>Home Visit Policy SPO14</u> <u>Residential Tenancy Authority</u> <u>Housing Act 2003</u> <u>Residential Tenancies and Rooming Act 2008</u>
Authorised by	<u>Executive Manager Housing-</u> <u>Services Council</u>
Authorised on	March 2018
Implemented from	March 2018
Last reviewed	April 2021
Review history	N/A
To be reviewed on	<u>Month 202x June 2023</u>
Corporate Plan	<u>People, Sustainability and Prosperity</u>

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## 1. Relationship to Home Visit Policy ~~SPO14~~

~~—Council is strongly committed to ensuring that Home Visit Procedure for Social Housing of Torres Strait Island Regional Council directly correlates with Home Visit Policy and complies with all relevant legislations and regulations.~~

## 2. Application

a) ~~—Torres Strait Island Regional Council is strongly committed to building sustainable relationships with Council's social housing tenants. Council will use home visits to identify and respond to tenants' needs with the aim of improving the way Council manages social housing tenancies.~~

b) ~~—Council may visit all its social tenants. Council may not visit tenants whose tenancy is managed by the Department of Housing and Public Works or other agencies in the Torres Strait.~~

e) ~~—Application~~

a) This procedure applies to all Council social housing tenants, being employees, Councillors, contractors, volunteers, agents and assigns of Council.

b) ~~This procedure also applies to all external agencies wishing to make home visits to Council social housing tenants.~~

## 2.3. Legislation/Policies

This procedure is established with reference to obligations specified in the *Local Government Act 2009*, *Local Government Regulation 2012*, and Council's *Home Visit Policy-SPO14*.

## 3.4. Definitions

~~Act means the Residential Tenancies and Rooming Accommodation~~

~~Agencies means all external agencies representatives including private contractors~~

~~DM means Divisional Manager of each island division~~

~~HO means Housing Officer of Council~~

~~Officer means an internal or external employee or representative whose role brings them in contact with social tenants of Council~~

~~RTA means the Residential Tenancies Authority the body administering the Act~~

~~SHO means Senior Housing Officer of Council~~

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<u>Abbreviation</u>	<u>Definition</u>
<u>RTA</u>	<u>Residential Tenancy Authority</u>
<u>Agencies</u>	<u>All external agency representatives including private contractors</u>
<u>DM</u>	<u>Divisional Managers</u>
<u>HO</u>	<u>Housing Officer</u>
<u>Act</u>	<u>Residential Tenancies and Rooming Accommodation</u>
<u>Officer</u>	<u>Internal / External employee</u>
<u>SHO</u>	<u>Senior Housing Officer</u>

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#### 4.5. Provisions

- a) This procedure aims to ensuring respect for the rights of Council tenants.
- b) This procedure also aims at providing guidance to internal and external stakeholders undertaking home visits to Council social housing tenants, to ensure compliance with Section 192 of the Act.

b)

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#### 5.6. Principles

- a) For all home visits to Torres Strait Island Regional Council social housing tenants when the house is not required to be entered [i.e. yard/fence inspection only] an Entry notice – RTA Form 9 is not required.
- b) Council Housing officer and other authorised officers, including external to Council must not enter past the threshold of the tenant's home unless invited by the tenant.

#### 6.7. Procedure

- a) Mutual agreement needs to be obtained before entering a tenant's premises. HO is to engage with the tenant, either verbally or in writing.
- b) Entry to the tenant's premises can only occur at an agreed time and date with the tenant.

- c) Tenant has a right to refuse or withdraw their agreement at any time.

#### **7.8. Work Health and Safety**

Council has responsibilities regarding health and safety in the workplace including when the employee works off-site. The following processes must be implemented during a home visit:

- a) Visit will only occur between 8.30am and 5.00pm Monday to Friday. No home visit will be allowed outside these days/hours.
- b) Visit to be covered by Council public liability insurance.
- c) HO must advise SHO and DM – or other supervisor when practicable – of the day and time of the visit, prior to the visit.
- d) HO must consider the following potential situations when entering a tenant's home:
  - i. Is access to the premises comfortable and safe?
  - ii. Does the tenant have pets that may be dangerous?
  - iii. Is there any health hazard in or around the property?
  - iv. How many other people live on the premises?
- e) HO should exercise judgement as to their personal safety in relation to tenant's individual circumstances and the condition of the premises to alleviate potential incidents and accidents.
- f) If HO feels that their health and safety is at risk, they should not enter the property or leave the property, depending on circumstances.
- ~~g)~~ If HO is unsure of the situation HO will consult with their SHO and DM.

g)

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#### **8.9. Resources and Systems**

- a) HO must confirm a planned home visit by email to the tenant/s, where tenant has access to email or phone.
- b) Visit details must be logged in the HO's Outlook calendar, including date, time, expected duration and time of return to the office, name and address of tenant.
- c) Visits are to be recorded in the monthly HO activity report. This should identify if the meeting took place or not, in the instance where HO turns up to an agreed appointment and the tenant has changed their mind.
- d) If tenant lives at a distance from ~~Council~~Council office where driving is necessary, a Council vehicle must be made available and the driver must hold a current driver's licence.
- e) HO must log-in kilometres and time spent on visit.
- f) The officer should have access to a Council mobile phone for the duration of the visit.
- g) HO to carry means for documentation of notes [hard copy or laptop] to take notes at the premises of the visit.
- h) On return to the office HO must immediately advise the SHO and DM of their return.

#### **9.10. External Agencies**

All external agencies representatives including but not limited to, health professionals undertaking home visits, for example for the purpose of Occupational Therapy review are

not required to provide the tenant with an Entry notice Form 9 prior to entering the premises.

However, Agencies must obtain tenants' consent prior to visiting a tenant's home.

#### **40.11. Entry Notice**

- a) Entry notice – RTA Form 9 is required for any purpose of entry as outlined in the notice, either by Council officers or external agencies.
- b) Approved Entry notice must be provided to tenant in accordance with the timeframe outlined in the Entry notice.
- c) If there is an emergency, no timeframe is required for Council officers or an external agency representative (i.e. police or fire officer) to enter the tenant's premises.

#### **44.12. Authorisation**

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**(CEO Name)** **Date:    /    /    21**  
**Chief Executive Officer**

## Rent Policy ~~SP013~~

Responsible Manager	<del>Manager, Housing</del> <del>Executive Manager</del> <del>Housing Services</del>
Head of power	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i> <i>Residential Tenancies and Rooming</i> <i>Accommodation Act 2008 (Qld)</i> <i>Department of Housing and Public Works'</i> <i>Community Housing Rent Policy for</i> <i>Indigenous Councils</i> <i>Social Housing Policy</i> <del>P042</del>
Authorised by	Council
Authorised on	July 2017
Implemented from	July 2017
Last reviewed	<del>month 2020</del> <u>May 2021</u>
Review history	<del>Nil</del> <del>xxxx</del>
To be reviewed on	<del>Month 202x</del> <u>June 2023</u>
Corporate Plan	<del>People, Sustainability and Prosperity</del>

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## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in ~~what this policy refers to the~~ Rent Policy.

### 1.1. Overview

a) —As a registered provider under the *Housing Act 2003*, Council shall implement a rent policy and procedures complying with the *Housing Regulation 2003*, and its Assistance Agreement with the Department of Housing and Public Works that will:

- a) Explain rent calculations to tenants; ~~and~~
- b) Deal with tenant queries or concerns about rent; ~~and~~
- c) Give tenants a choice of rent payment methods; ~~and~~
- d) Prevent serious rent arrears; ~~and~~
- e) Implement the rent policy consistently and fairly; ~~and~~
- f) Keep record of rent calculations for each tenancy agreement.

## 2. Application

This policy applies to all Council social housing tenants, including employees. Councillors, contractors, agents and assigns of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the relevant legislation of Residential Tenancies and Rooming Accommodation Act 2008 and Community Housing Rent Policy for Indigenous Councils. This policy works in conjunction with Councils Rent Procedure and Rent Arrears Management Procedure.

## 4. Provisions

f) —

-Council's rent procedures state the criteria and processes relating to rent under tenancy agreements including:

- a) Setting the amount of rent;
- b) Calculating rent payments;
- c) Collecting rent; and
- d) Managing rent arrears.

b) —Council is committed to providing a tenancy management system to ensure tenants can sustain their tenancy obligations. Social housing will not be provided to applicants who cannot demonstrate independent income. This is to ensure that applicants are able to meet rent payments once they become tenants.

e) —Rent for all Council properties will be calculated at 25% of the total assessable household income unless this amount exceeds the maximum rent payable, in which case the maximum rent will be charged.

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d) -The maximum rent payable is the market rent for the property. Market rent is based on the rent charged for social housing properties with the same number of bedrooms and similar access to services in other remote communities.

e) Market rent is set by the Department of Housing and Public Works in accordance with the terms of the Assistance Agreement.

f) -Council will, in approved circumstances only, apply a discount to rent upon tenant's application.

-Tenants are expected to be at least two weeks in advance in their rent.-

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~~— Tenants may build up an advance of up to four weeks in their account.~~

g) Council will receipt rent payments to the tenant/s only as signatory of the General Tenancy Agreement (GTA).

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j) Reimbursement of rent credit above two weeks rent advance will be transferred to tenant's past account if in arrears. Otherwise, to tenant's nominated bank account if no debt exist on Council's record.

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k) Council will use rent revenue for housing-related purposes to improve the standard, supply and delivery of community housing in its local Government area.

## 2. Application

~~This policy applies to all Council social housing tenants, including employees, Councillors, contractors, agents and assigns of Council.~~

-

## 3. Legislation/Policies

~~This policy is established with reference to obligations specified in the relevant legislation of Rent Procedure SPO13-PR1 and Rent Arrears Management Procedure SPO13-PR2.~~

## 4.5. Authorisation

This Policy was duly authorised by Council as Torres Strait Island Regional Council *Rent Policy* on XX JuneMay 2021 and shall hereby supersede any previous policies of the same intent.

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Acting Chief Executive Officer

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## Rent Procedure **SPO13-PR1**

Responsible Manager

Manger, Housing

Head of power

*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Torres Strait Island Regional Council*  
*Social Housing Policy PO12*  
*Rent Policy SPO13*  
*Community Housing Rent Calculator for*  
*Indigenous Councils*

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Authorised by

*Executive Manager Housing-*  
*Services Council*

Authorised on

January 2018

Implemented from

January 2018

Last reviewed

~~month 2020~~ April 2021

Review history

~~Nil XXXX~~

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To be reviewed on

~~Month 202x~~ June 2023

Corporate Plan

~~People, Sustainability and Prosperity~~

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## 1. Relationship to Rent Policy **SP043**

Council is strongly committed to ensuring that Rent Procedure for Social Housing of Torres Strait Island Regional Council directly correlates with Rent Policy and complies with all relevant legislations and regulations.

## 2. Application

This procedure applies to all **Torres Strait Island Regional Council** TSIRC social housing tenants, being employees, Councillors, contractors, volunteers, agents and assigns of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Act 2009 and Local Government Regulation 2012*.

Further, works in conjunction with *Community Housing Electronic Rent Calculation Tool User Guide, Council's Social Housing Policy and Rent Policy*.

## 2.4. Interpretation

~~Act means the Residential Tenancies and Rooming Accommodation Act 2008 (Qld)~~

~~Q Build replace BAS, need to clarify~~

~~Debtors means the Account Receivable team of Council~~

~~GTA means General tenancy Agreement~~

~~HC means Housing Coordinator of Council~~

~~HM means Housing Manager of Council~~

~~HO means Housing Officer of Council~~

~~Housing means the Housing Services Department of Council~~

~~OCR means Overall Condition Rating of a dwelling~~

~~RTA means Residential Tenancies Authority~~

~~SHO means Senior Housing Officer of Council~~

~~TechOne means the financial system of Council~~

<u>Abbreviation</u>	<u>Definition</u>
<u>Act</u>	<u>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</u>
<u>GTA</u>	<u>General Tenancy Agreement</u>
<u>HC</u>	<u>Housing Coordinator</u>
<u>HM</u>	<u>Housing Manager</u>

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<u>HO</u>	<u>Housing Officer</u>
<u>Housing</u>	<u>Housing Service Department</u>
<u>OCR</u>	<u>Overall Condition Rating of a dwelling</u>
<u>RTA</u>	<u>Residential Tenancy Authority</u>
<u>SHO</u>	<u>Senior Housing Officer</u>
<u>TechOne</u>	<u>Financial System for Council</u>
<u>Debtors</u>	<u>Financial Management Team</u>
<u>QBuild</u>	<u>Construction and Maintenance Management through procurement process</u>

### **3. Legislation/Policies**

~~This policy is established with reference to obligations specified in the *Local Government Act 2009*, *Local Government Regulation 2012*, Council's Social Housing Policy PO12 and Rent Policy SPO13.~~

~~The following documents should be read in conjunction with this procedure:~~

- ~~• *Department of Housing and Public Works' Community Housing Rent Policy for Indigenous Councils;*~~
- ~~• *Community Housing Electronic Rent Calculation Tool User Guide;*~~
- ~~• *Housing Regulation 2003 (Qld)-*~~
- ~~• *Residential Tenancies and Rooming Accommodation Act 2008 (Qld)-*~~
- ~~• *Residential Tenancies and Rooming Accommodation Regulation 2009 (Qld)-*~~
- ~~• *RTA booklet Managing general tenancies in Queensland-*~~
- ~~• *General Tenancy Agreement — RTA Form 18a-*~~

### **4.5. Rent Assessment**

For all new tenancies HO will complete a rent assessment.

HO must ensure that a debtor account number is set up prior to the execution of the GTA and in accordance with Tenancy Sign-up Procedure ~~SPO16-PR1~~.

#### Income-based

- a) The rent a household pays is based on the household's income. Every house has a maximum rent and the rent payable is calculated at 25% of the total household assessable [before tax] income.
- b) If this amount exceeds the maximum rent payable the maximum rent is charged.

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- c) HO shall use the current/updated version of the department's *Community Housing Electronic Rent Calculation Tool* to calculate the amount of rent payable. The Electronic Rent Calculation Tool is to be used in conjunction with the Community Housing Electronic Rent Calculation Tool User Guide. HO ensures that a printed copy of the user guide is available for reference during rent assessments.
- d) The income of all household members is considered for rent assessment purposes.
- i. Household members include all persons aged 18 years and older receiving an income and living in the house regardless of their relationship to the tenant.
  - ii. Permanent part-time household members may reside in the dwelling for up to three days in any one week before their income is included for rent assessment purposes. If the part-time household member occupies the dwelling for four or more days per week, the person is regarded as a household member and all the person's assessable income is assessed in full.
  - iii. New household members include a new spouse, de facto or partner and any other household member newly residing in the house. New household members have their income included for rent assessment when they have been in the household for four weeks or more.
  - iv. The tenant and the tenant's partner have their income assessed at the full rate with no concession i.e. 25% of assessable income.
  - v. All household members aged 25 years and over have their incomes assessed at the full rate with no concessions i.e. 25% of assessable income.
  - vi. All household members aged between 18 and 24 will have their incomes assessed at the rate of 10% of assessable income.
  - vii. The following information describes how household income is assessed according to the role and age of the household member:

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Household member	Rent assessment
Tenant and tenant's partner	All assessable income assessed at 25%
All household members aged 25 and over	All assessable income assessed at 25%
All household members aged under 25	All assessable income assessed at 10%
All household members under 18 who are attending fulltime studies at any educational facility i.e. school, traineeship TAFE or university	No casual earnings are assessed

- e) If anyone in a household has irregular income, the approach for calculating rent should be to average the household income over the six weeks prior to the rent assessment, to ascertain an income figure on which to base the rent calculation.
- f) Tenant/s who do not return the completed Household Detail form or do not provide proof-of-income documents within the allocated timeframe will have their rent re-assessed as the maximum rent for the property.
- g) Tenants who stop receiving income remain eligible to continue to be tenants. Council will assess their income using equivalent Centrelink payment rates.

- h) After HO completes the rent assessment and HC approves it, HO will put a copy of the Rent Report generated by the Electronic Rent Calculation Tool on tenant's file and provide a copy to tenant.
- i) HC will send copy of rent assessment to Debtors to request rent charge amount is applied.

#### Market rent

Council is mindful that tenants' circumstances may change and that rent calculated as market rent may be a lesser amount than the percentage of the whole household income.

- a) Council sets market rent in accordance with the Department of Housing and Public Works' policy, being the maximum rent for tenants living in social housing properties.
- ~~b)~~ Each rent assessment is subject to review and approval by Housing Coordinator.
- b)

#### **5.6. Rent decrease – Change in Household**

Rent may be decreased but must be paid for all Council social housing.

- a) A tenant may request a rent reassessment at any time because of a decrease in income or a change in household circumstances.
- b) Rent can be decreased if household members leave, have a decrease of income or cease employment. Tenants must provide proof of income documentation for the household for Council to reassess the rent.
- c) All proof of income documents must be stamped with the date when received.
- d) If rent increases as a result of a requested rent assessment, rent shall not increase and will remain at the same rate until an annual rent review is completed.
- e) If tenant's rent is to be decreased after a rent assessment HO provides tenant with written notice of the rent decrease. All reduced rents will commence from the date that all required proof of income documents are received.
- f) HO will advise HC of reduced rent and HC will ask Debtors to revise the amount of rent charged to tenant. The written advice will be loaded up in the tenant's account in TechOne.
- g) If there is no change in tenant's rent after a rent assessment, HO provides notice to the tenant in writing.

#### **5.7. Rent decrease – Property Condition**

- a) Council will take account of the condition of a house when assessing the amount of rent payable for the particular house. Tenant can request Council to review the house condition and give consideration to reducing the rent.

Such decisions will be made on a case-by-case basis, provided that the condition of the house is not the result of unfair wear and tear by tenant.

- b) Council will require documented evidence including a recent photograph of the house as proof of poor condition and will inspect the dwelling to ensure that its poor condition is not the result of unfair wear and tear.
- c) Where a house has an OCR of 0 to 2.99 or one or more key elements [that is a bathroom, kitchen, laundry or roof] with a rating below 3.0, a 20% rental discount can

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apply. This rating is provided by Q-Build when they undertake their regular asset condition reporting.

- d) Rent reduction will no longer apply when improvements to the dwelling are completed and rent will be increased back to assessed rent when the dwelling has been brought up to good repair or the OCR rating increase above 3.0.

#### **7.8. Rent decrease – Severe Economic Difficulty**

- a) A tenant may request minimum rent be applied because they are experiencing severe financial hardship. In these circumstances Council may approve a minimum rent being charged for a limited time only, based on the tenant's special circumstances, to assist a household in severe economic difficulty.
- b) HC may approve the reduction in rent subject to the production of evidence of severe financial hardship.
- c) Minimum rent is only used for existing tenants and should not be used to allocate to applicants with no income. Minimum rent will be charged at \$10.10 per week as per ~~the amount taken from~~ Rent Policy for Indigenous Councils: **booklet**

#### **8.9. Rent decrease – Temporary Tenant Absence**

- a) Where Council has approved a tenant's temporary absence – refer to Temporary Absence Procedure, tenants must continue to pay rent during temporary absences due to imprisonment or health reasons [including rehabilitation, respite or hospitalisation] of the tenant or immediate family member.
- b) Under certain circumstances tenants will be charged a reduced rent amount to assist the household in a temporary absence due to imprisonment, or for health reasons when additional accommodation costs are being incurred.
- c) Reduced or minimum rent amount will be determined on a case-by-case basis and will be based on the temporary removal [for the purpose of rent assessment] of the absent tenant.

#### **9.10. Payment of Rent**

- a) Council provides tenants with several options to pay their rent via Centrepay, payroll and direct debit deductions.
- b) Approved methods of paying rent are:
  - i. Payroll deduction
  - ii. EFTPOS at any TSIRC division office
  - iii. Centrepay deduction
  - iv. Direct debit from bank account
- c) Tenants who wish to pay rent by payroll deduction or through Centrepay must include tenant's debtor account number on the form use by Debtors when allocating rental money towards a tenant's debtor file.
- d) Rent can be paid by EFTPOS at the Council office between the hours of 9am and 4pm – Monday to Friday.

Council does not accept cash payments at any of its offices.

- e) Payroll deduction forms should be obtained from the tenant's employer and

referenced with the tenant's debtor account number as included in tenant's GTA.

- f) Tenant/s and any household members can set-up Centrepay via My-Gov account or can be done by the HO. A deduction authority consent form must be completed by the household member, with debtor account used as the reference and issued to HO prior to the set-up. Consent forms must be saved in tenant's file.

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#### 10.11. Persons Liable To Pay Rent

- a) Under the terms of their agreement each tenant is "jointly and severally" liable for rent. This means that each is legally responsible for ensuring that the rent is fully paid [not just a portion].
- b) If any amount of rent is unpaid, Council will seek repayment of the full debt from the co-tenants.
- c) Any person named as a tenant in the GTA and who signs the GTA is liable as a tenant for all rent until the GTA is terminated or that person has given Notice of intention to leave – RTA Form 13.

From the date the GTA is terminated or the tenant's Notice of intention to leave takes effect, this tenant is not liable for ongoing rent but remains liable for any rent arrears up to that date.

- d) If a person is named as a tenant in the GTA but has not signed the GTA, this person may not be liable as a tenant unless there is other evidence that the person has agreed to be a tenant. For example, it may be sufficient evidence if the person has been paying the nominated rent, but it is not sufficient if the occupant has only logged maintenance requests via Housing Call Centre Blue Phone without paying any rent.
- e) The debtor account should be in the name of all tenants who have signed the GTA and have not given Notice of intention to leave.
- f) To ensure debtor accounts reflect debtor liabilities accurately, a new GTA and a new debtor account must be created whenever the tenants change – refer Succession of Tenancy and Abandoned Properties Policies and Procedures.
- g) If there has been a change of tenancy but there is no new GTA to reflect the change, Housing will request Debtors to open a new account in the name of the remaining tenants.

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Debtors will attach the original GTA, the Notice of intention to leave and any relevant documents as confirmation of who is liable under the new account and why the account is not in the name of all original tenants.

- h) Where there are multiple accounts for the same tenancy [for example, former "levy" system], Debtors and Housing will endeavour to consolidate accounts into one account in the name of all tenants who have signed the GTA.
- i) The debtor account must reflect the legal state of affairs. Before pursuing recovery for arrears created by a particular tenant, HO shall confirm that the tenant is still living at the house and if not, HO must obtain proof of the date the person ceased to be a tenant, which would be the cut-off date for rent arrears liability.
- j) HO should discuss with SHO and HC when they are unsure about who is liable to pay rent and who should be included as a tenant on a debtor account.



#### **41.12. Rent Reviews**

- a) Council may review the rent on each property on an annual basis.
- b) One month before the rent review for each property is due, HO will write to tenant/s and request details of all persons living at the property using the Household Details form and proof-of-income documents for all occupants.
- c) New proof-of-income documents are to be provided by the rent review due date. Rent review documents must be date stamped.
- d) If rent is reduced as a result of the rent assessment, rental charges will be backdated to the rent review due date.
- e) If tenant's rent is to be increased after a rent assessment, HO will provide tenant with two months' notice in writing of the rent increase regardless of the type of tenancy, fixed or periodic.
- f) If the rent review documents are not provided by the requested due date, rent shall be assessed as the market rent.

#### **42.13. Rent Increase**

- a) Council will not increase the rent for tenants who have a fixed term agreement unless there has been a special term included in the tenancy agreement stating when the rent is to be increased and by how much.
- b) Council will not increase the rent within six months of the beginning of a tenancy or within six months from a previous rent increase, regardless of whether the tenant is on a fixed term or periodic agreement.
- c) Council may increase the rent during a periodic agreement as long as six months have passed since the tenancy began or since the last rent increase.
- d) Rent can be increased at the end of a fixed term agreement if Council and the tenant enter into a new tenancy agreement.
- e) If tenant's rent is to be increased after a rent assessment, Housing must provide tenant with two months' notice in writing of the rent increase regardless of the type of tenancy fixed or periodic. All increased rents will commence from the date nominated in writing.
- f) Rent can be increased if the dwelling has received plug-ins [additions to the building] resulting in an increase in the number of bedrooms, but not only after the appropriate notice period, using the Notice of Rent Increase – Plug in letter – ECM No 145262.
- g) Rent cannot be increased on the basis that the tenant has breached the GTA.

#### **43.14. Rent Credit**

- a) Council will not keep holding credit larger than four weeks' rent in any tenant account.
- b) If a tenant has more than four weeks' credit in their account, HO will discuss with tenant whether they wish to suspend payment or automatic deductions for the period of time required to bring back credit to four weeks in advance.
- c) Tenant may have credit reimbursed if they do not have a ~~previous rental / maintenance~~ account in arrears. Credit will be transferred to ~~previous~~ account if in arrears, otherwise, HO will provide a ~~Debtor~~-Refund Request form for tenant to complete if credit ~~is approved for to be~~ reimbursed.
- d) Reimbursement shall only be authorised by Housing Manager and Debtors Manager.

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- e) Reimbursement of rent credit above ~~two~~~~four~~ weeks' advance will be made to the tenant's bank account only.
- f) Non-tenants paying into a tenant account need to obtain tenant's authorisation via a statutory declaration, prior to applying for reimbursement of credit.
- g) HO shall monitor tenant accounts on a monthly basis to ensure that tenants do not accumulate credit. If credit is being accumulated due to additional amounts being paid, HO shall contact the tenant to request that they reduce their payments to cover rent only.

#### **14.15. Deceased Sole Tenant**

- a) If a Housing Officer becomes aware that a sole tenant has passed away, HO will advise HC of the tenant's date of death and provide any one of the following documents:
  - i. Funeral notice or death notice of the deceased
  - ii. Death certificate
  - iii. Email from Divisional Manager or Multi-Skilled Administration Officer confirming date of death
- b) Within two weeks HC will advise Debtors to cease charging rent from date of death and will organise for the updating of the Housing Register. That tenancy terminates at date of death. If debts are to the deceased tenant's name only, Housing will request that Debtors write off the debts and close the account.

If debtor account is under joint tenancy as per name on GTA, remaining tenant is solemnly responsible for the debt and must repay accordingly.

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- c) If a succession of tenancy application has been made and the applicant is living in the house, HO will action the application to ensure that the succession process is activated – refer Succession of Tenancy Procedure SPO15-PR1.

#### **15.16. Termination of Tenancy**

- a) When a tenancy is terminated, either through a succession of tenancy, abandonment, intention to leave, breach or death of a tenant, the tenant debtor account is terminated and no further charge shall be uploaded into that account – refer Termination of Tenancy Procedure ~~SPO12-PR1~~.
- b) If upon termination there are arrears in the account the tenant shall be referred as past tenant and HO shall use the Rent Arrears Management Procedure ~~SPO13-PR2~~ to manage these arrears.

#### **16.17. Rent Statements**

Council issues rent statements to tenants each month. The monthly statement also provides information to the tenant if they are in arrears. Tenants can contact the Housing Officer if they have any queries about their rent statements.

#### **17.18. Use of Rent revenue**

Council shall use rent collected from social housing for the following purposes:

- a) Upgrades to existing social housing stock;
- b) Construction of social housing stock;
- c) Wages and other employment expenses of Council's housing officers;
- d) Insurance premiums for social housing stock; and
- e) Other expenses directly associated with the delivery of social housing.

**18.19. Authorisation**

This page and the previous bearing my initials were duly authorised by me as Torres Strait Island Regional Council ~~Rent Procedure Rent Procedure~~ on ~~XX June~~May 2021 and shall hereby supersede any previous procedures of the same intent.

\_\_\_\_\_  
(CEO Name) Date:     /     /     21  
Chief Executive Officer

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# Rental Debt Policy

Responsible Manager	Manager, Housing
Head of power	<i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Department of Housing and Public Works</i> <i>Community Housing Rent Policy for Indigenous Councils</i> <i>Social Housing Policy</i> <i>Housing Act 2003</i>
Authorised by	Council
Authorised on	<del>17 May 2021</del> <u>July 2017</u>
Implemented from	July 2017
Last reviewed	<del>June 2019</del> <u>May 2021</u>
Review history	2017, 2019
To be reviewed on	<del>May 2024</del> <u>June 2023</u>
Corporate Plan	People, Sustainability and Prosperity

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## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Rental Debt Policy. ~~what this policy refers to:~~

### 1.1. Overview

This policy sets out the principles to be followed in Rental Debt Recovery. Our aim is to ensure:

- a) Torres Strait Island Regional Council actively pursues outstanding debts from both current and former tenants.

~~a) Torres Strait Island Regional Council shall actively pursue outstanding debts from both current and former tenants.~~

- b) ~~Debts from a former tenancy cannot be transferred to a tenant's current or pending rental agreement as the debt has no bearing on the current tenancy. Council shall deal with the debts separately.~~

- c) ~~Council shall not allocate new housing to a tenant in debt until:~~

- i. ~~tenant repays the whole of the debt; or~~  
ii. ~~tenant has made an agreement with Council and has progressed repaying the debt through an arrears payment plan.~~

- d) ~~If an applicant for new housing is assessed as being of a very high or high level of need, Council shall not delay the allocation because of the debt. The new tenant must sign a rent and arrears payment plan as part of their new general tenancy agreement. If the new tenant declines to sign a rent and arrears payment plan, applications may be approved but the allocation will be deferred until tenant has made payments towards their debt.~~

- e) ~~If the applicant is assessed as being of a moderate to low level of need, Council will not proceed with the new allocation of housing until the new tenant has entered into a rent and arrears payment plan as part of their new general tenancy agreement. If the new tenant declines to sign a rent and arrears payment plan, Council will not proceed with the new allocation of housing for that tenant.~~

- f) ~~Council's Chief Executive Officer has power to waive statute barred debts relating to housing.~~

- g) ~~Multiple tenants who signed a general tenancy agreement are jointly and severally responsible for debts incurred under that agreement.~~

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h) ~~Tenants who are deemed by the delegated officer to have an implied tenancy will be responsible for any debt accrued while they have resided in a Council housing property.~~

## ~~2. Application~~

### ~~2.~~

~~This policy applies to all Council tenants, staff including employees, Councillors, contractors, agents and assigns of Council~~

## ~~3. Legislation/Policies Procedure~~

### ~~3.~~

~~This policy is established with reference to obligations specified in the Housing Act 2003. This Policy is to be applied in conjunction with Debt Recovery Procedure PO5-PR7 and Rental Debt Management Procedure SPO13-PR2.~~

## ~~4. Provisions~~

~~4.1. Debts from a former tenancy cannot be transferred to a tenant's current or pending rental agreement as the debt has no bearing on the current tenancy. Council shall deal with the debts separately.~~

~~4.2. Council shall not allocate new housing do a tenant in debt until:~~

~~a) tenant repays the whole of the debt; or~~

~~b) tenant has made an agreement with Council and has progressed repaying the debt through an arrear's payment plan.~~

~~4.3. If an applicant for new housing is assessed as being of a very high or high level of need, Council shall not delay the allocation because of the debt. The new tenant must sign a rent and arrears payment plan as part of their new general tenancy agreement. If the new tenant declines to sign a rent and arrears payment plan, applications may be approved but the allocation will be deferred until tenant has made payments towards their debt.~~

~~4.4. If the applicant is assessed as being of a moderate to low level of need, Council will not proceed with the new allocation of housing until the new tenant has entered into a rent and arrears payment plan as part of their new general tenancy agreement. If the new tenant declines to sign a rent and arrears payment plan, Council will not proceed with the new allocation of housing for that tenant.~~

~~4.5. Council's Chief Executive Officer has power to waive statute-barred debts relating to housing.~~

~~4.6. Multiple tenants who signed a general tenancy agreement are jointly and severally responsible for debts incurred under that agreement.~~

~~4.7. Tenants who are deemed by the delegated officer to have an implied tenancy will be~~

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responsible for any debt accrued while they have resided in a Council housing property.

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#### **4.5. Authorisation**

This Policy was duly authorised by Council as Torres Strait Island Regional Council *Rental Debt Policy* on ~~19 July 2017~~xx June 2021 and shall hereby supersede any previous policies of the same intent.

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CEO Name Date:    /    /    21  
Acting Chief Executive Officer

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# Social Housing Application Policy

Responsible Manager	Manager, Housing
Head of power	<i>Local Government Act 2009 Local Government Regulation 2012 Residential Tenancies and Rooming Accommodation Act 2008 (Qld) Department of Housing and Public Works' Community Housing Rent Policy for Indigenous Councils Social Housing Policy Housing Act 2003, <del>PQ12</del></i>
Authorised by	<del>Chief Executive Officer</del> <u>Council</u>
Authorised on	July 2017
Implemented from	July 2017
Last reviewed	<del>May 2021</del> <u>Nil</u>
Review history	Nil
To be reviewed on	June 2023
Corporate Plan	People, Sustainability and Prosperity

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## ~~POLICY STATEMENT~~

~~Torres Strait Island Regional Council provides affordable housing for low to moderate income families and individuals throughout 14 of its 15 Divisions. Social (community) housing is provided to eligible applicants for the duration of their need.~~

~~Council uses eligibility criteria for social housing to ensure the rental subsidy is provided to people in need of rental assistance.~~

~~To be eligible for long term social housing, applicants must meet all eligibility criteria. Applicants must have:~~

~~Australian citizenship or permanent residency;~~

~~Torres Strait Islander or Aboriginal descent — descent is understood as:~~

~~Membership of the Indigenous people depends on biological descent from the Indigenous people and on mutual recognition of a particular person's membership by that person and by the elders or other persons enjoying traditional authority among those people.~~

~~Source: Leading Judgment in *Mabo v Queensland No2*~~

~~Exception: where a Non-Indigenous applicant is the registered primary care giver of Aboriginal or Torres Strait Islander children, that person may be eligible for social housing, to ensure that Aboriginal and/or Torres Strait Islander children are not disadvantaged through homelessness;~~

~~Queensland residency;~~

~~Exception: the Queensland residency requirement may be waived on a case-by-case basis where interstate applicants can provide evidence of a definite need to move to the Torres Strait;~~

~~Independent income. Social housing will not be provided to applicants who cannot demonstrate income. This is to ensure that applicants are able to meet rent payments once they become tenants;~~

~~Current and valid proof of identity;~~

~~Not own or be in the process of purchasing property;~~

~~Exception: the Executive Manager Housing Services has discretion in allocating where there is a home ownership interest, to facilitate home ownership in the Torres Strait.~~

~~Applicants with current or ex-tenancy debts will only be eligible once they have entered into and sustained, an unbroken Arrears Payment Plan for a minimum of three months.~~

~~When staff are applicants, Councillors and staff will follow Council processes for managing conflict of interest situations.~~

~~Eligible applicants shall be prioritised in order of their level of need and placed on Council's Register of Need.~~

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~~All matters related to applications and other tenancy related decisions can be reviewed and appealed, either through Council appeal processes or through the *Residential Tenancies and Rooming Accommodation Act 2008 (Qld)*.~~

## ~~2. SCOPE~~

~~This Policy applies to all Council social housing applicants, being existing tenants, employees, Councillors, contractors, volunteers and agents of Council.~~

## ~~3. PROCEDURE~~

~~This Policy is to be applied in conjunction with Social Housing Application Procedure SPO10-PR1.~~

## ~~4. AUTHORISATION~~

~~This Policy was duly authorised by Council as Torres Strait Island Regional Council Social Housing Application Policy SPO10 on 21 November 2017 and shall hereby supersede any previous policies of the same intent.~~

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### 3.1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Social Housing Application Policy.

#### **1.1. Overview**

Torres Strait Island Regional Council provides affordable housing for low to moderate income families and individuals throughout 14 of its 15 Divisions. Social housing is provided to eligible applicants for the duration of their need. Our aim is to ensure:

- a) Council uses eligibility criteria for social housing to ensure the rental subsidy is provided to people in need of rental assistance.

## **2. Application**

This policy applies to all Council social housing tenants, including employees, Councillors, contractors, agents and assigns of Council.

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## **3. Legislation/Policies**

This policy is established with reference to obligations specified in the relevant legislation of *Social Housing Application Procedure and Social Housing Policy*.

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#### 4. Eligibility Criteria

To be eligible for long term social housing, applicants must meet all eligibility criteria.

Applicants must have:

- a) Australian citizenship or permanent residency;
- b) Torres Strait Islander or Aboriginal descent – descent is understood as:

*“Membership of the Indigenous people depends on biological descent from the Indigenous people and on mutual recognition of a particular person’s membership by that person and by the elders or other persons enjoying traditional authority among those people”.*

Source: Leading Judgment in Mabo v Queensland No2

Exception: where a Non-Indigenous applicant is the registered primary care giver of Aboriginal or Torres Strait Islander children, that person may be eligible for social housing, to ensure that Aboriginal and/or Torres Strait Islander children are not disadvantaged through homelessness;

- c) Queensland residency;

Exception: the Queensland residency requirement may be waived on a case-by-case basis where interstate applicants can provide evidence of a definite need to move to the Torres Strait;

- d) Evidence of Independent income.

Social housing will not be provided to applicants who cannot demonstrate income. This is to ensure that applicants are able to meet rent payments once they become tenants;

- e) Current and valid proof of identity; and
- f) Not own or be in the process of purchasing property;

Exception: The Housing Manager and Head of Community Services has discretion in allocating where there is a home ownership interest, to facilitate home ownership in the Torres Strait.

- g) Applicants with current or ex-tenancy debts will only be eligible once they have entered into and sustained, and unbroken Arrears Payment Plan for a minimum of three months.

#### 5. Eligibility Criteria for Papua New Guinea (PNG) Nationals

To be eligible for long term social housing, applicants must meet all eligibility criteria.

- a) Existing tenants of PNG descent;

If the tenant had been provided with a general tenancy agreement, that tenancy is valid and the principles of all tenancy management policies and procedures will apply.

- b) Applicants for housing of PNG descent; and

Applicants of PNG descent and/or nationality are NOT eligible to apply for all social housing within TSIRC Government area.

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c) PNG residents with Torres Strait children.

When it is proven that a non-Torres Strait person applying for housing is the primary carer of Indigenous children, whether by birth or traditional adoption, applicant is eligible to apply for social housing if sufficient evidence is provided.

## 6. Provisions

When staff are applicants, Councillors and staff will follow Council processes for managing conflict of interest situations.

Eligible applicants shall be prioritised in order of their level of need and placed on Council's Register of Need.

All matters related to applications and other tenancy-related decisions can be reviewed and appealed through Council appeal processes.

## 7. Authorisation

This page and the previous bearing my initials were duly authorised by Council on xx June 2021 as Torres Strait Island Regional Council *Social Housing Application Policy* and shall hereby supersede any previous policies of the same intent.

CEO Name \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ 21  
Acting Chief Executive Officer

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## Social Housing Application Procedure

**Responsible Manager:** Housing Manager

**Head of power:** Social Housing Application Policy SPO10  
Social Housing Policy PO12

**Authorised by:** Executive Manager Housing Services

**Authorised on:** 24 November 2017

**Implemented from:** 24 November 2017

**Last reviewed:** N/A

**Review history:** N/A

**To be reviewed on:** 30 June 2019

**Corporate Plan:** Environment

## Social Housing Application Procedure

### Responsible Manager

Manager, Housing

### Head of power

Local Government Act 2009  
Local Government Regulation 2012  
Residential Tenancies and Rooming  
Accommodation Act 2008 (Qld)  
Department of Housing and Public Works'  
Community Housing Rent Policy for  
Indigenous Councils  
Social Housing Policy  
Social Housing Application Policy  
Housing Act 2003

### Authorised by

Council

### Authorised on

24 November 2017

### Implemented from

24 November 2017

### Last reviewed

May 2021

### Review history

Nil

### To be reviewed on

June 2023

### Corporate Plan

People, Sustainability and Prosperity

## 1. Relationship to Allocation Policy

Council is strongly committed to ensuring that Social Housing Application Procedure for Social Housing of Torres Strait Island Regional Council directly correlates with Social Housing Application Policy and complies with all relevant legislations and regulations.

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## 2. Application

This procedure applies to all TSIRC Social Housing applicants, tenants, staff, Councillors, contractors, volunteers and agents of Torres Strait Island Regional Council.

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## 3. Legislation/Policies

This policy is established with reference to obligations specified in the Local Government Act 2009, Local Government Regulation 2012, and Councils Social Housing Application Policy.

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## 4. Interpretation

<u>Abbreviation</u>	<u>Definition</u>
<u>HC</u>	<u>Housing Coordinator</u>
<u>HO</u>	<u>Housing Officer</u>

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## 5. Applicants for Social Housing

- a) All applicants must apply for housing assistance using Council's Application for Community Housing form - ECM No 100265. This form can be obtained from and lodged at any Council office. Applicants send the filled-in and signed form to Council office, where HO or authorised officer stamps it with the date received by Council.
- b) All applicants must fill-in the Household Detail Form - ECM No 101050, to accompany their application.
- c) In the case of applicants who have shared custody of children – for example where children live with other relatives when there is not enough room in their guardian's house - children shall not be allocated more than one priority address. HO shall verify the Centerlink payment details to ensure the right bedroom number is allocated.
- d) HO shall forward complete application to the Housing inbox for the Housing Coordinator to action.
- e) HC shall send the applicant a letter acknowledging receipt of application using TSIRC template.
- f) All applications are assessed by HC against the eligibility criteria to make sure the applicant is eligible for housing assistance and that housing is provided to the people who most need it. HC shall examine each applicant's full circumstances to determine the level of housing need.
- g) Applicants must satisfy all criteria outlined in the Social Housing Application Policy

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statement to be eligible for Council housing.

h) Applicants may apply for more than one Division location, in relation to family connections; however only one dwelling would be allocated to individual applicants.

i) All applicants must be endorsed by the Divisional Councillor as being able to reside in the community.

j) When their turn comes, applicants will be allocated a house based on the household size, household composition, applicants' level of need and the type of housing they require. Refer to Allocation of Housing Policy and Allocation of Housing Procedure.

k) If an applicant is deemed ineligible, HC will send the applicant a letter advising the reason for their ineligibility - ECM No 100240. All matters related to applications, tenancy management and other housing-related matters should be free of conflicts of interest and decided in a fair and transparent manner and must remain strictly confidential.

a) Formal appeals against Council decisions or under the Act must be made in writing. POLICY STATEMENT

l) \_\_\_\_\_

## **6. Prioritising Applications**

a) Allocation of housing is made to applicants based on a priority system. Applicants assessed with the highest needs [i.e in the very high or high need categories] are offered assistance ahead of applicants with lower housing needs [i.e moderate need or lower need categories]] irrespective of how much longer the lower need applications have been waiting for assistance.

b) Applications within each category have equal priority and are listed in order of application date.

c) Offers of housing can be made from the following four categories:

1) Very high need - applicants who are experiencing

i) Homelessness

ii) child safety issues

iii) disability or medical needs

**Note:** where a tenant of a dwelling immediately impacted by a Katter Lease or entitlement is not the applicant or the beneficiary of that Lease or entitlement and relocation is required, the tenant shall be allocated a very high need prioritisation.

2) High need - applicants living within the community whose current housing situation is overcrowded.

3) Moderate need - applicants living outside of the community without adequate housing who are applying to relocate to the community.

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4) **Lower need** - applicants living outside of the community with adequate housing who are applying to relocate to the community.

**Note:** applicants living outside of the community who are requesting to move to an island and are experiencing homelessness in their current situation shall be rated as having a very high need.

## 7. Register of Need

- a) All eligible applicants will be placed on a Register of Need [a waiting list of housing applicants] and categorised into their level of need.
- b) HO will review the Register of Need every 12 months and contact applicants in their Division to confirm their current circumstances, using the Register of Need review letter.
- c) If an applicant's circumstances have changed, HO will issue applicant with a Housing Review form to confirm changes.
- d) HC shall review the completed form and advise HO whether the applicant is still eligible for social housing and whether their level of need has changed.
- e) HO will then issue the applicant with a letter to confirm either:
- i) the applicant can remain on the Register of Need at the same level of need;
  - or
  - ii) the applicant can remain on the Register of Need at a different level of need i.e the applicant's children have left the Torres Strait;
  - iii) the applicant is no longer eligible and shall be removed from the Register; HO will advise the reason why applicants shall be removed.
- d) If an applicant no longer requires social housing, HO will advise officer responsible for the maintenance of the Register of Need to remove the applicant from the list.
- e) An applicant may only be removed from the Register of Need:
- i) if the applicant no longer requires housing; and
  - ii) after being advised in writing and given 14 days' notice, using the Register of Need Application Expiry or Withdrawal form.
  - iii) The applicant provides written notice that they no longer want to be registered for social housing with Council.
- f) The Register of Need shall be confidentially managed by a dedicated officer of the Housing Department.
- g) Any request by a third party to access information on the Register of Need shall be forwarded to the Housing Manager for approval.

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## 8. Housing Entitlements

- a) Council will attempt to match client needs with a house which is appropriate to the client's housing needs and bedroom requirement.
- b) Bedroom entitlements are assessed by considering the basic entitlement in the table below, at the time of application. Council shall not assess bedroom numbers based on the projection of a family's potential future size.

Type of housing	Household type
One-bedroom	<ul style="list-style-type: none"><li>single person</li><li>couple</li></ul>
Two-bedroom	<ul style="list-style-type: none"><li>two (2) single people sharing</li><li>single/couple with one (1) child</li><li>single/couple with two (2) children of same gender and less than seven years age difference</li></ul>
Three-bedroom	<ul style="list-style-type: none"><li>single/couple with two (2) children of same gender and less than seven years age difference</li><li>single people sharing</li><li>single/couple with two (2), three (3) or four (4) children</li></ul>
Four-bedroom	<ul style="list-style-type: none"><li>four (4) single people sharing</li><li>single/couple with three (3), four (4), five (5) or six (6) children</li></ul>
Five-bedroom	<ul style="list-style-type: none"><li>five (5) single people sharing</li><li>single/couple with four (4), five (5), six (6), seven (7) or eight (8) children</li></ul>
Six-bedroom	<ul style="list-style-type: none"><li>six (6) single people sharing</li><li>single/couple with five (5), six (6), seven (7), eight (8), nine (9) or 10 children</li></ul>
Seven-bedroom	<ul style="list-style-type: none"><li>seven (7) single people sharing</li><li>single/couple with six (6), seven (7), eight (8), nine (9), 10, 11 or 12 children</li></ul>

- c) Entitlements can be approved outside of the basic guidelines for the following reasons:

- Pregnancy; if a pregnancy of three months or more has been confirmed, the bedroom entitlement must cater for a new child of either gender. Evidence of pregnancy in the form of advice from a medical practitioner should be provided unless the applicant is visibly pregnant.
- Household members over 18 years of age: single household members over 18 years of age are entitled to a separate bedroom. Couples aged over 18 years are only entitled to one bedroom.
- Families with regular access to children; families who have access to children on a part-time but regular basis, i.e every second weekend or during school

holidays, should have their bedroom entitlements assessed as if the children are permanent residents in the household. Evidence is required:

- a. Copy of the court order outlining the arrangements; or
- b. any other relevant legal documents; or
- c. statutory declaration from both the applicant and the main carer verifying regularity of visits and the details of the children [number, age and gender].
- d. Centrelink statement showing the number of children for whom the recipient is receiving payment.

iv. Live-in carers; applicants with a disability or illness are entitled to an extra bedroom to house a live-in carer who stays on a part-time but regular basis.

v. Clients with a disability; clients with specific needs are entitled to an extra bedroom in addition to their basic entitlements if they have special health, equipment or support needs. Examples include but are not limited to:

- a. a special room for large equipment, i.e electric wheelchair, dialysis machine, hoist for medical/disability reasons.
- b. this also includes an extra room to store mobility scooters if there is no sufficient space external to the property to store this scooter.
- c. a separate bedroom for an adult with a disability, a child with a disability, or for a continuing illness. An extra room can also be used for a spouse or other family member who cannot sleep in the same room due to disturbed nights.

vi. Special Circumstances; bedroom entitlements may be approved outside the usual policy to ensure the efficient and effective use of Council housing. For example, a single person may be allocated a two-bedroom house because there is a limited supply of appropriately sized houses. Consideration should be given to the impact of such an approval on other applicants and their waiting times for housing. Care must be taken not to discriminate against other applicants.

## **9. Management of Conflict of Interest**

### **Family and Friends as Applicants / Tenants**

a) Wherever possible, Councillor or staff should not:

- i. deal with close family members' applications for social housing or any ongoing tenancy management activity; or
- ii. attempt to directly / indirectly influence the processing or approval of an application for social housing of a close family member.

b) If this sort of conflict of interest arises, staff must let their supervisor know. Staff and supervisors should keep relevant file notes about how family-to-family business is handled in case the matter is raised in the future.

For all matters of conflict of interest refer to Conflict of Interest Policy – Tenancy

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Management SPO21 and related procedure.

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Staff as Applicant / Tenants

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a) Staff must:

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- i. Immediately advise the Housing Manager if they have lodged an application for housing assistance. This includes situations where staff intend to reside in properties and are recorded on the application as dependent/household member only [i.e the tenancy agreement will be in another person's name];
- ii. not process their own housing applications;
- iii. not process any approvals, preference changes or offers of accommodation on their own behalf;
- iv. not process any other tenancy or property related matters on their own behalf; and
- v. not use knowledge of upcoming property vacancies to change their preference and to secure unfair advantage over other wait list applicants.

b) The Housing Manager will oversee and endorse critical processes such as approval of housing applications, waitlist preference changes, offers of accommodation and any key tenancy or property management decisions where a conflict of interest exists.

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Self-Disclosure of Possible Conflicts.

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Councillors and Housing Staff shall:

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- a) Assess whether they might be likely to face a conflict of interest as part of their regular duties.
- b) Identify possible conflicts to the Housing Coordinator or Housing Manager and make a file note that they should not deal with matters related to self-identified conflicts.
- c) Ensure that there is someone who is trained to undertake the duties involved in possible conflict cases, before they arise.
- d) Make confident, transparent and fair conflict of interest discussions a part of the regular work routine.
- e) Make sure applicants, tenants, Councillors and staff are all aware of procedures being taken to prevent conflicts of interest.
- f) Council shall keep a register of staff who declare a conflict of interest in relation to housing application or allocation.

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a) ~~Filing of Tenancy Files Torres Strait Island Regional Council (Council) provides affordable housing for low to moderate income families and individuals throughout 14 of its 15 Divisions. Social (community) housing is provided to eligible applicants for the duration of their need.~~

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b) ~~Council uses eligibility criteria for social housing to ensure the rental subsidy is provided to people in need of rental assistance.~~

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c) ~~To be eligible for long term social housing, applicants must meet all eligibility criteria. Applicants must have:~~

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• ~~Australian citizenship or permanent residency;~~

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• ~~Torres Strait Islander or Aboriginal descent; descent is understood as:~~

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*Membership of the Indigenous people depends on biological descent from the Indigenous people and on mutual recognition of a particular person's membership by that person and by the elders or other persons enjoying traditional authority among those people.*

Source: Leading Judgment in *Mabo v Queensland No2*

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~~Exception: where a non-Indigenous applicant is the registered primary care giver of Aboriginal or Torres Strait Islander children, that person may be eligible for social housing, to ensure that Aboriginal and/or Torres Strait Islander children are not disadvantaged through homelessness;~~

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• ~~Queensland residency;~~

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~~Exception: The Queensland residency requirement may be waived on a case-by-case basis where interstate applicants can provide evidence of a definite need to move to the Torres Strait.~~

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• ~~Independent income; social housing will not be provided to applicants who cannot demonstrate income. This is to ensure that applicants are able to meet rent payments once they become tenants.~~

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• ~~Current and valid proof of identity;~~

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• ~~Not own or be in the process of purchasing property;~~

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~~Exception: the Executive Manager Housing Services has discretion in allocating where there is a home ownership interest, to facilitate home ownership in the Torres Strait.~~

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~~• Applicants with current or ex-tenancy debts will only be eligible once they have entered into and sustained, an unbroken Arrears Payment Plan for a minimum of three months.~~

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~~d) When staff are applicants, Councillors and staff will follow Council processes for managing conflict of interest situations.~~

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~~e) Eligible applicants shall be provided with a priority classification and placed on Council's Register of Need.~~

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~~f) All matters related to applications and other tenancy related decisions can be reviewed and appealed, either through Council appeal processes or through the Residential Tenancies and Rooming Accommodation Act 2008 (Qld).~~

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## ~~2. SCOPE~~

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~~This Procedure applies to all Council social housing applicants, being existing tenants, employees, Councillors, contractors, volunteers and agents of Council.~~

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## ~~3. INTERPRETATION~~

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~~HC means Housing Coordinator of Council~~

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~~HO means Housing Officer of Council~~

## ~~4. APPLICANTS FOR SOCIAL HOUSING~~

~~a) All applicants must apply for housing assistance using Council's Application for Community Housing form – ECM No 100265. This form can be obtained from and lodged at any Council office. Applicants send the filled in and signed form to Council office, where HO or authorised officer stamps it with the date received by Council.~~

~~b) All applicants must fill in the Household Detail Form – ECM No 101050, to accompany their application.~~

- e) ~~In the case of applicants who have shared custody of children for example where children live with other relatives when there is not enough room in their guardian's house children shall not be allocated more than one priority address. HO shall verify the Centerlink payment details to ensure the right bedroom number is allocated.~~
- d) ~~HO shall forward complete application to the Housing inbox for the Housing Coordinator to action.~~
- e) ~~HC shall send the applicant a letter acknowledging receipt of application using template ECM No 101052 ECM No 168587.~~
- f) ~~All applications are assessed by HC against the eligibility criteria to make sure the applicant is eligible for housing assistance and that housing is provided to the people who most need it. HC shall examine each applicant's full circumstances to determine the level of housing need.~~
- g) ~~Applicants must satisfy all criteria outlined in the Social Housing Application Policy statement to be eligible for Council housing.~~
- h) ~~Applicants may apply for more than one Division location, in relation to family connections; however only one dwelling would be allocated to individual applicants.~~
- i) ~~All applicants must be endorsed by the Divisional Councillor as being able to reside in the community.~~
- j) ~~When their turn comes, applicants will be allocated a house based on the household size, household composition, applicants' level of need and the type of housing they require. Refer to Allocation of Housing Policy SPO11 and Allocation of Housing Procedure SPO11-PR1.~~
- k) ~~If an applicant is deemed ineligible, HC will send the applicant a letter advising the reason for their ineligibility ECM No 100240.~~
- l) ~~All matters related to applications, tenancy management and other housing-related matters should be free of conflicts of interest and decided in a fair and transparent manner and must remain strictly confidential.~~
- m) ~~Formal appeals against Council decisions or under the Act must be made in writing.~~

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## **5. PRIORITISATION OF APPLICATIONS**

a) ~~Allocation of housing is made to applicants based on a priority system. Applicants assessed with the highest needs [i.e in the very high or high need categories] are offered assistance ahead of applicants with lower housing needs [i.e moderate need or lower need categories]] irrespective of how much longer the lower need applications have been waiting for assistance.~~

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b) ~~Applications within each category have equal priority and are listed in order of application date.~~

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c) ~~Offers of housing can be made from the following four categories:~~

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~~1. **Very high need**—applicants who are experiencing~~

~~i) **homelessness**~~

~~ii) **child safety issues**~~

~~iii) **disability or medical needs**~~

~~**Note:** where a tenant of a dwelling immediately impacted by a Katter Lease or entitlement is not the applicant or the beneficiary of that Lease or entitlement and relocation is required, the tenant shall be allocated a very high need prioritisation.~~

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~~2. **High need**—applicants living within the community whose current housing situation is overcrowded.~~

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~~3. **Moderate need**—applicants living outside of the community without adequate housing who are applying to relocate to the community.~~

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~~4. **Lower need**—applicants living outside of the community with adequate housing who are applying to relocate to the community.~~

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~~**Note:** applicants living outside of the community who are requesting to move to an island and are experiencing homelessness in their current situation shall be rated as having a very high need.~~

## REGISTER OF NEED

a) ~~All eligible applicants will be placed on a Register of Need [a waiting list of housing applicants] and categorised into their level of need.~~

a) ~~HO will review the Register of Need every 12 months and contact applicants in their Division to confirm their current circumstances, using the Register of Need review letter ECM No 101055.~~

b) ~~If an applicant's circumstances have changed, HO will issue applicant with a Housing Review form to confirm changes ECM No 155022.~~

c) ~~HC shall review the completed form and advise HO whether the applicant is still eligible for social housing and whether their level of need has changed.~~



- d) ~~HO will then issue the applicant with a letter to confirm either:-~~
- ~~i. the applicant can remain on the Register of Need at the same level of need; or~~
  - ~~ii. the applicant can remain on the Register of Need at a different level of need i.e the applicant's children have left the Torres Strait;~~
  - ~~iii. the applicant is no longer eligible and shall be removed from the Register; HO will advise the reason why applicants shall be removed.~~
- e) ~~If an applicant no longer requires social housing, HO will advise officer responsible for the maintenance of the Register of Need to remove the applicant from the list.~~
- f) ~~An applicant may only be removed from the Register of Need:~~
- ~~i. if the applicant no longer requires housing; and~~
  - ~~ii. after being advised in writing and given 14 days' notice, using the Register of Need Application Expiry or Withdrawal form ECM No 404054.~~
  - ~~iii. The applicant provides written notice that they no longer want to be registered for social housing with Council.~~
- g) ~~The Register of Need shall be confidentially managed by a dedicated officer of the Housing Department.~~
- h) ~~Any request by a third party to access information on the Register of Need shall be forwarded to the Housing Manager for approval.~~

## ~~7. HOUSING ENTITLEMENT~~

- a) ~~Council will attempt to match client needs with a house which is appropriate to the client's housing needs and bedroom requirement.~~
- b) ~~Bedroom entitlements are assessed by considering the basic entitlement in the table below, at the time of application. Council shall not assess bedroom numbers based on the projection of a family's potential future size.~~

Type of housing	Household type
One bedroom	<ul style="list-style-type: none"><li>single person</li><li>couple</li></ul>
Two bedroom	<ul style="list-style-type: none"><li>two (2) single people sharing</li><li>single/couple with one (1) child</li><li>single/couple with two (2) children of same gender and less than seven years age difference</li></ul>

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Three-bedroom	<ul style="list-style-type: none"> <li>single/couple with two (2) children of same gender and less than seven years age difference</li> <li>single people sharing</li> <li>single/couple with two (2), three (3) or four (4) children</li> </ul>
Four-bedroom	<ul style="list-style-type: none"> <li>four (4) single people sharing</li> <li>single/couple with three (3), four (4), five (5) or six (6) children</li> </ul>
Five-bedroom	<ul style="list-style-type: none"> <li>five (5) single people sharing</li> <li>single/couple with four (4), five (5), six (6), seven (7) or eight (8) children</li> </ul>
Six-bedroom	<ul style="list-style-type: none"> <li>six (6) single people sharing</li> <li>single/couple with five (5), six (6), seven (7), eight (8), nine (9) or 10 children</li> </ul>
Seven-bedroom	<ul style="list-style-type: none"> <li>seven (7) single people sharing</li> <li>single/couple with six (6), seven (7), eight (8), nine (9), 10, 11 or 12 children</li> </ul>

a) Tenancy files should be kept in a secure [locked] location within the Council's office.

b) Housing Officer will keep file notes of all contacts and attempted contacts with the applicant or tenant regarding the tenancy.

— Tenancy files should be filed in ECM using the approved naming convention.

c) Entitlements can be approved outside of the basic guidelines for the following reasons:

i) Pregnancy: if a pregnancy of three months or more has been confirmed, the bedroom entitlement must cater for a new child of either gender. Evidence of pregnancy in the form of advice from a medical practitioner should be provided unless the applicant is visibly pregnant.

ii) Household members over 18 years of age: single household members over 18 years of age are entitled to a separate bedroom. Couples aged over 18 years are only entitled to one bedroom.

iii) Families with regular access to children: families who have access to children on a part time but regular basis, i.e every second weekend or during school holidays, should have their bedroom entitlements assessed as if the children are permanent residents in the household. Evidence is required:

a. copy of the court order outlining the arrangements; or

b. any other relevant legal documents; or

c. statutory declaration from both the applicant and the main carer verifying regularity of visits and the details of the children [number, age and gender].

d. Controlink statement showing the number of children for whom the recipient is receiving payment.

iv) Live-in carers: applicants with a disability or illness are entitled to an extra bedroom to house a live-in carer who stays on a part time but regular basis.

v) Clients with a disability: clients with specific needs are entitled to an extra bedroom in addition to their basic entitlements if they have special health, equipment or support

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needs. Examples include but are not limited to:

- a. a special room for large equipment, i.e electric wheelchair, dialysis machine, hoist for medical/disability reasons.
- b. this also includes an extra room to store mobility scooters if there is no sufficient space external to the property to store this scooter.
- c. a separate bedroom for an adult with a disability, a child with a disability, or for a continuing illness. An extra room can also be used for a spouse or other family member who cannot sleep in the same room due to disturbed nights.

vi) Special circumstances: bedroom entitlements may be approved outside the usual policy to ensure the efficient and effective use of Council housing. For example, a single person may be allocated a two bedroom house because there is a limited supply of appropriately sized houses. Consideration should be given to the impact of such an approval on other applicants and their waiting times for housing. Care must be taken not to discriminate against other applicants.

c)

## CONFLICTS OF INTEREST

### Authorisation

A conflict of interest is any issue which could bring about a clash between a person's personal interests and their official duties; in other words, anything which might force a person to make a decision to further their own best interests, rather than the best and fairest interests of Council.

## 10.

### FAMILY AND FRIENDS AS APPLICANTS OR TENANTS

This Procedure was duly authorised by Council as the Torres Strait Island Regional Council *Social Housing Application Procedure* on xx June 2021 and shall hereby supersede any previous procedures of the same intent.

(CEO Name) \_\_\_\_\_ Date:     /     /     21  
Chief Executive Officer

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~~a) — Wherever possible, Councillor or staff should not:~~

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~~i. deal with close family members' applications for social housing or any ongoing tenancy management activity; or~~

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~~ii. attempt to directly or indirectly influence the processing or approval of an application for social housing of a close family member.~~

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~~b) — If this sort of conflict of interest arises, staff must let their supervisor know. Staff and supervisors should keep relevant file notes about how family to family business is handled, in case the matter is raised in the future.~~

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~~c) — For all matters of conflict of interest refer to Conflict of Interest Policy – Tenancy Management SPO21 and related procedure.~~

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## ~~8. — STAFF AS APPLICANTS OR TENANTS~~

~~a) — Staff must:~~

~~i. — Immediately advise the Housing Manager if they have lodged an application for housing assistance. This includes situations where staff intend to reside in properties and are recorded on the application as dependent/household member only [i.e the tenancy agreement will be in another person's name];~~

~~ii. — not process their own housing applications;~~

~~iii. — not process any approvals, preference changes or offers of accommodation on their own behalf;~~

~~iv. — not process any other tenancy or property related matters on their own behalf; and~~

~~v. — not use knowledge of upcoming property vacancies to change their preference and to secure unfair advantage over other wait list applicants.~~

~~b) — The Housing Manager will oversee and endorse critical processes such as approval of housing applications, waitlist preference changes, offers of accommodation and any key tenancy or property management decisions where a conflict of interest exists.~~

## ~~9. SELF DISCLOSURE OF POSSIBLE CONFLICTS~~

~~Councillors and Housing Staff shall:~~

- ~~a) Assess whether they might be likely to face a conflict of interest as part of their regular duties.~~
- ~~b) Identify possible conflicts to the Housing Coordinator or Housing Manager and make a file note that they should not deal with matters related to self identified conflicts.~~
- ~~c) Ensure that there is someone who is trained to undertake the duties involved in possible conflict cases, before they arise.~~
- ~~d) Make confident, transparent and fair conflict of interest discussions a part of the regular work routine.~~
- ~~e) Make sure applicants, tenants, Councillors and staff are all aware of procedures being taken to prevent conflicts of interest.~~
- ~~f) Council shall keep a register of staff who declare a conflict of interest in relation to housing application or allocation.~~

## ~~10. FILING~~

- ~~a) Tenancy files should be kept in a secure [locked] location within the Council's office.~~
- ~~b) Housing Officer will keep file notes of all contacts and attempted contacts with the applicant or tenant regarding the tenancy.~~
- ~~c) Tenancy files should be filed in ECM using the approved naming convention.~~

## ~~13. AUTHORISATION~~

~~This page and the previous bearing my initials was duly authorised by me as Torres Strait Island Regional Council Social Housing Application Procedure on 24 November 2017 and shall hereby supersede any previous procedures of the same intent.~~

## Social Housing Policy

Responsible Manager	Manager, Housing
Head of power	<u>Local Government Act 2009</u> <u>Local Government Regulation 2012</u> <u>Housing Act 2003 (Qld)</u> <u>Housing Regulation 2003 (Qld)</u> <u>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</u>
Authorised by	Council
Authorised on	<u>June 2014</u>
Implemented from	<u>June 2014</u> <del>April 2021</del>
Last reviewed	May 2017
Review history	2014, 2017, 2021
To be reviewed on	<u>April 2023</u> <del>2</del>
Corporate Plan	People, Sustainability and Prosperity

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## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Social Housing Policy.

### 1.1. Overview

Council is committed to upholding its responsibilities as a Registered Housing Provider under the *Housing Act 2003* [QLD] and aim to ensure we:

- a) Provide appropriate, affordable and value for money housing;
- a)  
b) Deliver professional customer service to clients who require or reside in *Council social Council social housing; housing;*
- b)  
e) Manage rent collection and rent arrears repayments; and
- c)  
d) Continue in its capacity as Registered Housing Provider.

## 2. Application

This policy applies to all Council social housing tenants, being employees, Councillors, contractors, volunteers and agents of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in:

- a) *Housing Act 2003 (Qld)*
- a)  
b) *Housing Regulation 2003 (Qld)*
- b)  
c) *Residential Tenancies and Rooming Accommodation Act 2008 (Qld)*

## 4. AUTHORISATION

This Policy was duly authorised by Council as the Torres Strait Island Regional Council *Social Housing Policy* on *xx June 2021* and shall hereby supersede any previous policies of the same intent.

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CEO Name Date:    /    /    21  
Acting Chief Executive Officer

**4. — Provisions or other relevant heading**

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# Tenancy Sign Up Policy

<b>Responsible Manager</b>	Manager, Housing
<b>Head of power</b>	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Housing Policy</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	July 2017
<b>Implemented from</b>	July 2017
<b>Last reviewed</b>	May 2021
<b>Review history</b>	Nil
<b>To be reviewed on</b>	June 2023
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## **1. Purpose**

Council is strongly committed to ensuring that the local government principles are reflected in the Termination of Tenancy Policy.

### **1.1. Overview**

This policy sets out the principles to be followed when a Tenancy Sign up is conducted for Social Housing Properties. Our aim is to ensure:

- a) tenants have an opportunity to read the agreement and are provided with information about their rights and responsibilities and Council's rights and responsibilities before entering a legally binding agreement.

## **2. Application**

This policy applies to all Council social housing tenants, including employees. Councillors, contractors, agents and assigns of Council.

## **3. Legislation/Policies**

This policy is established with reference to obligations specified in the relevant legislations and works in conjunction with TSIRC's *Tenancy Sign up Procedure*.

## **4. Provisions**

Torres Strait Island Regional Council's tenancy sign up process establishes the formal tenancy arrangements between the tenant/s and Council and marks the beginning of the tenant/lessor relationship.

Once an applicant has accepted an offer of housing from Council, applicant must sign a general tenancy agreement to become a tenant and take legal responsibility for the tenancy.

All tenants are required to pay a minimum of two weeks' rent at the time of sign up.

## **5. Authorisation**

This Policy was duly authorised by Council as Torres Strait Island Regional Council *Tenancy Sign up Policy* on XX June 2021 and shall hereby supersede any previous policies of the same intent.

---

**CEO Name**  
**Acting Chief Executive Officer**

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_21

# Termination of Tenancy

<b>Responsible Manager</b>	Manager, Housing
<b>Head of power</b>	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Residential Tenancy Authority</i> <i>Social Housing Policy</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	May 2017
<b>Implemented from</b>	May 2017
<b>Last reviewed</b>	May 2021
<b>Review history</b>	Nil
<b>To be reviewed on</b>	June 2023
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Termination of Tenancy Policy.

### 1.1. Overview

This policy sets out the principles to be followed when Termination of Social Housing Tenancy is deemed appropriate. Our aim is to ensure:

- a) legally terminated in accordance with the Residential Tenancies and Rooming Accommodation Act 2008 (Qld);
- b) terminated in a timely manner so that tenants are not disadvantaged financially;
- c) terminated with Council's debtor system to ensure efficient financial practice of all rental accounts; and
- d) records kept to satisfy the Indigenous Housing Programs Assistance Agreement.

## 2. Application

This policy applies to all Council social housing tenants, including employees. Councillors, contractors, agents and assigns of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003 and Residential Tenancies and Rooming Act 2008*. This policy works in conjunction with TSIRC's *Termination of Tenancy Procedure*.

## 4. Authorisation

This Policy was duly authorised by Council as Torres Strait Island Regional Council *Termination of Tenancy Policy* on XX June 2021 and shall hereby supersede any previous policies of the same intent.

---

CEO Name  
Acting Chief Executive Officer

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_21

# Abandoned Properties Policy

<b>Responsible Manager</b>	Manager, Housing
<b>Head of power</b>	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Social Housing Policy</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	November 2017
<b>Implemented from</b>	November 2017
<b>Last reviewed</b>	May 2021
<b>Review history</b>	Nil
<b>To be reviewed on</b>	June 2023
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## **1. Purpose**

Council is strongly committed to ensuring that the local government principles are reflected in the Abandoned Properties Policy.

### **1.1 Overview**

This policy sets out the principles to be followed when a property is deemed abandoned. As a social housing provider under the *Residential Tenancies and Rooming Accommodation Act 2008*, Torres Strait Island Regional Council is committed to providing a supportive tenancy management service to assist tenants to successfully sustain their tenancies. Our aim is to ensure:

- a) Council is pro-active in its responses to tenancy management to support tenants but also to ensure compliance with the RTA regulations.

## **2. Application**

This policy applies to all tenants, staff, Councillors, contractors, agents and assigns of Council.

## **3. Legislation/Policies**

This policy is established with reference to obligations specified in the *Housing Act 2003*. This policy is to be applied in conjunction with Appeals Policy.

## **4. Provisions**

- a) When a property is suspected of being abandoned, Council will attempt to contact the tenant to determine if the tenant:
  - i) is absent; or
  - ii) requests a temporary absence; or
  - iii) requests the tenancy to be terminated.
- b) If the tenant does not provide Council with any information as to their future plan for the tenancy or is unable to be contacted, Council will follow the abandonment process as prescribed by the Residential Tenancies Authority (RTA):
  - i) issue an Entry notice (Form 9) and affix the notice to the house; and
  - ii) if the tenant has a forwarding address, send the document to tenant; and
  - iii) 24 hours after entry notice is served, Council assesses whether abandonment has occurred; and
  - iv) If abandonment has occurred, issue an Abandonment termination notice (Form 15) and affix the notice to the house; and
  - v) If the tenant has a forwarding address, send the document to tenant.
- c) If the tenant does not contact Council within seven days of the notice, the tenant is assumed to have abandoned the property and the tenancy agreement automatically terminates. Once the tenancy is terminated Council will cease rent charges.
- d) If the tenant disputes the abandonment notice, the tenant can lodge an application to the Queensland Civil and Administrative Tribunal.

- e) In circumstances where there is good left behind in the property, Council will manage the disposal of goods as prescribed by the RTA.
- f) Following termination of the tenancy, Council will allocate a new tenant in accordance to Allocation of Housing Policy.

## **5. Authorisation**

This Policy was duly authorised by Council as the Torres Strait Island Regional Council *Abandoned Properties Policy* on xx June 2021 and shall hereby supersede any previous policies of the same intent.

---

**CEO Name**  
**Acting Chief Executive Officer**

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_21

# Appeals Policy

**Responsible Manager**

Manager, Housing

**Head of power**

*Local Government Act 2009 (Qld)*  
*Local Government Regulation 2012 (Qld)*  
*Housing Act 2003 (Qld)*  
*Housing Regulation 2003 (Qld)*  
*Residential Tenancies and Rooming  
Accommodation Act 2008 (Qld)*  
*Housing Policy*

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**Authorised by**

Council

**Authorised on**

11 December 2018

**Implemented from**

September 2017

**Last reviewed**

~~December 2018~~May 2021

**Review history**

2018

**To be reviewed on**

June 2023

**Corporate Plan**

People, Sustainability and Prosperity



## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Appeals Policy.

### 1.1 Overview

This policy sets out the principles to be followed when an appeal is received. The Residential Tenancies and Rooming Accommodation Act 2008 (Qld) sets out the rights for tenants to appeal reviewable decisions by TSIRC Housing Unit regarding:

- a) a person's eligibility to be offered social housing assistance;
- b) the type of social housing to be offered to an applicant;
- c) the area where social housing is to be offered to an applicant.

## 2. Application

This policy applies to all tenants, staff, Councillors, contractors, agents and assigns of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003*. This policy is to be applied in conjunction with Housing Complaint Management Policy.

## 4. Provisions

- a) Council will in the first instance encourage negotiation with the tenant with the aim to resolve the issue, before tenants consider the appeals process.
- b) Council supports the right to appeal, based on Council's commitment to:
  - i) **Accessibility:** all social housing tenants have the right to challenge decisions relating to the provision of housing services they believe are incorrect;
  - ii) addressing and responding to matters quickly and fairly;
  - iii) **Redressing:** reassessing decisions if policy is not applied correctly;
  - iv) **Accountability:** all decisions must be documented clearly and openly to ensure integrity in the process.
- c) The appeals process provides Council with the opportunity to review policy and procedure effectiveness.
- d) Council is committed to delivering quality client service, mutual respect and support to staff and tenants.

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## Authorisation

### 5.

This Policy was duly authorised by Council as the Torres Strait Island Regional Council Appeals Policy on xx June 2021 and shall hereby supersede any previous policies of the same intent.

CEO Name \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / 21

Acting Chief Executive Officer

## 2. POLICY STATEMENT

- a) ~~The Residential Tenancies and Rooming Accommodation Act 2008 (Qld)~~  
~~sets out the rights for tenants to appeal reviewable decisions by the Manager Housing about:~~
- ~~i. a person's eligibility to be provided social housing;~~
  - ~~ii. the type of social housing to be provided to a person;~~
  - ~~iii. the place where social housing is to be provided to a person.~~
- b) ~~Council will in the first instance encourage negotiation with the tenant with the aim to resolve the issue, before tenants consider the appeals process.~~
- c) ~~Council supports the right to appeal, based on Council's commitment to:~~
- ~~i) accessibility — all Council's tenants have the right to challenge decisions relating to the provision of housing services they believe are incorrect;~~
  - ~~ii) addressing and responding to matters quickly and fairly;~~
  - ~~iii) redressing: reassessing decisions if policy is not applied correctly;~~
  - ~~iv) accountability — all decisions must be documented clearly and openly to ensure integrity in the process.~~
- d) ~~The appeals process provides Council with the opportunity to review policy and procedure effectiveness.~~
- e) ~~Council is committed to delivering quality client service, mutual respect and support to staff and tenants.~~

## 3. SCOPE

~~This Policy applies to all Council tenants including employees, Councillors, contractors, volunteers and agents of Council.~~

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#### **4. PROCEDURE**

~~This Policy is to be applied in conjunction with Appeals Procedure SPO19-PR1.~~

#### **5. AUTHORISATION**

~~This Policy was duly authorised by Council as Torres Strait Island Regional Council Appeals Policy on 11 December 2018 and shall hereby supersede any previous policies of the same intent.~~

\_\_\_\_\_  
**Bruce Ranga**  
**Chief Executive**

**Date: 11 / 12 / 2018**

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# Housing Application Review Policy

**Responsible Manager**

Manager, Housing

**Head of power**

*Local Government Act 2009 (Qld)*  
*Local Government Regulation 2012 (Qld)*  
*Housing Act 2003 (Qld)*  
*Housing Regulation 2003 (Qld)*  
*Residential Tenancies and Rooming*  
*Accommodation Act 2008 (Qld)*  
*Social Housing Policy*

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**Authorised by**

Council

**Authorised on**

21 February 2018

**Implemented from**

February 2018

**Last reviewed**

May 2021

**Review history**

Nil

**To be reviewed on**

June 2023

**Corporate Plan**

People, Sustainability and Prosperity

## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the *Housing Application Review Policy*.

### 1.1. Overview

This policy sets out the principles to be followed when reviewing application for social housing. Council is to ensure the Register of Need is kept up-to-date and all applicants have a review of their approved application for housing completed every 12 months. Council aims to ensure:

- A) All information is up-to-date and accurate.
- B) Needs register is reviewed regularly to capture those in need of social housing assistance.

## 2. Application

This policy applies to all tenants, staff, Councillors, contractors, agents and assigns of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003*. This policy is to be applied in conjunction with *Social Housing Application Procedure and Housing Application Review Procedure*.

## 4. Provisions

- a) As a social housing provider under the *Residential Tenancies and Rooming Accommodation Act 2008*, Torres Strait Island Regional Council (Council) is committed to making decisions on social housing allocation based on current and correct information.
- b) keeping applicants' information up to date Council will ensure that allocations accurately reflect the current housing need of each Council division and that allocations are made to those applicants in the highest need.
- c) Each applicant for social housing will be required to update their household details and circumstances within 30 days of the Council review being implemented.
- d) An applicant may only be removed from the Register of Need:
  - i. if the applicant no longer requires housing; or
  - ii. after being advised in writing and given 14 days' notice.

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## 5. Authorisation

This Policy was duly authorised by Council as the Torres Strait Island Regional Council *Housing Application Review Policy* on xx June 2021 and shall hereby supersede any previous policies of the same intent.

CEO Name \_\_\_\_\_ Date: / / 21  
Acting Chief Executive Officer

## 1. POLICY STATEMENT

~~a) As a social housing provider under the Residential Tenancies and Rooming Accommodation Act 2008, Torres Strait Island Regional Council (Council) is committed to making decisions on social housing allocation based on current and correct information.~~

~~b) Council will ensure that the Register of Need (social housing waitlist) is kept up to date and all applicants have a review of their approved application for housing completed every 12 months.~~

~~c) By keeping applicants' information up to date Council will ensure that allocations accurately reflect the current housing need of each Council division and that allocations are made to those applicants in the highest need.~~

~~d) Each applicant for social housing will be required to update their household details and circumstances within 30 days of the Council review being implemented.~~

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- e) ~~An applicant may only be removed from the Register of Need:~~
- ~~i. if the applicant no longer requires housing; or~~
- ~~ii. after being advised in writing and given 14 days' notice.~~

## 2. ~~SCOPE~~

~~This policy applies to all Council social housing tenants, including employees, Councillors, contractors, agents and assigns of Council.~~

## 3. ~~PROCEDURE~~

~~This policy is to be applied in conjunction with Social Housing Application Procedure SPO10-PR1 and Housing Application Review Procedure SPO25-PR1.~~

## 4. ~~AUTHORISATION~~

~~This policy was duly authorised by Council as Torres Strait Island Regional Council Housing Application Review Policy on 21 February 2018 and shall hereby supersede any previous policies of the same intent.~~

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**Bruce Ranga**

**Date: 21 / 02 / 2018**

**Chief Executive Officer**

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# Housing Application Review Procedure

**Responsible Manager**

Manager, Housing

**Head of power**

*Local Government Act 2009 (Qld)*  
*Local Government Regulation 2012 (Qld)*  
*Housing Act 2003 (Qld)*  
*Housing Regulation 2003 (Qld)*  
*Residential Tenancies and Rooming Accommodation Act 2008 (Qld)*  
*Housing Application Review Policy*

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**Authorised by**

Council

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**Authorised on**

January 2018

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**Implemented from**

January 2018

**Last reviewed**

May 2021

**Review history**

Nil

**To be reviewed on**

June 2023

**Corporate Plan**

People, Sustainability and Prosperity

## 1. Relationship to Housing Application Review Policy

Council is strongly committed to ensuring that Housing Application Review Procedure of Torres Strait Island Regional Council directly correlates with Housing Application Review Policy and complies with all relevant legislations and regulations.

## 2. Application

This procedure applies to all TSIRC Social Housing tenants, applicants, staff, Councillors, contractors, volunteers and agents of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the Local Government Act 2009, Local Government Regulation 2012, and Councils Housing Application Review Policy.

## 4. Definitions

<u>Abbreviation</u>	<u>Definition</u>
<u>HC</u>	<u>Housing Coordinator</u>
<u>HM</u>	<u>Housing Manager</u>
<u>HO</u>	<u>Housing Officer</u>
<u>RNO</u>	<u>Register of Need Officer</u>

## 5. Register of Need Review Process

a) A dedicated Register of Need Officer will be managing the Register of Need review process in a confidential manner.

b) RNO to send each HO five applications for social housing every fortnight, starting with the oldest listed for that division.

c) HO to send applicants the *Housing Review* letter and a *Housing Review* form. The letter gives applicants the option to have their application removed by signing the attached declaration.

d) Applicants have 30 days to respond to the review letter. Based on the response, HO is required to do the following:

### 1. Applicant returns the review within 30 days

HO to check the review details against the Register of Need. If there are no changes to the number of household members or level of need, HO to send copy of review to RNO marked *review returned – no changes required*.

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HO will then issue the applicant with a letter to confirm the applicant can remain on the Register of Need at the same level of need.

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If the review shows that there has been a change to the applicant's household and/or need, HO to complete the *Application review checklist* and send to HC for approval. Once approved, HO issues the applicant with a letter to confirm the applicant can remain on the Register of Need at a different level of need and/or bedroom entitlement [i.e the applicant's children have left the Torres Strait].

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If the review shows that the applicant is no longer eligible HC will advise applicant, the reason why applicants shall be removed in writing using letter *Ineligible housing applicant*.

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HC will send advice to Housing inbox to remove the applicant from the Register.

## **2. Applicant returns the review letter to advise they no longer want to be registered for housing**

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HO to send a copy of the signed declaration to the Housing mailbox marked *Application for housing to be removed*.

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## **3. Applicant does not respond to review within 30 days**

HO to send a copy of *Register of Need application expiry or withdrawal* form to applicant. If applicant does not respond 14 days after HO has sent the letter, HO to send a copy to the Housing mailbox for RNO to remove the application.

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e) HO to use their Outlook calendar to track when letters are sent so if an applicant does not complete the review, the next letter is immediately sent.

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f) If applicant contacts Council after 30 days and is still in need of social housing, a new application with current date will be processed.

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g) RNO to record when reviews are sent out to ensure all actions are being tracked, reviews completed, and the Register of Need updated.

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h) Council will ensure that applicants are reviewed at least once every year.

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i) When HO hears that an applicant's circumstances have changed, HO to ensure a review is completed.

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j) Applicants can request a review of their housing need at any time. In this instance a review must be undertaken at the time of the request.

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## 6. Authorisation

This Procedure was duly authorised by Council as the Torres Strait Island Regional Council Housing Application Review Procedure on xx June 2021 and shall hereby supersede any previous procedures of the same intent.

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(CEO Name) \_\_\_\_\_ Date: / / 21

Chief Executive Officer

a) \_\_\_\_\_

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### 2. POLICY STATEMENT

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a) As a social housing provider under the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act), Torres Strait Island Regional Council (Council) uses a waitlist system to manage and allocate housing assistance applications under its jurisdiction; the waitlist is referred to as the Register of Need.

b) Council will ensure that the Register of Need (social housing waitlist) is kept up to date and all applicants have a review of their approved application for housing completed every 12 months.

c) By keeping applicants' information up to date Council will ensure that allocations accurately reflect the current housing need of each Council division and that allocations are made to those applicants in the highest need.

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d) Each applicant for social housing will be required to update their household details and circumstances within 30 days of the Council review being implemented.

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e) An applicant may only be removed from the Register of Need:  
i. if the applicant no longer requires housing; or  
ii. after being advised in writing and given 14 days' notice.

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### 3. SCOPE

This procedure applies to all Council social housing tenants, including employees, Councillors and assigns of Council.

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### 4. INTERPRETATION

HC means Housing Coordinator of Council

HM means Housing Manager

~~HO means Housing Officer~~

~~RNO means dedicated Register of need Officer~~

## ~~5. REGISTER OF NEED REVIEW PROCESS~~

~~b) A dedicated Register of Need Officer will be managing the Register of Need review process in a confidential manner.~~

~~c) RNO to send each HO five applications for social housing every fortnight, starting with the oldest listed for that division.~~

~~d) HO to send applicants the *Housing Review* letter – ECM No 101055 and a *Housing Review* form – ECM No 155022. The letter gives applicants the option to have their application removed by signing the attached declaration.~~

~~e) Applicants have 30 days to respond to the review letter. Based on the response, HO is required to do the following:~~

### ~~1. Applicant returns the review within 30 days~~

~~HO to check the review details against the Register of Need. If there are no changes to the number of household members or level of need, HO to send copy of review to RNO marked *review returned – no changes required*.~~

~~HO will then issue the applicant with a letter to confirm the applicant can remain on the Register of Need at the same level of need.~~

~~If the review shows that there has been a change to the applicant's household and/or need, HO to complete the *Application review checklist* – ECM No 168585 and send to HC for approval. Once approved, HO issues the applicant with a letter to confirm the applicant can remain on the Register of Need at a different level of need and/or bedroom entitlement [i.e the applicant's children have left the Torres Strait].~~

~~If the review shows that the applicant is no longer eligible HC will advise applicant the reason why applicants shall be removed in writing using letter *Ineligible housing applicant* ECM No 100240.~~

~~HC will send advice to Housing inbox to remove the applicant from the Register.~~

### ~~2. Applicant returns the review letter to advise they no longer want to be registered for housing~~

~~HO to send a copy of the signed declaration to the Housing mailbox marked *Application for housing to be removed*.~~

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### **3. Applicant does not respond to review within 30 days**

~~HO to send a copy of Register of Need application expiry or withdrawal ECM No 101054 form to applicant. If applicant does not respond 14 days after HO has sent the letter, HO to send a copy to the Housing mailbox for RNO to remove the application.~~

- ~~f) HO to use their Outlook calendar to track when letters are sent so if an applicant does not complete the review, the next letter is immediately sent.~~
- ~~g) If applicant contacts Council after 30 days and is still in need of social housing, a new application with current date will be processed.~~
- ~~h) RNO to record when reviews are sent out to ensure all actions are being tracked, reviews completed and the Register of Need updated.~~
- ~~i) Council will ensure that applicants are reviewed at least once every year.~~
- ~~j) When HO hears that an applicant's circumstances have changed, HO to ensure a review is completed.~~
- ~~k) Applicants can request a review of their housing need at any time. In this instance a review must be undertaken at the time of the request.~~

### **6. AUTHORISATION**

~~This procedure was duly authorised by me as Torres Strait Island Regional Council Housing Application Review Procedure on 15 January 2018 and shall hereby supersede any previous procedures of the same intent.~~



**John Coyle**  
**Executive Manager Housing Services**

**Date: 15 / 01 / 2018**

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# Housing Complaint Management Policy

<b>Responsible Manager</b>	Manager, Housing
<b>Head of power</b>	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Social Housing Policy</i> <i>Social Housing Application Policy</i>
<b>Authorised by</b>	Council
<b>Authorised on</b>	November 2017
<b>Implemented from</b>	November 2017
<b>Last reviewed</b>	May 2021
<b>Review history</b>	Nil
<b>To be reviewed on</b>	June 2023
<b>Corporate Plan</b>	People, Sustainability and Prosperity

## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Housing Complaint Management Policy.

### 1.1. Overview

This policy sets out the principles of how to manage a complaint when received. Our aim is to ensure:

- a) Clients who are not satisfied with tenancy management services are able to access Council's housing complaint process.
- b) Effective handling of client complaints through a promptly, professional, and transparent process.
- c) Clients trust the complaints management process will improve the quality of tenancy services provided as well as resolving disputes with respect and cultural sensitivity as appropriate.

This policy covers complaints lodged regarding the following Tenancy Management actions:

- a) Application for Social Housing process;
- b) Allocation of Housing process;
- c) Change of Tenancy process; and
- d) Rent Assessment process.

All other complaints shall be dealt with under Council's Complaint Management.

## 2. Application

This policy applies to all tenants, staff and applicants of TSIRC Social Housing Register.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003*.

## 4. Provisions

### 4.1. Tenant Complaint Levels

- a) **Level one:** Complaints are straightforward and have minimal impact on Council tenancy management; they require minimum investigation and shall be dealt with at the point of service.
- b) **Level two:** Complaints are of a more serious nature and have potential to impact negatively on Council's tenancy management standards. This level of complaint requiring substantial investigation shall be dealt with by the Manager Housing.
- c) **Level three:** Complaints are generally complex and significant and have potential to cause lasting detriment; they usually require comprehensive assessment and shall be dealt with by the Executive Manager Housing Services.



#### 4.2. Failure to abide by Council Principles

If a Council employee, Councillor, contractor or agent does not conduct themselves strictly in accordance with the Local Government and Ethics Principles, they shall be thoroughly investigated by appropriate personnel. If proven guilty, appropriate disciplinary actions in accordance with Council policies apply.

### 5. Authorisation

This Policy was duly authorised by Council as the Torres Strait Island Regional Council *Housing Complaint Management Policy* on xx June 2021 and shall hereby supersede any previous policies of the same intent.

---

**CEO Name**  
**Acting Chief Executive Officer**

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_21



## Notification Policy

Manager, Housing

### Head of power

Local Government Act 2009 (Qld)  
Local Government Regulation 2012 (Qld)  
Housing Act 2003 (Qld)  
Housing Regulation 2003 (Qld)  
Residential Tenancies and Rooming  
Accommodation Act 2008 (Qld)  
Social Housing Policy

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### Authorised by

Council

### Authorised on

17 April 2018

### Implemented from

April 2018

### Last reviewed

May 2021 ~~Nil~~

### Review history

Nil

### To be reviewed on

June 2023

### Corporate Plan

People, Sustainability and Prosperity

**NOTIFICATIONS POLICY**

**SPO27****1. Purpose**

Council is strongly committed to ensuring that the local government principles are reflected in the Notification Policy. Council is also committed to maintaining its status as a social housing provider under the Queensland State Regulatory System for Community Housing [QSRSCH].

**1.1. Overview**

This policy sets out the principles to be followed when notifying the Registrar of an event, decision or change as soon as practicable in accordance with the Queensland Registrar's guidelines.

**2. Application**

This policy applies to all tenants, staff, Councillors, contractors, agents and assigns of Council.

**3. Legislation/Policies**

This policy is established with reference to obligations specified in the *Housing Act 2003*.

**4. Provisions**

a) Council will notify the Queensland Registrar of any notifiable event, decision or change in its business operations that may:

- i. impact on Council's compliance under QSRSCH; or
- ii. damage the reputation of the community housing sector.

**5. Authorisation**

This Policy was duly authorised by Council as the Torres Strait Island Regional Council Notification Policy on xx June 2021 and shall hereby supersede any previous policies of the same intent.

CEO Name \_\_\_\_\_ Date:     /     /     21  
Acting Chief Executive Officer

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## 2. ~~POLICY STATEMENT~~

- a) ~~Torres Strait Island Regional Council (Council) is committed to maintaining its status as a social housing provider under the Queensland State Regulatory System for Community Housing [QSRSCH].~~
- b) ~~Council will notify the Queensland Registrar of any notifiable event, decision or change in its business operations that may:~~
  - i. ~~impact on Council's compliance under QSRSCH; or~~
  - ii. ~~damage the reputation of the community housing sector.~~
- e) ~~Council will notify the Registrar of the event, decision or change as soon as practicable in accordance with the Queensland Registrar's guidelines.~~

## 3. ~~SCOPE~~

~~This policy applies to all Council employees, Councillors, agents and assigns of Council.~~

## 4. ~~AUTHORISATION~~

~~This policy was duly authorised by Council as Torres Strait Island Regional Council Notifications Policy on 17 April 2018 and shall hereby supersede any previous policies of the same intent.~~

\_\_\_\_\_  
**Bruce Ranga**  
**Chief Executive Officer**

**Date: 17 / 4 / 2018**

# Rent Review Policy

Responsible Manager	Manager, Housing	
Head of power	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Community Housing Rent Policy for Indigenous Councils</i> <i>Rent Policy</i> <i>Social Housing Policy</i>	<div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div>
Authorised by	Council	<div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt, Italic</div> <div>Formatted: Font: 11 pt</div>
Authorised on	11 December 2018	<div>Formatted: Font: 11 pt, Italic</div>
Implemented from	November 2017	
Last reviewed	December 2018	
Review history	<u>May 2021</u> <del>2018</del>	
To be reviewed on	June 2023	
Corporate Plan	People, Sustainability and Prosperity	

## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the *Rent Review policy*.

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### 1.1. Overview

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This policy sets out the principles to be followed when a rent review is to be conducted. Council will conduct rent reviews on an annual basis, in compliance with the *Housing Regulation 2015* and the Assistance Agreement with the Department of Housing and Public Works.

## 2. Application

This policy applies to all tenants, staff, Councillors, contractors, agents and assigns of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003* and *Housing and Rooming Accommodation Act 2008*. This policy is to be applied in conjunction with *Rent Review Procedure*.

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## 4. Provision

- a) Council will generally set the date of review on the anniversary of the start date of a tenancy.
- b) Tenants may request a re-assessment of their rent at any time because of a decrease of income or a change in household circumstances. Tenants must advise Council of the changes within 28 days of the changes occurring.
- c) Tenants must provide written evidence of any change in household circumstances, using Council forms.
- d) If the tenant provides the necessary evidence within 28 days of the document request, the rent is backdated to the date the change occurred.
- e) If the tenant provides the necessary evidence after the expiry of the 28 days period, the effective date of the reviewed rent (if deemed reviewable) shall be from the date the evidence is provided.
- f) Each rent assessment shall be electronically recorded, as an audit requirement.
- g) If the rent payable increases as the result of a rent review, 4 weeks written notice to tenants will be provided. Rent shall not be increased between rent reviews.
- h) Rent cannot be increased during a fixed term agreement unless it is stated in the tenancy agreement along with the amount.

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### Minimum rent

- a) Tenants are required to pay the full amount of rent assessed. The exception being when Council charges the tenant minimum rent or a reduced rent during the review when:
  - i. tenant is in severe economic difficulty;
  - ii. tenant is in a temporary absence due to incarceration, domestic violence, hospitalisation or rehabilitation. Evidence is required.
- b) The minimum rent is based on 10% of the dependant rate of Youth Allowance and is payable for sole tenants only with no other household members.
- c) Minimum rent can only be used for existing tenants and should not be used to allocate public housing to applicants with no income.

### Guaranteed rent period

- a) To encourage household members in receipt of a Centrelink income to enter the workforce and minimise associated costs, household members can apply for a *guaranteed rent period*.
- b) A guaranteed rent period is a guaranteed period of six months where rent will not increase due to a household member having an increase in their income due to commencing work.
- c) A guaranteed rent period is not an entitlement but a benefit; therefore household members should apply within 28 days of the household member commencing work.

### 5. Authorisation

This Policy was duly authorised by Council as the Torres Strait Island Regional *Council Rent Review Policy* on **xx June 2021** and shall hereby supersede any previous policies of the same intent.

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\_\_\_\_\_  
CEO Name Date: / / 21

\_\_\_\_\_  
Acting Chief Executive Officer,

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### 1. POLICY STATEMENT

- a) As a housing provider under the ~~Housing and Rooming Accommodation Act~~ 2008, Torres Strait Island Regional Council (Council) will conduct rent reviews

on an annual basis, in compliance with the *Housing Regulation 2015* and the Assistance Agreement with the Department of Housing and Public Works.

- b) ~~Council will generally set the date of review on the anniversary of the start date of a tenancy.~~
- c) ~~Tenants may request a re-assessment of their rent at any time because of a decrease of income or a change in household circumstances. Tenants must advise Council of the changes within 28 days of the changes occurring.~~
- d) ~~Tenants must provide written evidence of any change in household circumstances, using Council forms – refer Rent Review Procedure SPO22-PR1.~~
- e) ~~If the tenant provides the necessary evidence within 28 days of the document request, the rent is backdated to the date the change occurred.~~
- f) ~~If the tenant provides the necessary evidence after the expiry of the 28 days period, the effective date of the reviewed rent (if deemed reviewable) shall be from the date the evidence is provided.~~
- g) ~~Each rent assessment shall be electronically recorded, as an audit requirement.~~
- h) ~~If the rent payable increases as the result of a rent review, two month's written notice to tenants will be provided. Rent shall not be increased between rent reviews.~~
- i) ~~Rent cannot be increased during a fixed term agreement unless it is stated in the tenancy agreement along with the amount.~~

#### **~~Minimum rent~~**

- a) ~~Tenants are required to pay the full amount of rent assessed. The exception being when Council charges the tenant minimum rent or a reduced rent during the review when:~~
  - i. ~~tenant is in severe economic difficulty;~~
  - ii. ~~tenant is in a temporary absence due to incarceration, domestic violence, hospitalisation or rehabilitation.~~
- b) ~~The minimum rent is based on 10% of the dependant rate of Youth Allowance and is payable for sole tenants only with no other household members.~~
- c) ~~Minimum rent can only be used for existing tenants and should not be used to allocate public housing to applicants with no income.~~

#### **~~Guaranteed rent period~~**

- a) ~~To encourage household members in receipt of a Centrelink income to enter the workforce and minimise associated costs, household members can apply~~



~~for a guaranteed rent period.~~

- ~~b) A guaranteed rent period is a guaranteed period of six months where rent will not increase due to a household member having an increase in their income due to commencing work.~~
- ~~c) A guaranteed rent period is not an entitlement but a benefit; therefore household members should apply within 28 days of the household member commencing work.~~

## ~~2. SCOPE~~

~~This policy applies to all Council housing tenants, including employees, Councillors, contractors, agents and assigns of Council.~~

## ~~3. PROCEDURE~~

~~This policy is to be applied in conjunction with Rent Review Procedure SPO22-PR1.~~

## ~~4. AUTHORISATION~~

~~This policy was duly authorised by Council as Torres Strait Island Regional Council Rent Review Policy on 11 December 2018 and shall hereby supersede any previous policies of the same intent.~~

\_\_\_\_\_  
**Bruce Ranga**  
**Chief Executive Officer**

**Date: 11 / 12 / 2017**

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# Rent Review Procedure

**Responsible Manager**

Manager, Housing

**Head of power**

*Local Government Act 2009 (Qld)*  
*Local Government Regulation 2012 (Qld)*  
*Housing Act 2003 (Qld)*  
*Housing Regulation 2003 (Qld)*  
*Residential Tenancies and Rooming  
Accommodation Act 2008 (Qld)*  
*Social Housing Policy*  
*Rent Review Policy*  
*Rent Policy*  
*Rent Procedure*

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**Authorised by**

Council

**Authorised on**

16 April 2018

**Implemented from**

16 April 2018

**Last reviewed**

May 2021

**Review history**

Nil

**To be reviewed on**

June 2023

**Corporate Plan**

People, Sustainability and Prosperity

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## 1. Relationship to Rent Review Policy

Council is strongly committed to ensuring that Rent Review Procedure of Torres Strait Island Regional Council directly correlates with Rent Review policy and complies with all relevant legislations and regulations.

## 2. Application

This procedure applies to all TSIRC Social Housing tenants, applicants, staff, Councillors, contractors, volunteers and agents of Council.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the Local Government Act 2009, Local Government Regulation 2012, and Councils Rent Review Policy.

## 4. Definition

Abbreviation	Definition
CHRC	Community Housing Rent Calculator
HM	Housing Manager
HO	Housing Officer
GTA	General Tenancy Agreement

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### 4.5. Process

- a) ~~Housing Officer (HO)~~ will set the date of review on the anniversary or within four weeks of the start date of a new tenancy.
- b) If a tenant requests a re-assessment of their rent outside of the annual review process, HO will ask the tenant for the required documentation [proof of income, household details form, condition report, etc] within five (5) working days of the tenant's request and provide the tenant a due date for the documentation to be returned to Council [28 days after request].
- c) Rent assessments must be completed using the Department of Housing and Public Works' ~~Community Housing Rent Calculator (CHRC)~~ available online: <https://rentcalculator.hpw.qld.gov.au/Home/StartCalculatePost>.
- d) HO shall be guided by the Department of Housing and Public Works' Community Housing Rent Policy for Indigenous Council.

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d)

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f)e) -Assessment can be done in front of tenant and shall be provided to tenant within five (5) working days from receipt of tenant documentation and can only be completed when tenants have provided full evidence of the changes.

g)f) HO will enter the market rent in the rent box of page 2 of the tenant's general tenancy agreement and attach the page showing the income-calculated rent to the GTA.

h)g) If the rent is reduced for other reasons that household income, mention should be made in the "special terms" on the last page of the GTA, as such:  
Condition of dwelling:  
Rent is \$ xxx per fortnight as at [date] – *due to 20% discount for condition of house.*

i)h) Income-calculated rent must include decimal figures, for example \$123.68 and not be rounded up or down.

j)i) HO will attach the last page only of the rent assessment obtained from the Community Housing Rent Calculator to tenant's file and send to Housing Inbox for processing to Debtors Team. HO will advise tenant to change their deduction if they pay rent by direct debit. No other documents [Centrelink assessment, payslip, etc] shall be attached to the TechOne file.

If a tenant's circumstances change and rent must be increased back to market rent, HO will provide tenant a 4 weeks~~two month's~~ notice using Housing's Notice of Rent increase letter and advise Debtors when the notice is due. The Rent Procedure can also provide further clarification.

## 6. Authorisation

This Procedure was duly authorised by Council as the Torres Strait Island Regional Council Rent Review Procedure on xx June 2021 and shall hereby supersede any previous procedures of the same intent.

\_\_\_\_\_  
(CEO Name) Date: / / 21  
Chief Executive Officer

## 5. POLICY STATEMENT

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~~a) As a housing provider under the Housing Act 2003, Torres Strait Island Regional Council (Council) shall conduct regular rent reviews or as determined by the Chief Executive Officer, in compliance with the Housing Regulation 2003 and the Assistance Agreement with the Department of Housing and Public Works.~~

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~~b) Council will set out the review program across one whole calendar year, with all tenants having an annual rent review.~~

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~~c) Council will generally set the date of review on the anniversary of the start date of a tenancy.~~

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~~d) Tenants may request a re-assessment of their rent at any time because of a decrease of income or a change in household circumstances. Tenants must advise Council of the changes within 28 days of the changes occurring.~~

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~~e) Tenants must provide written evidence of any change in household circumstances.~~

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~~f) If the tenant provides the necessary evidence within 28 days of the document request, the rent is backdated to the date the change occurred.~~

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~~g) If the tenant provides the necessary evidence after the expiry of the 28 days period, the effective date of the reviewed rent [if deemed reviewable] shall be from the date the evidence is provided.~~

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~~h) Each rent assessment shall be electronically recorded, as an audit requirement.~~

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~~i) If the rent payable increases as the result of a rent review, two month's written notice to tenants will be provided. Rent shall not be increased between rent reviews.~~

~~j) Rent cannot be increased during a fixed term agreement unless it is stated in the tenancy agreement along with the amount.~~

#### ~~Minimum rent~~

~~a) Tenants are required to pay the full amount of rent assessed. The exception being when Council charges the tenant minimum rent or a reduced rent during the review when:~~

~~i. tenant is in severe economic difficulty;~~

~~ii. tenant is in a temporary absence due to incarceration, domestic violence, hospitalisation or rehabilitation.~~

~~b) The minimum rent is based on 10% of the dependant rate of Youth Allowance and is payable for sole tenants only with no other household members.~~

~~c) Minimum rent can only be used for existing tenants and should not be used to allocate public housing to applicants with no income.~~

#### ~~Guaranteed rent period~~

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~~a) To encourage household members in receipt of a Centerlink income to enter the workforce and minimise associated costs, household members can apply for a guaranteed rent period.~~

~~b) A guaranteed rent period is a guaranteed period of six months where rent will not increase due to a household member having an increase in their income due to commencing work.~~

~~c) A guaranteed rent period is not an entitlement but a benefit; therefore household members should apply within 28 days of the household member commencing work.~~

## ~~6. SCOPE~~

~~This procedure applies to all Council social housing tenants, including employees, Councillors, contractors, agents and assigns of Council.~~

## ~~7. PROCEDURE~~

~~k) Housing Officer (HO) will set the date of review on the anniversary or within four weeks of the start date of a new tenancy.~~

~~l) If a tenant requests a re-assessment of their rent outside of the annual review process, HO will ask the tenant for the required documentation [proof of income, household details form, condition report, etc] within five (5) working days of the tenant's request and provide the tenant a due date for the documentation to be returned to Council [28 days after request].~~

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~~m) Rent assessments must be completed using the Department of Housing and Public Works' Community Housing Rent Calculator (CHRC) available online: <https://rentcalculator.hpw.qld.gov.au/Home/StartCalculatePost>.~~

~~n) HO shall be guided by the Department of Housing and Public Works' Community Housing Rent Policy for Indigenous Council.~~

~~o)~~

~~p) Assessment can be done in front of tenant and shall be provided to tenant within five (5) working days from receipt of tenant documentation and can only be completed when tenants have provided full evidence of the changes.~~

~~q) HO will enter the market rent in the rent box of page 2 of the tenant's general tenancy agreement and attach the page showing the income-calculated rent to the GTA.~~

~~r) If the rent is reduced for other reasons that household income, mention should be made in the "special terms" on the last page of the GTA, as such:~~

~~Condition of dwelling:~~

~~Rent is \$ xxx per fortnight as at [date] due to 20% discount for condition of house.~~

~~s) Income-calculated rent must include decimal figures, for example \$123.68 and not be rounded up or down.~~

~~t) HO will attach the last page only of the rent assessment obtained from the Community Housing Rent Calculator to tenant's file and send to Housing Inbox for processing to Debtors Team. HO will advise tenant to change their deduction if they pay rent by direct debit. No other documents [Centrelink assessment, payslip, etc] shall be attached to the TechOne file.~~

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~~u) If a tenant's circumstances change and rent must be increased back to market rent, HO will provide tenant a two month's notice using Housing's Notice of Rent increase letter and advise Debtors when the notice is due.~~

~~Refer to Rent Procedure SPO13-PR1 for further details.~~

## ~~8. AUTHORISATION~~

~~This procedure was duly authorised by Council as Torres Strait Island Regional Council Rent Review Procedure on 16 April 2018 and shall hereby supersede any previous policies of the same intent.~~

~~John Coyle~~

~~Date: / / 2020~~

~~Executive Manager Housing Services~~

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# Tenancy Breach Policy

Responsible Manager

Manager, Housing

Head of power

*Local Government Act 2009 (Qld)*  
*Local Government Regulation 2012 (Qld)*  
*Housing Act 2003 (Qld)*  
*Housing Regulation 2003 (Qld)*  
*Residential Tenancies and Rooming  
Accommodation Act 2008 (Qld)*  
*Social Housing Policy*

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Authorised by

Council

Authorised on

11 December 2018

Implemented from

September 2017

Last reviewed

~~December 2018~~May 2021

Review history

2018

To be reviewed on

June 2023

Corporate Plan

People, Sustainability and Prosperity

## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Tenancy Breach Policy. Council has an obligation to ensure tenants respect the properties and communities they live in by fulfilling obligations under their tenancy agreement.

### 1.1. Overview

This policy sets out the principles to be followed when a breach is to be issued to a tenant, household member or a housing client within reason. Our aim is to ensure:

- a) Council's policies and procedures provide the means for tenancies to be managed in a pro-active manner, which aims to work with and educate tenants on how to ensure compliance with the Acts and sustain their tenancy.
- b) If a tenant is in breach, tenant is in breach of their responsibilities, Council will take reasonable steps to assist tenants remedy the breach.

## 2. Application

This policy applies to all tenants, staff and applicants of TSIRC Social Housing Register.

## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003*. This Policy is to be applied in conjunction with *Tenancy Breach Procedure*.

## 4. Provisions

The General Tenancy Agreement (GTA), Residential Tenancies and Rooming Accommodation Act (Qld) 2008 and the Housing Act (Qld) 2003 set out the rights and responsibilities of both tenants and Council.

Council's policies and procedures provide the means for tenancies to be managed in a pro-active manner, which aims to work with and educate tenants on how to ensure compliance with the Acts and sustain their tenancy.

When either party breaches the terms of these Acts either party has the right to seek remedy of the breach.

Notices to remedy a breach may be issued when:

- a) the rent payable under a tenancy agreement has remained unpaid for at least seven days after Council's last attempt to contact tenant; or
- b) the tenant has breached another term of the agreement, such as:
  - i. used the premises or any property adjoining the premises for an illegal activity; or

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ii. intentionally or recklessly destroyed or seriously damaged a part of the premises; or

iii. interfered significantly with the reasonable peace, comfort or privacy of other tenants or other tenants' use of their premises.

Council must give the tenant a Notice to remedy breach within the allowed remedy period in accordance with the Acts.

In seeking remedy for a breach by a tenant, Council staff must ensure that they fulfil the requirements of the Acts and the GTA.

If the tenant fails to remedy the breach within the allowed remedy period, Council may make an application for Dispute Resolution with the Residential Tenancies Authority.

If a breach is not resolved, Council may issue a Notice to Leave, requesting that the tenant vacates the premises.

If a tenant fails to vacate a property after the prescribed handover date on the Notice to Leave, Council may apply to the Queensland Civil Administrative Tribunal for a Termination Order to effectively end the tenancy.

Tenants can access Council's complaint process if they are dissatisfied with a decision made by Council.

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## **5. ~~Authorisation of Property Allocation~~**

### **6.5. AUTHORISATION**

This Policy was duly authorised by Council as the Torres Strait Island Regional Council ~~Allocation of Housing Tenancy Breach~~ Policy on xx June 2021 and shall hereby supersede any previous policies of the same intent.

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\_\_\_\_\_  
CEO Name  
Acting Chief Executive Officer

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_21

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# Tenancy Breach Procedure

## ~~—~~Rent in Arrears

Responsible Manager	Manager, Housing
Head of power	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Tenancy Breach Policy</i> <i><u>Social Housing Policy</u></i>
Authorised by	<u>Council</u> <del>Chief Executive Officer</del>
Authorised on	24 November 2017
Implemented from	24 November 2017
Last reviewed	<u>May 2021</u> <del>Nil</del>
Review history	Nil
To be reviewed on	June 2023
Corporate Plan	People, Sustainability and Prosperity

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## 1. Relationship to Tenancy Breach Policy

Council is strongly committed to ensuring that Tenancy Breach Procedure Rent in Arrears Policy of Torres Strait Island Regional Council directly correlates with Tenancy Breach Policy and complies with all relevant legislations and regulations.

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## 2. Application

This procedure applies to all TSIRC Social Housing tenants, applicants, staff, Councillors, contractors, volunteers and agents of Council.

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## 3. Legislation/Policies

This policy is established with reference to obligations specified in the Local Government Act 2009, Local Government Regulation 2012, and Councils Tenancy Breach Policy.

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## 4. Definitions

Abbreviation	Definition
Act	Residential Tenancies and Rooming Accommodation
HM	Housing Manager
HO	Housing Officer
Notice	Notice to Remedy breach
QCAT	Queensland Civil and Administrative Tribunal
QP	Queensland Police
RTA	Residential Tenancy Authority

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## 5. Process

### Notice to Remedy Breach

#### 5.1

a) When Council believes on reasonable grounds that a tenant has breached a term of the tenancy agreement [rent in arrears] and all efforts have been exhausted to engage with the tenant, Housing Manager will issue the tenant with a Notice to remedy breach - RTA Form 11 that includes:

- i) details of the breach; and
- ii) date by which the breach must be remedied.

b) A Notice to remedy breach provides the tenant with a minimum of 14 days to remedy the breach. This exceeds the requirements under the Act, which allows a minimum of seven (7) days to remedy a breach. This is to take into account the remote location of Council tenancies and Council's commitment to supporting tenants to successfully sustain their tenancies.

c) Housing Officer must maintain on file all evidence of engagement with the tenant, QCAT, QP and any other relevant party, such as emails, letters, phone calls, appointments, home visits if applicable. This information may be necessary should a matter proceed through to QCAT.

d) Housing Manager will provide HO the Notice to deliver to the tenant in breach if the tenant is in community. If the tenant resides in another location, HO will post a copy of the Notice to any other known address of the tenant. A cover letter shall accompany the notice and any copy of the notice.

e) The tenant can remedy the breach by paying the arrears amount in full before the breach expires or by entering into and maintaining an arrears repayment agreement.

#### 5.2 Dispute Resolution

a) If a breach is not remedied within the prescribed timeframe, HM will apply to the RTA to commence conciliation through the dispute resolution process, using Dispute resolution request – RTA Form 16.

b) Council shall be guided by the requirements of the RTA at all levels of the dispute resolution process.

c) Where conciliation is successful and a payment plan is agreed to, HM will arrange for the tenant to sign an arrears repayment plan. HO will monitor the plan to ensure that repayments are met.

d) HO shall request from the Conciliator that any agreement reached through the dispute process be written into a "Conciliation Agreement".

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### 5.3 Failure to reach agreement or tenant breaks Conciliation Agreement

a) In the event the conciliation process fails to resolve the breach or tenant breaks the RTA Conciliation Agreement by failing to make payments in accordance with the arrears repayment plan, Council shall recommence the breach process, this time with the view to proceed to a Notice to leave if required.

b) When Council is satisfied that a tenant has breached the arrears repayment plan and/or Conciliation Agreement and again all efforts have been exhausted to engage with the tenant, HM will issue the tenant with a new Notice to remedy breach (as outlined in 4.1a) of this procedure) for the rent the tenant is currently in arrears. The Notice will include:

- i) details of the breach;
- ii) date by which the breach must be remedied.

c) HM to ensure that this Notice reflects all current arrears including any further arrears which may have accumulated since the time the first Notice was issued.

d) The Notice to remedy breach provides the tenant with a minimum of 14 days to remedy the breach.

4. If a breach is not remedied within the prescribed timeframe, HM will proceed to issue a Notice to leave – RTA Form 12 - for failing to remedy breach [rent in arrears]. POLICY STATEMENT

a) Community housing is a limited resource in the Torres Strait and Torres Strait Island Regional Council (Council) expects its tenants to respect the properties and communities they live in and meet their obligations under their tenancy agreement. Council places great emphasis on mutual responsibility in the relationship between Council as the lessor and community housing tenants.

b) The General Tenancy Agreement (GTA), Residential Tenancies and Rooming Accommodation Act (Qld) 2008 and the Housing Act (Qld) 2003 set out the rights and responsibilities of both tenants and Council.

c) Council's policies and procedures provide the means for tenancies to be managed in a pro-active manner, which aims to work with and educate tenants on how to ensure compliance with the Acts and sustain their tenancy.

d) When either party breaches the terms of these Acts either party has the right to seek remedy of the breach.

e) If Council becomes aware that a tenant is in breach of their responsibilities, Council will take reasonable steps to assist tenants remedy the breach.

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~~f) Notices to remedy a breach may be issued when:~~

~~i. all or part of rent payable under a tenancy agreement has remained unpaid for at least seven days after rent was due or Council's last attempt to contact tenant; or~~

~~ii. the tenant has breached another term of the agreement, such as:~~

a. ~~used the premises or any property adjoining the premises for~~ an illegal activity; or

~~b. intentionally or recklessly destroyed or seriously damaged a part of the premises; or~~

~~c. — interfered significantly with the reasonable peace, comfort or privacy of neighbours or other tenants' use of their premises.~~

~~g) Council must give the tenant a Notice to remedy breach allowing a minimum of seven (7) days for the breach to be remedied in accordance with the Act.~~

~~h) \_\_\_\_\_ In seeking remedy for a breach by a tenant, Council staff must ensure that they fulfil the requirements of the Acts and the GTA.~~

~~i) If the tenant fails to remedy the breach within the allowed remedy period Council may make an application for Dispute Resolution with the Residential Tenancies Authority.~~

~~j) If a breach is not remedied, Council may issue a Notice to leave, requesting that the tenant vacates the premises.~~

k) — If a tenant fails to vacate a property after the prescribed handover date on the Notice to leave, Council may apply to the Queensland Civil Administrative Tribunal (QCAT) seeking a Termination Order to effectively end the tenancy.

~~1) Tenants can access Council's complaint process if they are dissatisfied with a decision made by Council.~~

## ~~2. SCOPE~~

~~This procedure applies to all Council tenants including employees, Councillors, contractors, volunteers and agents of Council.~~

### ~~3. Notice to Leave~~ **INTERPRETATION**

1

~~Act means the Residential Tenancies and Rooming Accommodation Act (Qld) 2008~~

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~~HM means Housing Manager of Council~~

~~HO means Housing Officer of Council~~

~~Notice means Notice to remedy breach~~

~~QCAT means Queensland Civil and Administrative Tribunal~~

~~QP means Queensland Police~~

~~RTA means Residential Tenancies Authority – the body administering the Act~~

#### 5.4

a) A Notice to Leave is Council's last available option and will only be issued when all other avenues to resolve rent arrears have been exhausted and unsuccessful.

b) A Notice to Leave gives the tenant a minimum of 18 days to vacate the premise. This exceeds the requirements under the Act, which allows seven (7) days. This is to take into account the remote location of tenancies managed by Council and Council's commitment to support its tenants in sustaining their tenancy successfully.

If the tenant fails to hand vacant possession back on or after the prescribed period indicated on the Notice to leave, Council on next business day will apply to QCAT to seek a Termination Order for failure to leave under section 293 of the Act. ~~PROCESS~~

#### 5.5 Tribunal Hearing

a) Once the application is lodged and processed by QCAT, Council and tenant will receive a notice to attend a hearing, including the date, time and location of the hearing.

b) The hearing shall be held in the division where the tenancy dispute is located. For divisions where the Magistrate does not sit, HM shall make arrangements with the courts for a hearing to be held as part of an adjacent division's regular hearings, within a suitable timeframe. HM shall keep a record of all correspondence to and from QCAT on file.

#### 5.6 Termination Order

a) Council shall make an application to QCAT seeking an order for termination due to the tenant's failure to leave under section 293 of the Act. QCAT may or may not issue the tenant with the termination order.

b) If a termination order is granted, QP will be forwarded a copy of the Warrant of Possession (WOP) and generally have 14 days to execute the warrant, unless otherwise stated in the QCAT order.

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c) HM shall make all efforts to communicate with Queensland Police and the tenant to ensure the process proceeds with as little complication and impact on the tenant as reasonably possible.

d) HM shall take all reasonable steps to inform the tenant of the date QP intends to execute the WOP and that the tenant understands failure to do so will result in QP intervention to enforce the tribunal's decision.

This is the final stage in the breach process and no further appeal can be made to remain in the property by the tenant.

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## 6. Authorisation

This Procedure was duly authorised by Council as the Torres Strait Island Regional Council Tenancy Breach Procedure on xx June 2021 and shall hereby supersede any previous procedures of the same intent.

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\_\_\_\_\_  
(CEO Name) Date: / / 21

Chief Executive Officer

### 4.1 Notice to remedy breach

a) When Council believes on reasonable grounds that a tenant has breached a term of the tenancy agreement [rent in arrears] and all efforts have been exhausted to engage with the tenant, Housing Manager will issue the tenant with a Notice to remedy breach - RTA Form 11 that includes:

i) details of the breach;

ii) date by which the breach must be remedied.

b) A Notice to remedy breach provides the tenant with a minimum of 14 days to remedy the breach. This exceeds the requirements under the Act, which allows a minimum of seven (7) days to remedy a breach. This is to take into account the remote location of Council tenancies and Council's commitment to supporting tenants to successfully sustain their tenancies.

c) Housing Officer must maintain on file all evidence of engagement with the tenant, QCAT, QP and any other relevant party, such as emails, letters, phone calls, appointments, home visits if

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applicable. This information may be necessary should a matter proceed through to QCAT.

d) — Housing Manager will provide HO the Notice to deliver to the tenant in breach if the tenant is in community. If the tenant resides in another location, HO will post a copy of the Notice to any other known address of the tenant. A cover letter shall accompany the notice and any copy of the notice — refer Appendix

A — Letter to tenant — Notice to remedy breach.

The tenant can remedy the breach by paying the arrears amount in full before the breach expires or by entering into and maintaining an arrears repayment agreement.

#### 1. — Dispute resolution

a) — If a breach is not remedied within the prescribed timeframe, HM will apply to the RTA to commence conciliation through the dispute resolution process, using Dispute resolution request — RTA Form 16.

b) — Council shall be guided by the requirements of the RTA at all levels of the dispute resolution process.

c) — Where conciliation is successful and a payment plan is agreed to, HM will arrange for the tenant to sign an arrears repayment plan. HO will monitor the plan to ensure that repayments are met.

d) — HO shall request from the Conciliator that any agreement reached through the dispute process be written into a “Conciliation Agreement”.

#### 4.3 — Failure to reach agreement or tenant breaks Conciliation Agreement

a) — In the event the conciliation process fails to resolve the breach or tenant breaks the RTA Conciliation Agreement by failing to make payments in accordance with the arrears repayment plan, Council shall recommence the breach process, this time with the view to proceed to a Notice to

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~~leave if required.~~

~~b) — When Council is satisfied that a tenant has breached the arrears repayment plan and/or Conciliation Agreement and again all efforts have been exhausted to engage with the tenant, HM will issue the tenant with a new Notice to remedy breach (as outlined in 4.1a) of this procedure) for the rent the tenant is currently in arrears. The Notice will include:~~

~~i. details of the breach;~~

~~ii. date by which the breach must be remedied.~~

~~c) — HM to ensure that this Notice reflects all current arrears including any further arrears which may have accumulated since the time the first Notice was issued.~~

~~d) — The Notice to remedy breach provides the tenant with a minimum of 14 days to remedy the breach.~~

~~e) — If a breach is not remedied within the prescribed timeframe, HM will proceed to issue a Notice to leave — RTA Form 12 — for failing to remedy breach [rent in arrears].~~

## ~~2. — Notice to leave~~

~~a) — A Notice to leave is Council's last available option and will only be issued when all other avenues to resolve rent arrears have been exhausted and unsuccessful.~~

~~b) — A Notice to leave gives the tenant a minimum of 18 days to vacate the premise. This exceeds the requirements under the Act, which allows seven (7) days. This is to take into account the remote location of tenancies managed by Council and Council's commitment to support its tenants in sustaining their tenancy successfully.~~

~~c) — If the tenant fails to hand vacant possession back on or after the prescribed period indicated on the Notice to leave, Council on next business day will apply to QCAT to seek a Termination Order for failure to leave under section 293 of the Act.~~

## ~~4. — TRIBUNAL HEARING~~

~~a) — Once the application is lodged and processed by QCAT, Council and tenant will receive a~~

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notice to attend a hearing, including the date, time and location of the hearing.

b) The hearing shall be held in the division where the tenancy dispute is located. For divisions where the Magistrate does not sit, HM shall make arrangements with the courts for a hearing to be held as part of an adjacent division's regular hearings, within a suitable timeframe. HM shall keep a record of all correspondence to and from QCAT on file.

## 5. TERMINATION ORDER

- a) Council shall make an application to QCAT seeking an *order for termination due to the tenant's failure to leave* under section 293 of the Act. QCAT may or may not issue the tenant with the termination order.
- b) If a termination order is granted, QP will be forwarded a copy of the Warrant of Possession (WOP) and generally have 14 days to execute the warrant, unless otherwise stated in the QCAT order.
- c) HM shall make all efforts to communicate with Queensland Police and the tenant to ensure the process proceeds with as little complication and impact on the tenant as reasonably possible.
- d) HM shall take all reasonable steps to inform the tenant of the date QP intends to execute the WOP and that the tenant understands failure to do so will result in QP intervention to enforce the tribunal's decision.

This is the final stage in the breach process and no further appeal can be made to remain in the property by the tenant.

## 6. AUTHORISATION

This procedure was duly authorised by me as Torres Strait Island Regional Council r Breach Procedure Rent in Arrears on 24 November 2017 and shall hereby supersede any previous procedures of the same intent.



John Coyle

Date: 24 / 11 / 2017

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## **~~Executive Manager Housing Services~~**



# Tenant Absence Policy

Responsible Manager	Manager, Housing
Head of power	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Housing Act 2003 (Qld)</i> <i>Housing Regulation 2003 (Qld)</i> <i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i> <i>Social Housing Policy</i>
Authorised by	Council
Authorised on	21 February 2018
Implemented from	February 2018
Last reviewed	<i>May 2021</i> <del>Nil</del>
Review history	Nil
To be reviewed on	June 2023
Corporate Plan	People, Sustainability and Prosperity

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## 1. Purpose

Council is strongly committed to ensuring that the local government principles are reflected in the Tenant Absence Policy.

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### 1.1 Overview

This policy sets out the principles to be followed when a tenant is absent from property for extended periods of time. As a social housing provider under the Residential Tenancies and Rooming Accommodation Act 2008, Torres Strait Island Regional Council aims to ensure:

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- a) Supportive tenancy management services to successfully sustain long-term tenancies;
- b) Compliance with relevant RTA regulations; and
- c) Tenant situations are considered and not disadvantaged through council's decision making.

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## 2. Application

This policy applies to all tenants, staff, Councillors, contractors, agents and assigns of Council.

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## 3. Legislation/Policies

This policy is established with reference to obligations specified in the *Housing Act 2003*. This policy is to be applied in conjunction with Abandoned Properties Policy.

## 4. Incarceration

Where a tenant is incarcerated, tenant must:

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- a) Continue to comply by GTA responsibilities;
- b) Ensure there are arrangements for yard maintenance; and
- c) Ensure TSIRC is aware of period of absence to avoid any suspect of abandonment.

If the tenant is incarcerated for six months and over, the tenancy will be terminated immediately. Consultation will be had with appropriate Councillor and PBC if needed, to identify appropriate household member to succeed the tenancy or appropriate applicant from TSIRC needs register to become tenant.

If the tenant is incarcerated for less than six months, a tenant absence application will be required for completion with incarceration advice attached. Councillors of appropriate division is to be notified.

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## 5. Provisions

- a) Tenant are allowed to be away from their property for up to eight weeks without obtaining approval.

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- b) During any period of absence, tenants are required to keep paying their rent.

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c) Absences eight weeks or more (maximum of five months), tenants must seek prior approval from the TSIRC Housing Unit and provide evidence to support their requests, regardless of the reason of absence.

d) Each request will be assessed on a case-by-case basis and tenants will be required to provide evidence to substantiate the need for absence.

e) Tenant Absence requests are based on individual circumstances and may be declined provided the decision is justified and documented.

f) TSIRC will reassess the tenants need for ongoing housing assistance where the tenant is absent from property for unreasonable periods (beyond approved absent period / more than three months or in total a six-month period).

g) The tenant can appoint a caretaker in tenant's absence. A caretaker is not automatically entitled to live in the house. Tenants must receive written approval from Council for a caretaker to live in the house.

h) Tenants are encouraged to provide interim contact details or caretaker details to ensure TSIRC is aware of tenant whereabouts should any damage to property is reported, or abandonment is suspected.

i) A temporary absence of longer than 12 months will not be approved unless for exceptional circumstances.

j) If Council has still not heard from tenant, the house will be deemed abandoned and Council will commence the abandonment process – refer Abandoned Properties Policy.

k) In some cases, TSIRC will consider applying reduced rent or minimum rent.

## 6. Authorisation

This Policy was duly authorised by Council as the Torres Strait Island Regional Council *Tenant Absence Policy* on xx June 2021 and shall hereby supersede any previous policies of the same intent.

\_\_\_\_\_  
CEO Name Date: / / 21

\_\_\_\_\_  
Acting Chief Executive Officer

## 4. POLICY STATEMENT

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- a) ~~As a social housing provider under the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act), Torres Strait Island Regional Council (Council) is committed to:~~
- ~~i. providing a supportive tenancy management service to assist tenants to successfully sustain their tenancies; and~~
  - ~~ii. ensuring compliance with the Act.~~
- b) ~~As part of their agreement with Council and pursuant to the Act (ss10 and 184) the tenant may use the premises only as a place of residence or mainly as a place of residence. A tenant's absence for eight weeks at a time or for a total of eight weeks in a 12 month period does not need to be approved. Tenants are required to keep paying their rent during their absence.~~
- c) ~~Council requires the tenant to advise in writing when they are going to be absent from their home for more than eight weeks and up to 12 months.~~
- d) ~~The tenant must provide fair reasons for their extended absence, such as medical treatment, education, employment, cultural or family reasons. The tenant is responsible for payment of rent during the extended absence.~~
- e) ~~The tenant can appoint a caretaker in tenant's absence. A caretaker is not automatically entitled to live in the house. Tenants must receive written approval from Council for a caretaker to live in the house.~~
- f) ~~A "temporary" absence of longer than 12 months will not be approved unless for exceptional circumstances.~~
- g) ~~If a tenant does not return at the end of an approved period of absence, Council will attempt to contact the tenant to discuss their intentions.~~
- h) ~~If Council has still not heard from tenant, the house will be deemed abandoned and Council will commence the abandonment process — refer Abandoned Properties Policy SPO23.~~

## **~~2. SCOPE~~**

~~This policy applies to all Council housing tenants, including employees, Councillors, contractors, agents and assigns of Council.~~

## **~~3. PROCEDURE~~**

~~This policy is to be applied in conjunction with Tenant Absence Procedure SPO24-PR1.~~

## **~~4. AUTHORISATION~~**

~~This policy was duly authorised by Council as Torres Strait Island Regional Council Tenant Absence Policy on 21 February 2018 and shall hereby supersede any previous policies of the same intent.~~