Local government compliance checklist

Policies, Processes, Registers, Records and other matters

This document lists policies, processes and records that local governments must have in place to comply with the requirements of the <u>Local Government Act 2009</u> (LGA) and <u>Local Government Regulation 2012</u> (LGR). Note that some requirements differ for Brisbane City Council, in accordance with the *City of Brisbane Act 2010* and City of Brisbane Regulation 2012.

This information is a guide only. Whilst every effort has been made to include all relevant policies, processes, registers, records and other matters local governments must have in place. it is essential councils satisfy themselves that they have met all legislative requirements and have all necessary arrangements in place.

Item	Requirement	Mandatory elements	When	Status
Policies				
Acceptable request guidelines s170A(7) LGA	Adopt acceptable request guidelines (by resolution)	 How a councillor may ask for information (including a document) or advice to help them carry out their responsibilities Place reasonable limits on requests a councillor may make 	Ongoing	Officer Current: Yes / No
Guidelines for administrative support staff s170AA LGA s171A COBA	CEO may make guidelines about the provision of administrative support by local government employees to a councillor	 When a councillor may be provided with support How and when a councillor can give a direction to a local government employee in relation to administrative support State that councillors can only give directions to a local government employee if it relates directly to administrative support provided by the employee under the guidelines 	Ongoing	Officer Current: Yes / No
Community grants policy s195 LGR	Adopt a policy about local government grants	The criteria for a community organisation to be eligible for a grant	Ongoing	Officer Current: Yes /
Entertainment and hospitality policy s196 LGR	Adopt a policy about council spending on entertainment and hospitality	A local government may spend money on entertainment/hospitality only in a way that is consistent with its entertainment /hospitality policy	Ongoing	Officer Current: Yes / No
Advertising spending policy s197 LGR	Adopt an advertising spending policy about local government spending on advertising	 The local government may spend money on advertising only in a way that is consistent with the policy: to provide information or education to the public 	Ongoing	Officer Current: Yes / No

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Item	Requirement	Mandatory elements	When	Status
		o the information or education is provided in the public interest		
Expenses reimbursement policy s249-251 LGR	 Adopt an expenses reimbursement policy Publish a public notice of the policy Amend by resolution at any time 	 Payment of reasonable expenses incurred by councillors for discharging their duties that will be reimbursed Provision of facilities that will be provided for councillors to fulfil their duties 	Ongoing	Officer Current: Yes / No
Investment policy s191 LGR	Adopt an investment policy	 Council's investment objectives and overall risk philosophy Procedures for achieving the goals related to investment stated in the policy 	Ongoing	Officer Current: Yes / No
Debt policy s192 LGR	 Adopt a debt policy for the financial year Review annually for each financial year 	 New borrowings planned for the current financial year and next nine financial years Period over which the council plans to repay existing and new borrowings 	Annually	Officer Completed: Yes / No
Revenue policy s193 LGR	 Adopt a revenue policy for the financial year Review annually in enough time before annual budget 	The policy must state the principles the local government intends to apply for: levying rates charges, granting concessions for rates and charges, recovering overdue rates and charges and charges and cost recovery methods If the local government intends to grant concessions, the purpose of concessions granted Extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development May state guidelines for preparing the local government's revenue statement	Annually	Officer Completed: Yes / No
Procurement policy s198 LGR	 Adopt a procurement policy Review annually for each financial year 	Must include the details of the principles, including the sound contracting principles, that council will apply for purchasing goods and services	Annually	Officer Completed: Yes / No
Contract manual s222 LGR	 A local government must make and adopt a contract manual 	 The contract manual must: Apply sound contracting principles Be consistent with and support the strategic direction of the five-year corporate plan Be consistent with council's contract plan if the council has adopted one A policy about how to deal with non-current assets with a value of less than \$5,000 for plant and 	Ongoing	Officer Completed: Yes / No

Item	Requirement	Mandatory elements	When	Status
		equipment or less than \$10,000 for other non-current assets (s 224(8) LGR)		
Model Meeting Procedures s150F-150G LGA	 Adopt the Model Meeting Procedures OR Adopt other procedures consistent with the Model Meeting Procedures (e.g. Standing Orders) 	The meeting procedures must be consistent with the Model Meeting Procedures made by the chief executive of the department including: Process for how the chairperson may deal with a councillor's unsuitable meeting conduct Process for how the councillors may deal with the chairperson's unsuitable meeting conduct Procedure for how a suspected conduct breach of a councillor referred by the Independent Assessor will be dealt with at a meeting Procedure for Prescribed Conflict of Interest Procedure for Declared Conflict of Interest Procedure for reporting a suspected conflict of interest Procedure to deal with a loss of quorum Recording prescribed and declarable conflicts of interest Procedure for closing meetings to the public	Ongoing	Officer Completed: Yes / No
Investigation policy s150AE LGA	Adopt an investigation policy by local government resolution	The policy must provide how to deal with a suspected conduct breach referred to the local government by the Independent Assessor including: Procedure for investigating suspected conduct breaches referred by the Independent Assessor State when another entity may investigate Be consistent with natural justice principle: give the councillor information about the suspected conduct give the councillor preliminary findings of the investigation before the investigation report is prepared allow the councillor to give evidence/written submission about the suspected conduct and preliminary findings must consider any evidence/written submission	Ongoing	Officer Completed: Yes / No

Item	Requirement	Mandatory elements	When	Status
		given by the councillor and include it in the investigation report Require the local government to prepare a report about each investigation and that must be made available to public (with redactions) Require the local government to give notices to councillors, complainants and the OIA about the outcome of investigations Procedure about when the local government may decide not to start, or to discontinue, an investigation under section 150AEA LGA and give the councillor and complainant a notice if an investigation is not started/discontinued (these decisions must be recorded in the councillor conduct register). The decision of the investigation, any orders made under s150AH must be recorded in the councillor conduct register		
Processes Local law-making s29 LGA	A local government may decide its own process for making its local laws by local government resolution	Ensure the local law making process is consistent with LGA (local laws chapter 3, part 1) The local government must: Ensure local laws are drafted to comply with the Parliamentary Council guidelines for local laws and subordinate laws Amend or repeal existing local laws that are inconsistent with new local laws Carry out community consultation prior to making a local law (except interim or model local laws) Conduct a state interest check and consult with relevant government entities (including local laws that incorporate a model local law) Let the public know that a local law has been made and publish a notice in the gazette and on the local government website within 1 month	Ongoing	Officer Completed: Yes / No

Item	Requirement	Mandatory elements	When	Status
		 Keep a local law register that the public may inspect A local government MUST NOT make a local law about network connections or election advertising (s35 -36 LGA). Give the Minister a copy of the local law and the gazette notice within 14 days of the publishing of the notice 		
Apply the Competitive Neutrality Principal S43 - 48 LGA, Chapter 3 Division 4 Subdivision 1 and 2LGR	 Adopt a process for business reform including competitive neutrality 	 The local government must: Apply the competitive neutrality principal where relevant Adopt a process for resolving competitive neutrality complaints 		
Administrative action complaints process s268 LGA, s306 LGR	Adopt a process that manages all administrative action complaints from their receipt to resolution	 The local government must: Adopt a written complaints management process with written policies and procedures to support the process: must cover all administrative action complaints respond to complaints quickly and efficiently in a fair and objective way criteria that will be considered when assessing whether to investigate a complaint will inform an affected person of the decision How all complaints, decisions and recommendations will be recorded: record and ensure the public may inspect the complaints management process at the public office and the website of the local government ensure internal reports are provided to management identify, analyse, and respond to trends monitor the complaints management process 	Ongoing	Officer Completed: Yes / No
Registers				
Local law register s31 LGA s14 LGR	Keep a register of local laws Make the register available for inspection at the local government's public office	 Name of each local law Its purpose and general effect 	Ongoing	Officer Completed: Yes / No

Item	Requirement	Mandatory elements	When	Status
	and displayed on its website			
Roads map and register s74 LGA s57 LGR	 Prepare and keep updated a map of every road in the local government area and a register of the roads Make the map and the register available to the public 	The roads and map register must include: The category of every road The level of every road that has a fixed level The length of every road in kilometres/metres If the road is formed, gravelled pavement or sealed pavement — the length and width of the formed, gravelled pavement or sealed pavement or sealed pavement or sealed pavement part Public inspection of the road and map register and obtain a copy of the register or a certificate about the category and levels of the roads	Ongoing	Officer Completed: Yes / No
Register of cost recovery fees	 Keep a register of all cost- recovery fees Make the register available 	 The type of cost-recovery fee The provision of the legislation authorising the action for which the 	Ongoing	Officer
s98 LGA	to the public	cost-recovery fee has been levied (s97(2) LGA)		Yes / No
Asset register	 The financial management system established by the local government must 	 The Asset Register must include: All non-current physical assets 		Officer
\$104(5)(b) LGA \$180 LGR	require the local government to: • Prepare and keep an up- to-date asset register		Ongoing	Completed: Yes / No
Councillor conduct register s150DX-s150DY LGA	A local government must keep an up-to-date councillor conduct register about: o orders made about unsuitable meeting conduct including the chairperson and councillors o decisions not to start, or to discontinue, investigations of suspected conduct breaches by councillors referred by the Office of the Independent Assessor (OIA) (s150AEA, LGA)	The content of the register must include decisions about: An order by a chairperson of a local government meeting against a councillor for unsuitable meeting conduct An order by the local government against the chairperson for unsuitable meeting conduct A decision/orders by local government about suspected conduct breach of a councillor referred by the OIA A decision by the local government not to start or discontinue an investigation referred by the OIA A decision/orders about misconduct or related conduct breach of a councillor by the CCT	Ongoing	Officer Completed: Yes / No

Item	Requirement	Mandatory elements	When	Status
Registers of interests of councillors, councillor advisors, chief executive officers and related persons S201A, 201B and 201C LGA s290 LGR, Schedule 5 and 5A LGR S198A, S198B and 198C COBA	o decisions about suspected conduct breaches referred by the OIA to the local government by the Odecisions of the Councillor Conduct Tribunal (CCT) about misconduct or a conduct breach odecisions of the OIA to take no further action • A local government must keep an up-to-date register of interests: o A councillor, CEO, councillor advisor or senior executive employee must prepare a register of interests within 30 days of election or appointment o update the register of interests within 30 days of any changes to their interests o Prepare an annual return for registers of interest within 30 days of end of the financial year (30 July	 All decisions about complaints must include: a summary of the decision and reasons for the decision name of the councillor if the local government or the CCT decided the councillor engaged in misconduct, or related conduct breach, or the councillor agrees to have their name included date of the decision The particulars required to be recorded in the register of interests are provided in schedule 5 and 5A of the LGR: Financial and non-financial interests of a councillor, CEO, councillor advisor or senior executive employee and their related persons (spouse, a person totally or substantially dependant on the councillor, CEO, advisor or senior executive employee, and are their child or a person whose affairs are so closely connected that a benefit derived by the person could flow to the officer). 	Ongoing - kept until 10 years after councillor's term or a CEO , Advisor, or senior executive employee's appointment ends	Officer
Other records			Within an days of	Officer
Record of the taking of declaration of office s169(4) LGA s254 LGR	The CEO must keep a record of the taking of a councillor's declaration of office	 Councillor's name Confirmation that councillor took declaration within 30 days after being appointed or elected 	Within 30 days of being appointed or elected	Officer Completed: Yes / No
Records about conflicts of interest at meetings s150FA LGA	Record in the minutes: o any conflicts of interest declared at the meeting including conflicts councillors have declared in ordinary	The information that must be recorded: Councillor name Particulars of the conflict of interest and how it relates to the councillor Whether the councillor leaves the meeting and when (before or after vote)	Ongoing	Officer Completed: Yes / No

Item	Requirement	Mandatory elements	When	Status
	business or other matters o suspected conflicts of other councillors raised at the meeting o any decisions by the eligible councillors	 If the councillor decides to stay, how each eligible councillor voted and the reasons for the final decision of all councillors and any conditions applied If the councillor participated in deciding the matter or was present under an approval from the Minister 		
Record of directions given to the CEO s170(5) LGA	CEO must keep a record of each direction given to them by the mayor, and it must be made available to the local government	The mayor may give a direction to the CEO. However, this must not be given if: it is inconsistent with a resolution it relates to the appointment of a local government employee it relates to disciplinary action by the CEO in relation to a local government employee (s197 LGA) it would result in the CEO contravening a provision of an Act No councillor or mayor may give direction to an employee except about administration support (s170AA LGA) Contravention of these provisions is misconduct	Ongoing	Officer Completed: Yes / No
Land record s154 LGR	A local government must keep a land record detailing specific information about each parcel of rateable land. The public may inspect the land record (s155 LGR)	The record must include: Name and postal address of the owner A description of the land, including its location and size Its value and the day of effect of the relevant valuation under the Land Valuation Act 2010 Information about rates or charges levied as specified in s92 LGA and s154 LGR	Ongoing	Officer Completed: Yes / No
Record of financial management risks and control measures s164 LGR	A local government must keep a record of risks to which local government operations are exposed, to the extent they relate to financial management	The local government must: Keep along with the record a copy of the community grants policy, entertainment and hospitality policy, advertising spending policy, and procurement policy Operational risks related to financial management Control measures adopted to manage the risks	Ongoing	Officer Completed: Yes / No
Other matters				
CEO performance appraisal	Mayor must conduct a CEO performance appraisal at least annually	 The annual review must be conducted in a way that is decided by the local government 	At least annually	Officer

Item	Requirement	Mandatory elements	When	Status
s12(4)(d) LGA				Completed: Yes / No
Insurance	Maintain public liability insurance for \$30 million	The local government may enter into a contract of insurance with Work Cover	Ongoing	Officer
s107 LGA s214 LGR	and professional indemnity insurance for \$10 million	Queensland or other insurers to cover its councillors	Oligonia	Completed: Yes / No
Organisational	Adopt an organisational			Officer
structure	structure (by resolution) allowing council to meet	• N/A	Ongoing	
s196 LGA	its responsibilities, noting that the CEO is responsible for appointing employees	1911		Completed: Yes / No

Documents that must be published

Item	Requirement	When	Status
Public access must be available to particular local government documents s199 LGR	The local government documents include: Five-year corporate plan Annual budget General purpose financial statement Community financial report Annual report Investment policy Debt policy Community grants policy Procurement policy The documents must be: On website Available at public office Available for purchase	Always	Officer: Current: Yes / No
Local law register s31 LGA s14 LGR	On websiteAvailable at public office	Always	Officer: Current: Yes / No
Councillor conduct register s150DX-150DZ LGA	On websiteAvailable at public officeAvailable for purchase	Always	Officer:
Process for resolving administrative action complaints s306 LGR	On websiteAvailable at public officeInclude related policies and procedures	Always	Officer:
Investigation policy s150AE(4) LGA	On website	Always	Officer: Current: Yes / No
Registers of interests of councillors s295 LGR	On website (councillors only, not including registers for related persons)	Extract of current registers always	Officer:

Item	Requirement	When	Status
	Available at public office (councillors only, not including registers for related persons)	available on website, updated within five business days after CEO notified of any change, and records of all current registers of interests available at public office until 10 years after councillor leaves office	Current: Yes / No
Expenses reimbursement policy s251 LGR	On websiteAvailable at public officeAvailable for purchase	Always, updated as soon as practicable after adopted or amended	Officer: Current: Yes / No
Council and committee minutes s254F LGR	 On website Available at public office Available for purchase once confirmed Include any reports not published with agenda 	Advisory Committees may be exempt from keeping minutes.	Officer: Current: Yes / No

Notices

Item Re	equirement	When	Status
Notice of the days and times of all ordinary and committee meetings S254B LGR	 On website and in other ways the local government considers appropriate Displayed in a conspicuous place at public office 	At least once in each year, and re-notified if days and times change	Officer: Current: Yes / No
Meeting agendas S254D LGR	 On website Available at public office Includes any reports or documents unless confidential documents For both full council and committee meetings 	Agendas and all reports and documents – published within one business day after the agenda is made available to councillors or committee members Late reports and documents – as soon as practicable after being sent to councillors	Officer: Current: Yes / No
Notice of discretionary funds budgeted for each financial year s201B LGR	On websiteDisplayed in a conspicuous place at public office	Within 20 business days of adopting the budget	Officer: Current: Yes / No
Notice of allocation of discretionary funding s202 LGR	On website Displayed in a conspicuous place at public office	Within seven business days after the CEO is notified	Officer: Current: Yes / No

Item Re	quirement	When	Status
	Publish a notice for each time new discretionary funding is allocated		
Notice containing details of any contracts worth \$200,000 or more \$237 LGR	 On website Displayed in a conspicuous place at public office 	As soon as practicable after entering into contract, for at least 12 months	Officer: Current: Yes / No
Notice of making a local law s29B LGA	In gazetteOn website	Within one month of making the local law	Officer: Current: Yes / No
Notice of closing roads s69 LGA	Published in any way council considers appropriate (including on the website for example)	As required	Officer: Current: Yes / No
Notice of approved inspection program s134(6) LGA	On website and in other ways the local government considers appropriate	At least 14 but not more than 28 calendar days before the start of the program	Officer:
Invitation to fill councillor vacancy in final 12 months of term s166B(5) LGA	 On website, and advertised in other ways the CEO considers appropriate Does not apply if vacancy must be filled by a party appointee 	Within 14 calendar days of the vacancy	Officer:
If directed, publish Minister remedial actions s116(5) LGA	 In a newspaper circulation in the local government area On website 	As directed by the Minister	Officer: Completed: Yes / No / NA
Notice of legal proceedings to an owner of rateable land s239 LGA	 If owner is known to be absent from the state, serve a document on an owner's agent in the State Owner's current address - if uncertain about the owner's address, publish a notice that contains a copy of the document on the website Publish a notice, that contains a summary of the document, in a newspaper circulating generally throughout Queensland and in the government Gazette 	As required	Officer: Completed: Yes / No / NA

For more information

Visit housing.qld.gov.au/local-government, click the link below to log into LG Central, phone of 3452 7148 during office hours, or email LGDCapability@dsdilgp.qld.gov.au.



