

Statement

Of Affairs

of the Nebo  
Shire Council

August 2006



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## Introduction

This statement of Affairs for the Nebo Shire Council is published by Council in accordance with the requirements of Section 18(1) of the Freedom of Information Act 1992.

The publication of a Statement of Affairs is designed to acquaint the community with the decision-making structure of government bodies and the functions they administer.

While Council acknowledges its statutory obligations to meet certain minimum requirements, this document is intended to provide information on a much broader scale and presents a comprehensive overview of Council's organisation, its relationship with the community and avenues of public access all in a consolidated user friendly format.

The information contained herein will be updated and published periodically and it is hoped users will find the document both informative and practical when seeking access to Council.



Mark Crawley  
Chief Executive Officer  
Nebo Shire Council

10 August 2006

## **Mission Statement**

***“To enhance the diversity of Nebo Shire  
and serve the Nebo Shire Community  
through excellence in Local Government.”***

## Functions

Broadly speaking, the primary role of Local Government is to assume responsibility for the “good rule of government in its area”. In performing this role, the functions of Council are many and varied and may be grouped into five major categories:-

1. **Service Functions** – the provision of a wide range of property and “people” services such as:-

refuse collection	water supply
sewerage	drainage
roads/streets	public health
libraries	recreation
toilets	parks
environmental health	street lighting
community services, etc.	sporting facilities

2. **Regulatory functions** – control and administration of laws governing:-

building	town planning
environmental health	subdivisions
noxious weeds	animals
advertising	parks, etc.

3. **Representation functions** – Council’s Elected Members have a duty to represent and to act in the interest of the community and electors.
4. **Community Planning and Co-ordinating Functions** – Council plays an important role in providing a focus for planning and co-ordination of services and facilities provided by Government agencies, voluntary and community groups. Council also provides direct and indirect support and assistance for sporting, cultural and recreational activities.
5. **Participation functions** – Council provides channels for community participation in policies and decisions affecting the community.

The introduction of the Local Government Act 1993 provides a legal framework for an effective, efficient and accountable system of Local Government in Queensland and enshrines the changes that have been occurring in the role, responsibilities and structure of local government over the past decade.

Change continues without precedent stretching resources to the limit, as the demands and expectations placed on Council by the Federal and State Governments and residents multiply.

## **The Council**

The Nebo Shire Council is charged with the good rule and government of the Nebo Shire. The shire covers an area of 10,008 square kilometres and has a population of 2,500 people. Council members of the divided area comprise a total of nine: a Mayor, and eight Councillors. These representatives are elected every four years by the electors of the Nebo Shire.

### **Present Members:**

Mayor	Councillor Robert Oakes
Deputy Mayor	Councillor Caroline McFadzen
Councillors	Councillor Dan Comerford Councillor Rosslyn Hanrahan Councillor Wendy Western Councillor Ian Fry Councillor Joy Deguara Councillor Mark McKenzie Councillor Trevor Shelley

### ***Committee Structure***

The Council is the decision making body and matters for consideration of a general nature are directed through the General Meeting that is held on the second Thursday of each month. Council also meet on the fourth Thursday of each month to discuss matters of a Works, Health, Town Planning and Finance nature at it's Works, Health, Town Planning and Finance Meeting and matters for consideration should be directed prior.

Councillors are also represented on a number of other committees.

Council meets on the second and fourth Thursday of each month. Meetings are generally held in the Boardroom at 10 Reynolds Street commencing at 9.00am and are open to the public. Items to be considered by Council are to be addressed to the Chief Executive Officer and received by the first and third Thursday of each month before the close of the agenda.

### **Agendas and Minutes**

A schedule of Agenda subject headings to be discussed at the meeting is available to the public at the time the meeting agenda is made available to Councillors.

“Unconfirmed” Minutes are available for public inspection within 10 days after the end of the meeting.

“Confirmed” Minutes are available for purchase by the public at the earliest possibility following confirmation by Council.

## **General Information**

### ***Community Participation***

#### ***Meetings***

There are a number of methods by which members of the public may have their views on particular issues brought to the attention of a meeting of a committee or of the Council. These are by:-

- written request: a member of the public can write to the Council on any Council Policy, activity or service. All correspondence should be addressed to the Chief Executive Officer;
- petitions: written petitions can be addressed to the Council on any issue within the Council's jurisdiction;
- deputations: with the permission of the Chairperson or the Mayor, a member of the public can address a Committee or the Council personally or on behalf of a group of residents;
- objections: when certain matters, for example development applications and the making of local laws, are being considered by the Council, the proposals are publicly advertised and members of the community have the opportunity to write to Council and express their views;
- question time: a Question Time is available to residents at the commencement of Council meetings. Persons wishing to submit a question should give two working days written notice of the question to the Chief Executive Officer.
- elected members: members of the public can contact their elected members of Council to discuss any issue relevant to Council.

It can be seen from the variety of functions performed by Council that its decisions have a considerable impact on the community. Council encourages public participation in important issues involving the development of its laws, policies, projects and plans and welcomes input from the community in regard to public relations.

In order for Council to maximize community participation, the community needs to be informed and kept informed of the role, functions and objectives of Council. This document for example, is just one of the ways Council can do this as part of an overall approach.

Council also uses the local press to advise the community on matters of interest mainly via direct press releases and at times through the public notices column.

Public image and good public relations is most important and Council has an extensive range of information available to the community. This can be obtained by contacting the Council Office with your enquiries.

## ***Committee Representations***

Councillors and senior officers serve on a number of Committees within the community and externally and a copy is available from the Shire Office. These include:-

Braeside Saleyards Committee  
Glenden & District Youth Sport & Recreation Committee  
Workplace Health and Safety & QA Committee  
Nebo/Broadsound Land Care Committee  
Mackay Regional Council for Social Services  
Nebo Community Emergency Services Building Committee  
Nebo Museum Committee  
Enterprise Bargaining Committee  
Pest Management Committee  
LAWMAC  
Nebo Community Housing Committee  
Regional Arts Development Fund  
Regional Community Forum  
Nebo Township Swimming Pool Committee  
Primary Health Care Committee  
Hinterland Tourism Economic Development Committee  
Mackay Regional Area Consultative Committee  
Nebo Shire Counter Disaster Committee  
Lake Elphinstone Alliance  
North Queensland Local Government Association  
North Queensland Games Committee  
Mackay Tourism Authority  
Coppabella Committee  
Mackay Whitsunday Regional Economic Development  
Whitsunday Hinterland and Mackay Bowen Regional Organisation of Council's  
Mackay Whitsunday Natural Resource Management Group Inc.  
CPMG (Capricorn Pest Management Group)  
MRPMG (Mackay Regional Pest Management Group)

## ***Rights of Objection and Appeal***

This document has already stated that Council encourages and supports active community participation and open access to Council. Another aspect that the community should be aware of is its right to objection and appeal, e.g. in accordance with the provisions of the Local Government (Planning and Environment) Act, applicants have the right of appeal associated with development applications. Also, the new Environmental Protection Act 1994 has similar provisions.

As this is a formal and quite prescriptive process for applicants to go through, Council officers are available to provide any assistance to objectors by way of advice of how, where and when and to whom the objections and appeals have to be made. Additionally, Council provides free of charge, brochures prepared by the Queensland Department of Local Government, Planning, Sport and Recreation which describes the approval and objections process to applicants.

Avenues for internal review in respect to other Council decisions are available by making a submission through the Chief Executive Officer. The matter may, depending on its nature, be dealt with by the Chief Executive Officer or referred for recommendation to the Council.

### ***Judicial Review*** (Request for Statement of Reasons)

The Judicial Review Act provides for a mechanism to review how decisions are made – that is, to ensure the process of decision making is administratively correct. In essence a review is not concerned with the actual outcome of decision making but rather whether the decision maker was lawful in sense or within scope of authority according to facts found by decisions maker and relevant law.

Applicants requesting a Statement of Reasons must do so in writing. The request does not have to be in any particular form or terms of reference to the Judicial Review Act. It should be addressed to the Chief Executive Officer who issues the decision. The request has to be made to the decision maker.

Applicants must lodge their request within twenty-eight days of receipt of notice of the terms of a decision.

Where no notification has been given, it is the discretion of the decision maker as to what is a reasonable time period.

## ***Access to Council Documents***

### ***Documents Available for Inspection***

Council is required by legislation, other than the Freedom of Information Act 1992 (FOI), to keep certain documents and to make these documents available for inspection. The following is a list of the kinds of documents that are usually available for inspection at the Council as required by legislation other than FOI:

Road Map	Road Register
Register of Local Planning Policies	State Planning Policies
Policies	Interim Development Permit Register
Minutes of Council Meetings	Minutes of Committee Meetings
Rate Book	Books of Account
Statements of Account	Financial Statements
Register of Impounded Animals	
Register of Notices Given (Building Act)	
Planning Study prepared in relation to the Planning Scheme in force	
Register of Existing Lawful Non-Conforming Uses	
Register (Environmental Act)	
Code of Conduct	

### ***Documents available for Purchase***

Copies may be purchased of many of the documents held by Council. These include:

Council's Local Laws/Policies	Council Minutes
Council's Policies	Annual Financial Statements
Town Planning Scheme	Corporate Plan
Town Planning Maps	Annual Report
Strategic Plan	Street Name Index
Statement of Affairs	

In addition, there is a wide range of information brochures and explanatory leaflets available from the Office free of charge to residents. These relate to matters of:

health care	community development
pet care	recreation
cultural development	local government
WaterWise etc.	

## ***Freedom of Information Requests***

Requests for information not provided in the “Access to Council Documents” will be considered in accordance with the Freedom of Information Act. Under this legislation, an applicant may make an application, in writing, seeking access to documents of the local Council.

Application forms are available from the designated Council Officers responsible for Freedom of Information requests at the Council office. Applications need not be in the official form, provided they are in writing and provide certain information concerning the documents sought, to enable the documents to be identified.

If the documents being sought are personal affairs documents of the applicant, no application fee is payable. If the documents being sought are non-personal affairs documents, an application fee is required from the applicant and is usually set by the Department.

The Council has directed its Chief Executive Officer to deal with FOI applications on its behalf. This officer acts as Council’s FOI Co-ordinator. Members of the community are encouraged to contact the FOI Co-ordinator to discuss access to Council’s documents and their rights under FOI. FOI applications should be addressed to:

FOI Co-ordinator  
Nebo Shire Council  
PO Box 21  
NEBO QLD 4742

The telephone number is 4950 5133

## ***Amendment of Information***

A person who has had access to a Council document and believes that information contained in the document relating to his or her personal affairs are inaccurate, incomplete, out of date or misleading, may apply to the Council for correction or amendment of that information.

## ***Policies of the Council***

The adoption of policies is an essential part of Council's strategy for achieving its long and short term goals to guide decision making for both Council as a whole and in the context of delegated powers. In short, policies are statements of agreed intent or actions which set out clearly Council's views on particular issues or actions.

Decision making by Council is reliant substantially on legal requirements and clearly established policy. When making decisions, Council will reference existing policy as the basis by which it will make its decision.

For example, when a Council officer puts a report to Council, the officer will identify the existing policy which will provide the basis for the recommendation. (This is usually by title and date of adoption.) Additionally, it is usual to clarify how the recommendation is consistent with Council objectives and policies. This is done by reference to the appropriate provisions of the policy.

Council's policies are continuously reviewed to ensure they comply to changes in legislation, local laws, corporate restructuring or community expectations.

## **Organisation**

### ***Corporate Plan***

The Nebo Shire Council has adopted a Corporate Plan to assist the Council in providing progressive and responsive government of its area. This plan includes a Mission Statement and Council's Guiding Principles and sets out Strategies and Major Initiatives aimed at achieving broader Objectives for the future and includes Performance Indicators to monitor progress. The plan will be reviewed each year.

## ***Resources***

Nebo Shire Council operates a programme based structure to manage and report on its financial activities. Specific areas of programme activity are managed by Managers who are in turn responsible to the Council through the Chief Executive Officer.

## ***Delegations Register***

In any effective organisation, the need to delegate powers and functions to officers in order for them to effectively carry out and implement the policy and discretion of Council and management is essential.

The position in local government is that Council has, within certain specified constraints, statutory power to delegate various management, accounting, engineering, health, planning, sub-divisional and building powers etc. to elected members, Committees or specified officers.

Accordingly the Chief Executive Officer has been delegated authority from the Council to make decisions on certain matters of administration and policy. This has been done to facilitate an efficient and timely response to situations where it is lawful and expedient for the decision making power to be delegated.

## ***Structure***

Following is a layout of Council's Corporate Structure and reporting mechanism.



# Nebo Shire Council

## Organisation Structure

