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MINUTES OF PROCEEDINGS

**The 4654 (Special) meeting of the Brisbane City Council,**

**held at City Hall, Brisbane**

**on Thursday 24 June 2021**

**at 6.20pm**

**Prepared by:**

**Council and Committee Liaison Office**

**Governance, Council and Committee Services**

**City Administration and Governance**

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## PRESENT:

The Right Honourable, the LORD MAYOR (Councillor Adrian SCHRINNER) – LNP

The Chair of Council, Councillor Andrew WINES (Enoggera Ward) – LNP

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| **LNP Councillors (and Wards)**  | **ALP Councillors (and Wards)** |
| Krista ADAMS (Holland Park) (Deputy Mayor)Greg ADERMANN (Pullenvale)Adam ALLAN (Northgate)Lisa ATWOOD (Doboy)Tracy DAVIS (McDowall)Fiona HAMMOND (Marchant) Vicki HOWARD (Central) Steven HUANG (MacGregor)Sarah HUTTON (Jamboree)Sandy LANDERS (Bracken Ridge)James MACKAY (Walter Taylor) Kim MARX (Runcorn)Peter MATIC (Paddington)David McLACHLAN (Hamilton)Ryan MURPHY (Chandler)Angela OWEN (Calamvale)Steven TOOMEY (The Gap) (Deputy Chair of Council) | Jared CASSIDY (Deagon) (The Leader of the Opposition)Peter CUMMING (Wynnum Manly)Steve GRIFFITHS (Moorooka)Charles STRUNK (Forest Lake) |
| **Queensland Greens Councillor (and Ward)**Jonathan SRI (The Gabba) |
| **Independent Councillor (and Ward)**Nicole JOHNSTON (Tennyson) |

## OPENING OF MEETING:

The Chair, Councillor Andrew WINES, opened the meeting with prayer and acknowledged the traditional custodians, and then proceeded with the business set out in the Agenda.

Chair: Please be seated. I declare the meeting open.

Councillors, are there any apologies?

## APOLOGIES:

**860/2020-21**

An apology was submitted on behalf of Councillor Fiona CUNNINGHAM, and she was granted leave of absence from the meeting on the motion of Councillor Sandy LANDERS, seconded by Councillor Sarah HUTTON.

Chair: Councillors, I draw your attention—

Councillor CASSIDY: Sorry, Chair. Yes, yes, I have an apology.

Chair: Excuse me, Councillor CASSIDY.

**861/2020-21**

An apology was submitted on behalf of Councillor Kara COOK, and she was granted leave of absence from the meeting on the motion of Councillor Jared CASSIDY, seconded by Councillor Charles STRUNK.

## CONSIDERATION OF NOTIFIED MOTION – Investment Policy; Debt Policy; Partial Rebate of Rates and Charges (Pensioners) Policy; Partial Rebate of Rates and Charges (First Home Owners) Policy; Partial Rebate of General Rates (Not-for-profit Organisations) Policy; Payment for overdue rates or charges Policy; Partial Rebate of Rates and Charges (JobSeeker) Policy; Partial Rebate of Rates and Charges (Not-for-profit kindergartens) Policy; Infrastructure charges debt management Policy; Delegations to the Chief Executive Officer; Brisbane Infrastructure Charges Resolution (No. 10) 2021; and Report of the Establishment and Coordination Committee dated 14 June 2021:

*(Notified motions are printed as supplied and are not edited)*

**862/2020-21**

The Chair of Council (Councillor Andrew WINES) then drew the Councillors’ attention to the notified motion listed on the agenda, and called on the LORD MAYOR (Councillor Adrian SCHRINNER) to move the motion. Accordingly, the LORD MAYOR moved, seconded by Councillor Adam ALLAN, that—

***COUNCIL RESOLVES:***

***(i) TO ADOPT*** *the Investment Policy at Attachment “A”;*

***(ii) TO ADOPT*** *the Debt Policy at Attachment “B”;*

***(iii) TO REVOKE*** *the “Partial Rebate of Rates and Charges (Pensioners) Policy” adopted on 25 June 2020 by Council Resolution 762/2019-20;*

***(iv) TO ADOPT*** *the “Partial Rebate of Rates and Charges (Pensioners) Policy” at Attachment “C” for the 2021-22 financial year;*

***(v) TO REVOKE*** *the “Partial Rebate of Rates and Charges (First Home Owners) Policy” adopted on 25 June 2020 by Council Resolution 762/2019-20;*

***(vi) TO ADOPT*** *the “Partial Rebate of Rates and Charges (First Home Owners) Policy” at Attachment “D” for the 2021-22 financial year;*

***(vii) TO REVOKE*** *the “Partial Rebate of General Rates (Not-for-profit Organisations) Policy” adopted on 25 June 2020 by Council Resolution 762/2019-20;*

***(viii) TO ADOPT*** *the “Partial Rebate of General Rates (Not-for-profit Organisations) Policy” at Attachment “E” for the 2021-22 financial year;*

***(ix) TO REVOKE*** *the “Payment for overdue rates or charges Policy” adopted on 25 June 2020 by Council Resolution 762/2019-20;*

***(x) TO ADOPT*** *the “Payment for overdue rates or charges Policy” at Attachment “F” for the 2021-22 financial year;*

***(xi) TO REVOKE*** *the “Partial Rebate of Rates and Charges (JobSeeker) Policy” adopted on 25 June 2020 by Council Resolution 762/2019-20;*

***(xii) TO ADOPT*** *the “Partial Rebate of Rates and Charges (JobSeeker) Policy” at Attachment “G” for the 2021-22 financial year;*

***(xiii) TO ADOPT*** *the “Partial Rebate of Rates and Charges (Not-for-profit kindergartens) Policy” at Attachment “H” for the 2021-22 financial year;*

***(xiv) TO ADOPT*** *the “Infrastructure charges debt management Policy” at Attachment “I” for the 2021-22 financial year;*

***(xv) TO DELEGATE*** *to the Chief Executive Officer all of its powers under section 11 of the City of Brisbane Act 2010 specified in Column 1 of Table 1 on the general conditions of delegations as set out in Table 1;*

***(xvi) TO ADOPT*** *the “Brisbane Infrastructure Charges Resolution (No. 10) 2021” at Attachment “J” with effect on and from 1 July 2021; and*

***(xvii) TO APPROVE*** *the Report of the Establishment and Coordination Committee dated 14 June 2021 at Attachment “K”.*

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| **Table 1** |
| **Section** | **Column 1 – Power** |
| **11** | To enter amend, reinstate or terminate a partial rebate in accordance with the *Partial Rebate of Rates and Charges (Pensioners) Policy* |
| **11** | To determine eligibility criteria, amend, refund, or terminate a rebate or partial rebate in accordance with *Partial Rebate of Rates and Charges (First Home Owners) Policy* |
| **11** | To approve, reinstate or terminate a partial rebate in accordance with the *Partial Rebate of General Rates (Not-for-profit Organisations) Policy* |
| **11** | To enter into an agreement to defer in full or in part the payment of rates and charges in accordance with the *Payment for overdue rates or charges Policy* |
| **11** | To consider and approve applications for a rebate of rates and charges in accordance with the *Partial Rebate of Rates and Charges (JobSeeker) Policy*. |
| **11** | To consider and approve applications for a rebate of rates and charges in accordance with the *Partial Rebate of Rates and Charges (Not-for-profit kindergartens) Policy*. |
| **11** | To transfer an overdue infrastructure charge debt as a rate on the land to be recovered in accordance with the *Infrastructure charges debt management* *Policy*. |
| **General Conditions of Delegations** |
| (1) Each of the functions and powers delegated includes:(a) doing any act and making any decision;(b) giving or causing to be given any notice, notification, statement of reasons;(c) issuing or causing to be issued, and endorsing, any certificate, permit or the instrument of authorisation, and any copy thereof, if doing so is incidental to or entailed by the exercise of the functions and powers.(2) A reference to a law includes a reference to:(a) the law as originally made, and as amended from time to time since it was originally made;(b) if the law has been repealed and remade (with or without modification) since the reference was made—the law as remade, and as amended from time to time since it was remade;(c) if a provision of the law has been omitted and remade (with or without modification and whether in the law or another law) since the reference was made—the provision as remade;(d) the law as renumbered or amended from time to time.(3) In this Instrument of Delegation:“delegate”, in relation to a position, means the person holding or acting in that position from time to time;“law” includes a provision of a law;“position” means the position as it appears or as subsequently renamed. |

Chair: Is there any debate?

The LORD MAYOR.

Councillor JOHNSTON: Point of order.

Chair: Point of order, Councillor JOHNSTON.

**Seriatim for debate and voting – Item (xvii)**

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| At that time, Councillor Nicole JOHNSTON rose and requested that Item (xvii), TO APPROVE THE REPORT OF THE ESTABLISHMENT AND COORDINATION COMMITTEE DATED 14 JUNE 2021 AT ATTACHMENT “K”, be taken seriatim for debating and voting purposes. |

Chair: LORD MAYOR, please proceed to debate, except for item K, we’ll do item K second. Please proceed.

LORD MAYOR: Okay, look, I will be brief. The range of motions that have come through here—or components of the motion that have come through here­—effectively update our policies for the new financial year when it comes to the provision of pensioner rebates, and we continue to provide Australia’s most well-funded and generous pensioner rebate program. That is something that continues on and so this sets the new policy for the new financial year.

 It does the same thing when it comes to the first home owners, not-for-profit organisations, our JobSeeker Partial Rebate of Rates initiative that we introduced last year as part of the COVID-19 response. Also, the Not-for-profit Kindergarten’s Policy and Debt Management Policies, as well as delegation of powers to the Chief Executive Officer (CEO) once again which happen each year to enable various decisions to be made by the CEO that are appropriate and also the infrastructure charges resolution as well.

 So, these enable ongoing provision, in most cases, of rebates and support to various organisations, whether they’re individuals or organisations that are not‑for-profit, but it also enables the collection of infrastructure charges as development occurs. Which is obviously something that’s very important going forward and so this resolution, particularly the last—the second last item, enables that. I’ll leave my comments at that.

Chair: Further speakers?

Councillor CASSIDY.

Councillor CASSIDY: Thanks, Chair. These items, minus number (xvii), as the LORD MAYOR described, parts (i) to (xiv) and (xvi) are revoking those existing policies on investment, debt, remissions for pensioners, first home owners, people on JobSeeker, not-for-profit organisations and not-for-profit kindergartens and also deal with the late payment of rates and infrastructure charges, debt management and policies are always set at budget time, at this time of financial year.

 Item (xv) there is for delegations of matters to CEO specifically related to this, not related to the next one we’ll be talking about for applications for rate rebates, refunds, *et cetera*.

 Part (xvii) we are taking separately here so we will be supporting these items here. It’s important that pensioners and not-for-profits receive these rates rebates and rates remissions, particularly because they are facing such significant increases under this LNP Administration, just like the rest of Brisbane, to pay for this LORD MAYOR’s rorts and vanity projects. So we certainly—

*Councillors interjecting.*

Councillor CASSIDY: We certainly support this relief for these people.

Chair: Further speakers?

 Councillor JOHNSTON.

Councillor JOHNSTON: Yes, I rise to speak on items (i) through to (xvi). I’d just make a few comments about some of these items, particularly at number (ii). Firstly, this is the policy that sets Council’s debt management limits, which we know over time, this Administration has increased the bank card enormously and a few years ago, put half a billion dollars in debt in the bottom drawer, never to be looked at again.

 Currently, this policy will allow Council to take on another half a billion dollars of debt this year, $453 million in debt, and we know from what the LORD MAYOR’s said, that’s for some Olympics-related projects.

 So look, this Council is on a debt binge. Most Councillors who are here now, probably weren’t here back when this Council was debt-free, but it was debt-free a very long time ago. Since that time, the LNP and the LORD MAYOR have gone on the most Labor-like debt binge I’ve ever seen and we’re seeing that go from a tick over $2 billion this year, to another $455 million. So, it’s significantly increasing again.

 I don’t believe the city is heading in the right direction when it wants to take on a half a billion dollars extra in debt, but not tell our community what that debt is for. So I cannot support—I cannot support a debt policy and a budget that essentially takes on debt, but does not provide any advice about what it’s for. I certainly don’t support item (ii).

**Seriatim – Item (ii)**

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| At that time, Councillor Nicole JOHNSTON requested that Item (ii), TO ADOPT the Debt Policy at Attachment “B”, be taken seriatim for voting purposes. |

Councillor JOHNSTON: Just on item (xiv), the Infrastructure Charges Debt Management Policy. I just want to say, I don’t support the approach that the LNP has to subsidising developers. They increasingly, year after year, find new ways to subsidise developers and I just don’t support that practice. I’ll just put that on the record.

I do support, obviously, rebates for pensioners. That’s a good idea. For kindies and all those sorts of things, but there are some areas here where Brisbane is getting some of these things wrong in my view.

Chair: Further speakers? Any further speakers?

The LORD MAYOR.

LORD MAYOR: Thank you. Just very briefly, Councillor JOHNSTON referred to a debt binge and that it was Labor-like. It is certainly not. We only borrow when it comes to building infrastructure assets—

*Councillor interjecting.*

LORD MAYOR: Assets. Concrete, bricks and mortar, things that have an intrinsic value to the community. We do not borrow for operating expenses and we do not borrow to pay staff or to pay electricity bills or keep the lights on. That would be a Labor‑like debt binge—

*Councillor interjecting.*

LORD MAYOR: Borrowing for that form of expenditure would be like putting your weekly grocery bill on Afterpay. It would eventually catch up with you big time, so we don’t do that. We borrow for assets that have a value. That has always been our approach and that will always be our approach—

*Councillor interjecting.*

LORD MAYOR: So we have made it clear and, by the way, there was a comment about borrowing for the Olympics before. The figure given was not correct. There is an allocation of approximately $200 million that could be related to Olympic expenditure—

*Councillor interjecting.*

LORD MAYOR: —and that will be to buy land which, last time I checked, was an asset. It was an asset that increases in value every year—

*Councillor interjecting.*

LORD MAYOR: So that’s the type of thing that we would borrow money for—

*Councillor interjecting.*

LORD MAYOR: —not for operating expenses. I also did want to take umbrage to the idea that we’re subsidising developers. Actually, we subsidise people’s new homes. That’s what we do—

*Councillor interjecting.*

LORD MAYOR: We subsidise the cost of new homes—

*Councillor interjecting.*

LORD MAYOR: Because in the end, it’s actually the home owners and the home buyers that pay the cost of that new home—

*Councillor interjecting.*

LORD MAYOR: When a subsidy is provided for some kind of development, it is subsidising the cost of homes for people. So we hear time and time again, this idea that it’s about developers. No, it’s about homes for people and I think there wouldn’t be a single Councillor in this room that would suggest that housing affordability is a challenge, particularly as our property market continues to heat up. So those subsidies for home owners are really important because they help more people get into a home and that is an important thing right now.

Chair: I’ll now put items I—excuse me, (i), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi).

**Items** **(i), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi) put**

Upon being submitted to the Chamber, the motion for the adoption of items (i), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi) of the notified motion was declared **carried** on the voices.

Chair: I will now put item (ii).

**Item (ii) put**

Upon being submitted to the Chamber, the motion for the adoption of item (ii) of the notified motion was declared **carried** on the voices.

Councillor JOHNSTON: Division.

Chair: A division called by Councillor JOHNSTON, and there is no seconder, the division fails.

*The division lapsed for want of a seconder.*

Chair: We will now move to item (xvii).

The LORD MAYOR.

LORD MAYOR: Thank you, Mr Chair. Item (xvii), which is the report of the E&C (Establishment and Coordination) Committee meeting held on 14 June, includes a few different items. Item A is a delegation of Council’s powers. This item relates to a review undertaken by City Legal into Council’s existing delegations of power to identify current delegable powers that are required for the good rule and governance of Council.

 The review considered Council’s existing delegations of power under 22 Queensland Government Acts and subordinate legislation. Nine pieces of additional legislation were also identified as potentially containing powers that Council may require or need to exercise and those Acts were also reviewed for these purposes.

 Over time, through the introduction of new and amended pieces of legislation, there may arise administrative irregularities. Where an irregularity has been identified, it has been amended. As such, the delegations presented today for resolution, two-thirds of powers that are already determined by Council to be appropriate for delegation to the CEO and E&C and are simply being remade under the specific head of power in the Brisbane—*City of Brisbane Act 2010* and other legislation.

 The remainder are areas where there’s been changes in legislation that have occurred and new delegations are required to make sure that we meet all of our legislative requirements.

 Item B is a Deed of Variation in payment in lieu of rates for Archerfield Airport. Some people may not be aware that our airports, Archerfield and Brisbane, do not pay rates because they were Federal Government-owned properties in the past, that have since been sold to the private sector. There is a situation where, when they were sold, we negotiated for those properties to pay a payment to us in lieu of rates.

 So while they’re not technically paying rates, they are paying a rate-equivalent to us. That was not the case when the Federal Government owned the property. They didn’t pay a single dime to us, but now we are getting some revenue out of these properties.

 Council and Archerfield Airport Corporation are the parties to this particular agreement, the payment in lieu of Council rates and charges. An agreement is the result of the corporation entering a lease with the Commonwealth to operate the airport, which is what I mentioned before, a long-term lease. It requires the corporation to make payments to Council equivalent to the amount of which would be payable if rates were charged.

 The arrangement was entered into originally on 27 June 2002. The agreement set out the agreed methodology for the calculation of payments in lieu of rates for the initial lease and for future periods.

 Since 2015, there has been a significant uplift in land valuations and thus higher rate equivalent payable to Council. The valuations do not reasonably reflect the rateable value. So these airports, obviously, there’re things you can do at the Brisbane Airport because it’s a very large site that you certainly can’t do at Archerfield Airport.

 You can’t build racetracks and shopping centres or things like that on the Archerfield Airport. It’s a constrained site and the development potential of that site is very limited. Certainly, even if you could develop, the height that you could develop there is very limited as well and the type of uses that you could use—build there are very limited.

 So it—I guess, basically, what’s happened is that while the property value has continued to rise, it hasn’t been reflective of the actual real market value of the property and the ability to re-develop the site, which is very limited, if not nil.

 This is a matter that’s being pursued through the Valuer-General and also through Council. This Deed of Variation achieves a good result for both parties and I recommend this to the Chamber—

Chair: Further speakers?

LORD MAYOR: I haven’t finished yet.

Chair: Excuse me. Sorry.

LORD MAYOR: I just briefly—

Chair: Typically that statement means it’s over.

LORD MAYOR.

LORD MAYOR: Item C is the Councillor Expenses Reimbursement Guidelines. Obviously, there’s—there are things that in the role of Councillors, we will pay for ourselves and seek reimbursement for, that is the standard and has been for a long time. This policy updates exactly what you can do that for and circumstances that provide for transparent and effective process management and decision-making that’s in the public interest. The good governance processes and also ethical and legal standards of behaviours for Councillors.

 So it covers things like the payment of expenses, the facilities with which a Councillor is provided, including office facilities and sets out the circumstances under which Councillors can be reimbursed for expenses.

Chair: Further speakers?

Councillor CASSIDY.

Councillor CASSIDY: Thanks, Chair. The Clause A in this—or part A in this one is the expense reimbursement we just heard about as a result of legislative changes which mean that Councillor expenses must be published in the annual report, which has been occurring already for some time, this obviously formalises that.

 Also references facilities for—well changes the reference for facilities for Committee Chairs to just Chairs. So not sure whether that’s just a change in terminology or you’ll also be getting an office—

*Councillors interjecting.*

Councillor CASSIDY: It includes the Chair of Council as well, so—not a Committee Chair, there you go. So facilities for the Chair as well, of Council, not just Committee Chairs, which are separate to ward offices.

 We have no problem with the deed of variation for the Archerfield Airport Corporation, given the agreement was first made in 2002 and to be updated for this year.

 The last item on here, I suspect I—we differ slightly from what Councillor JOHNSTON on what we will hear in terms of delegations, but this is quite extraordinary that there are 70 new delegations—or over 70 new delegations coming through in this package. There was a review initiated last year and I think the outcome of that is that these new delegations, these over 70 new delegations are things that have been occurring already and this has to formalise them.

 Which I suppose does raise some questions about the decisions that have been made either by the CEO or by E&C in the absence of Council making those decisions because they weren’t formalised until after this meeting.

So I’m not sure whether now, once the review of delegations was done, obviously, the CEO and others have picked up that there was a significant issue in either the CEO or E&C making the decisions they already have been, now whether a further review is going to be done if anything needs to be tidied up. We did see with leases coming back to Council that had to be tidied up. Perhaps we’ll see that coming over the next few months to Council, but we want to make sure that all those decisions, whether they are being made by the CEO or by E&C have in the past, actually been properly made decisions.

Chair: Further speakers? Any further speakers?

Councillor JOHNSTON.

Councillor JOHNSTON: Yes, I rise to speak on items A and C.

**Seriatim – Item (xvii)(c)**

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| At that time, Councillor Nicole JOHNSTON requested that item (xvii)(c), DELEGATION OF COUNCIL’S POWERS, be taken seriatim for voting purposes. |

Chair: Please proceed.

Councillor JOHNSTON: Yes, just briefly on these matters. Firstly, item A, the Councillor Expenses Reimbursement Policy. I do want to put a few comments on the record about this policy. Firstly, obviously, it is important that Council has a policy that accounts for the expenditure of ratepayers’ funds when Councillors are carrying out their duties.

The purpose of this policy is to ensure that the payment of reasonable expenses incurred or to be incurred by Councillors for discharging their duties and responsibilities as Councillor are reimbursed properly, transparently in the public interest as the LORD MAYOR has outlined.

So in that sense, Councillors are aware that they have to provide receipts for the expenditure of any Council funds. I think that is absolutely an appropriate way of carrying out any reimbursement that may be necessary. However, that does not apply to all Councillors, so the LORD MAYOR and the Committee Chairs, when carrying out their public duties, pocket cash. They do not have to account for a single cent of their allowances for their duties when they carry out their duties.

Now, let’s be clear. This policy relates to Councillors carrying out their official duties, so I’m not quite sure how they can pocket cash when they’re supposed to be accounting for their funds. So the LORD MAYOR receives almost $100,000 in cash that he does not have to account for and the Chairs, I believe, I think it’s around $30,000 in cash which they do not have to account for.

Now, I do not believe this is in the public interest. I do not believe this is a good governance and I am extremely concerned that while there is one standard applied to Councillors, the LORD MAYOR and the Committee Chairs are pocketing cash—

Chair: Councillor JOHNSTON.

Councillor JOHNSTON: —ratepayers’ funds—

Chair: Councillor JOHNSTON, this is the reimbursement policy. This is—

Councillor JOHNSTON: Yes.

Chair: That’s right, so it has nothing to do with remuneration. It’s about reimbursement of expenses in the order of your business—of your day-to-day business.

Councillor JOHNSTON: I am making the argument that the Chairs and the LORD MAYOR should be being reimbursed, not pocketing cash. I appreciate that that might be lost on you, but when a policy—

Chair: There’s no need to—

*Councillors interjecting.*

Chair: There’s no need to be nasty, Councillor JOHNSTON.

Councillor JOHNSTON: Well—

*Councillors interjecting.*

Chair: There’s no need to be mean to me.

Councillor JOHNSTON: I thought I was—

Chair: No. No, please. Please, just—

*Councillors interjecting.*

Chair: Just stick to the topic at hand, hey?

Councillor JOHNSTON: Well the—

Chair: Councillor JOHNSTON.

Councillor JOHNSTON: Thank you. Thank you for making the point for me and I know when you interject into this, I must be getting somewhere with the argument—

*Councillors interjecting.*

Councillor JOHNSTON: So let’s be clear that this is about reimbursing Councillors for carrying out work duties in their official capacity. Now, as I’ve just said, Councillors have to do this except the Committee Chairs and the LORD MAYOR when it comes to their expense of office. They pocket cash. That is wrong.

When we had this debate a couple of years ago, I did suggest that we implement a scheme to ensure that they do account for this funding. So I believe that it is appropriate that the LORD MAYOR and the Committee Chairs are reimbursed like Councillors are for carrying out their official duties.

I do not believe they should be pocketing cash without any accountability and the way in which the LNP has gone about this—and I presume generations of administrations going back since this policy was introduced, are simply allowing cash to be handed over rather than public moneys to be accounted for via a reimbursement process.

I really think that that should be the way to go. Even if it’s not a reimbursement, there must be some accountability to determine how this money has been spent. The purpose of this policy is to account for the expenditure of public funds and yet, there are the LORD MAYOR and the Committee Chairs do not do that with really significant—hundreds of thousands of dollars of Council’s money.

Now, with respect to the delegation powers, there are some 220 delegations that this Council has made and there are 70 new ones that are—that have been added. I absolutely do not support this item and I will be voting against it.

I’ve spoken many times in this place about delegations that are made. We are here to vote and to contribute to the good governance of this city. When powers are delegated to E&C, to the LORD MAYOR and the LNP, there is no transparency. It means it happens behind closed doors.

When powers are delegated to the CEO, he then on-delegates them to Council officers, down to sometimes a quite junior level. This is not appropriate.

Let’s look at some of the delegations that are happening. The power to decide to take an interest in land. So that means if Council wants to buy land, they don’t have to come to us anymore. It—the E&C or the CEO can make that decision. That is wrong.

There are numerous other ones in here. There’s a couple I particularly want to talk about, to manage the senior executives employees and take any action in relation to the senior executive employee contracts. Now that’s—that currently happens except for the CEO, where the LORD MAYOR personally negotiates that. So that had to come to Council for endorsement.

The LORD MAYOR has entered into a secret arrangement with the CEO of Council for his salary that is not in the public sphere. It is not accountable. It did not come through this Council. Now, there’s a new delegation that’s been required, which is asking senior executives’ contracts will only be seen the LORD MAYOR, E&C or the CEO. That is wrong.

Hundreds of thousands of dollars in public salary should be on the public record. There is no problem with that from my point of view.

There are some other concerning ones, to bid for the sale of land, to make an offer for the sale of land. None of that has to come back through Council any longer. it’s all being delegated away. One of the worst ones that’s in here—and I’m just looking for it, is in relation to—here it is, let me read this delegation properly.

‘To give instructions to elect to be a co-respondent in an appeal’. That is being delegated to E&C and the CEO. So, let’s be clear. This is where there are DAs (development approval) that this Council may have opposed and the decision about whether or not an appeal will happen will be undertaken by the LORD MAYOR and E&C, or possibly the CEO.

So let’s be clear. This is a process that has been hidden from view from us for some period of time. I don’t know who’s been in appropriately exercising the delegated power to date, but they’re proposing to give it to themselves to do.

Now, the decision to appeal should be one made on good grounds and it should be one that this Council is involved in. If this Council says no to a DA, it is right and proper in my view that we stick to that. It is one of the single most important issues that residents raise when a DA has had a no and then this Council—it might elect to be a respondent, but then it will roll over at the first opportunity in mediation. Now that process is going to be controlled by the LORD MAYOR, the DEPUTY MAYOR and E&C.

So these delegations, in my view, the LORD MAYOR was saying they reflect irregularities. Well exercising executive power without authority is not an irregularity, it is an abuse of power and a failure of good governance. In some cases, I presume, it may even be illegal.

How many decisions have been impacted by the inappropriate delegations that have been going on in this organisation for possibly years? The papers before us today fail to outline the outcome of these inappropriate delegations.

They fail to tell us the full extent of the problems that have been created and we know this is a significant failure of good governance under this LNP that keeps happening because the same thing happened with community leases a few years ago.

So firstly, it’s not some minor irregularity. If it was a minor issue, it wouldn’t be being debated on the back of the budget. Tacked on like some dirty secret and being debated at seven o’clock at night at the end of the budget. It would have come through the normal process, but it did not do so and the LORD MAYOR and the DEPUTY MAYOR and the CEO are trying to sneak this through to give themselves more powers to make them less accountable to this democratic Chamber and to the people of Brisbane. That is not a position that I support.

Chair: Further speakers? Any further speakers?

The LORD MAYOR.

LORD MAYOR: Thank you, Mr Chair. Unfortunately, for one particular Councillor in this place, there’s always a conspiracy theory.

*Councillor interjecting.*

LORD MAYOR: There is always a conspiracy theory and particularly when it comes to the CEO. Oh, I tell you what, there’s bad blood there. This is the Councillor that every year when we do a motion of special appreciation to the Council staff, one Councillor excludes the CEO.

*Councillors interjecting.*

LORD MAYOR: The CEO, yes, that’s right. That—

*Councillors interjecting.*

LORD MAYOR: —and claims today on the record that she thinks that he’s not fit for his job. That’s funny because he was fit to be the Coordinator-General of the State of Queensland—

*Councillors interjecting.*

LORD MAYOR: —and the Director-General of multiple departments.

*Councillor interjecting.*

LORD MAYOR: He was fit to work for governments on both sides, but you know what? Councillor JOHNSTON could do a better job than Colin Jensen.

*Councillors interjecting.*

LORD MAYOR: Councillor JOHNSTON would do a better job, apparently. The reality is, what we’re talking about here, all conspiracies aside, are pretty dry. Pretty dry topics. There’s a whole range and they’re all listed out for every Councillor to see. A whole range of delegations that are being made.

 For example, the *Animal Management (Cats and Dogs)* *Act 2008—*

*Councillors interjecting.*

LORD MAYOR: —we’re getting the extraordinary power to give identifying information for a cat or dog in accordance with section 39. We’re getting the extraordinary power to give a dog owner—

*Councillors interjecting.*

LORD MAYOR: —a notice that the dog has in fact been registered.

*Councillor interjecting.*

LORD MAYOR: We’re giving—we’re getting the power to give a notice of registration renewal to a dog owner. We’re giving the power to destroy a surrendered regulated dog.

*Councillor interjecting.*

LORD MAYOR: We’re giving the power to the Chief Executive to issue a notice under section 175(2) or the power to extend the time for making a general review application. We’re getting the power, extraordinary power, excuse me, when it comes to the *Coastal Protection and Management Act 1995*, to certify on a plan of subdivision, the matters under section 119(2), to elect to be—to elect not to be the responsible entity for the change application under section 206, under the *Development Assessment Rules 2016*.

 We’re getting the power, if the application is accepted as a properly made application in accordance with section 3.5, to give a confirmation notice before the period stated in section 3.2 has ended.

*Councillor interjecting.*

LORD MAYOR: We’re getting the power to give a referral confirmation notice. We’re also, if parts 2, 3 and 4 of the DA rules are not relevant, to the end—to end the confirmation period by giving a decision notice.

 We’re also getting the power to act as an assessment manager or concurrence agency and to give further advice about the application to the applicant subject to section 38.1 to give notice to the applicant in extending the decision-making period.

 When it comes to the Disaster Management Act, we’re giving ourselves the extraordinary power to give information about an event or disaster to the District Disaster Coordination—Coordinator.

*Councillors interjecting.*

LORD MAYOR: Yes. So I mean, I could go on. We’re giving ourselves the power to display a notice about the possession of liquor in a restricted area. To display a notice suspending the designation of a restricted area or to give the Queensland Police Service written notice of a suspension.

 Where Council is the public sector entity in providing infrastructure, to refund any part of the payment not spent or contracted to be spent on designing or constructing the infrastructure. We’re giving ourselves that power.

*Councillors interjecting.*

LORD MAYOR: Look, I’m not going to go on because the reality is, these are things that we have, as a full Council, no interest in debating and for the good governance of the City of Brisbane, if we spent our time debating these things, this is a big city we represent and these are things that are rightly delegated to officers who I trust, the officers in our Council. I trust the CEO. I trust the managers.

*Councillors interjecting.*

LORD MAYOR: I trust the officers and I also trust that there are procedures and processes in place where if someone does do the wrong thing, then it’s rectified and addressed and responded to accordingly. So I don’t share the same concerns that Councillor JOHNSTON does and I certainly don’t think that these are all matters that should be coming to Council for a full debate. They just shouldn’t.

 It has been the long-standing practice in this Council that the machinery and day‑to-day operation of the Council is done based on delegations to the CEO and other Council officers. That is the appropriate way. We can’t be involved in every single decision that is made by this Council.

The reality is, we are setting the strategic direction of the Council. We set the budget and we identify projects and priorities, but when it comes to some of the things on this list, we have no role and no purpose in getting involved in these matters so I think this is very reasonable.

There is no conspiracy theory here. These are things that need to happen and we’re simply making sure that we don’t use up the time of this place, this democratic Chamber, in talking about dog registration.

*Councillor interjecting.*

LORD MAYOR: Whether a permit or a notice should be sent out. These are not things that are suitable for discussion in this Chamber.

*Councillors interjecting.*

Chair: I now put the resolution for item (xvii), Attachment K, A and B.

**Item (xvii)(a) and (b) put**

Upon being submitted to the Chamber, the motion for the adoption of item (xvii)(a) and (b), of the notified motion was declared **carried** on the voices.

Chair: On item 17(xvii), Attachment K, Clause C.

**Item (xvii)(c) put**

Upon being submitted to the Chamber, the motion for the adoption of item (xvii)(c) of the notified motion was declared **carried** on the voices.

Thereupon, Councillors Nicole JOHNSTON and Steve GRIFFITHS immediately rose and called for a division, which resulted in the motion being declared **carried**.

The voting was as follows:

AYES: 23 - The Right Honourable, the LORD MAYOR, Councillor Adrian SCHRINNER, DEPUTY MAYOR, Councillor Krista ADAMS, and Councillors Greg ADERMANN, Adam ALLAN, Lisa ATWOOD, Tracy DAVIS, Fiona HAMMOND, Vicki HOWARD, Steven HUANG, Sarah HUTTON, Sandy LANDERS, James MACKAY, Kim MARX, Peter MATIC, David McLACHLAN, Ryan MURPHY, Angela OWEN, Steven TOOMEY, Andrew WINES, and the Leader of the OPPOSITION, Councillor Jared CASSIDY, and Councillors Peter CUMMING, Steve GRIFFITHS and Charles STRUNK.

NOES: 2 - Councillor Jonathan SRI and Nicole JOHNSTON.

The report read as follows—

ATTENDANCE:

The Right Honourable, the Lord Mayor (Councillor Adrian Schrinner) (Chair); Deputy Mayor (Councillor Krista Adams) (Deputy Chair); and Councillors Adam Allan, Tracy Davis, Vicki Howard, Kim Marx, David McLachlan and Ryan Murphy.

LEAVE OF ABSENCE:

Councillor Fiona Cunningham.

A *AP032 COUNCILLOR EXPENSES REIMBURSEMENT POLICY*

 **109/268/189/63**

1. The Divisional Manager, City Administration and Governance, provided the information below.

2. Under section 237 of the *City of Brisbane Regulation 2012*, Council must adopt an expenses reimbursement policy. *AP032 Councillor Expenses Reimbursement Policy* (AP032) was adopted by Council on 7 June 2011, with minor reviews and amendments made since that time.

3. AP032 outlines Council’s policy concerning the payment of reasonable expenses incurred by Councillors for discharging their duties and responsibilities as Councillors; and provision of facilities to Councillors for that purpose.

4. This policy is regularly reviewed, and as a part of this review process, and as a result of recent legislative changes, amendments to this policy are required.

5. The Divisional Manager provided the following recommendation and the Committee agreed.

6. **RECOMMENDATION:**

**THAT COUNCIL RESOLVE AS PER THE DRAFT RESOLUTION SET OUT IN ATTACHMENT A**, hereunder.

**Attachment A
Draft Resolution**

**DRAFT RESOLUTION TO ADOPT AMENDMENTS TO *AP032 COUNCILLOR EXPENSES REIMBURSEMENT POLICY***

As Council:

(i) considers it appropriate to amend *AP032 Councillor Expenses Reimbursement Policy* to align to current practices,

then Council:

(i) approves the amendments to *AP032 Councillor Expenses Reimbursement Policy* as set out in Attachment B (submitted on file).

B DEED OF VARIATION TO THE PAYMENT IN LIEU OF COUNCIL RATES AND CHARGES AGREEMENT BETWEEN COUNCIL AND ARCHERFIELD AIRPORT CORPORATION PTY LTD

 **109/40/298/128**

7. The Divisional Manager, Organisational Services, provided the information below.

8. Council and Archerfield Airport Corporation Pty Ltd (the Corporation) are parties to an Agreement – Payment in lieu of Council Rates and Charges – Archerfield Airport (the Agreement) entered into on 27 June 2002.

9. The Agreement was instituted because the Corporation had entered into a lease agreement with the Australian Government made on 18 June 1998 (the lease) to operate the airport site at Archerfield. The lease requires the Corporation to make payments to Council equivalent to the amount which would be payable for rates if such rates were leviable on the airport site. The Agreement set out the agreed methodology for the calculation of payments in lieu of rates for the period 1 July 1998 to 30 June 2002 and future years.

10. The Corporation has requested Council vary the Agreement as a result of significant upward land valuation movements that have occurred since 2015, which have impacted on the amounts payable within the Agreement which do not reasonably reflect the rateable value. Negotiations between Council and the Corporation have resulted in the preparation of a Deed of Variation to the Agreement that achieves the following.

(a) The Unimproved Capital Value of the En Globo Rateable Area as determined by the Queensland Government under the *Land Valuation Act 2010* will be discounted by 12.5% each year to account for constraints related to the airport site.

(b) Council will request that the Queensland Government carry out a valuation of the Unimproved Capital Value of the En Globo Rateable Area every five years. Nothing prevents Council from requesting a valuation at any other time.

(c) The Corporation may make submissions to Council about the Unimproved Capital Value of the En Globo Rateable Area to be included with Council’s submission to the Queensland Government for the valuation to be conducted under the *Land Valuation Act 2010*.

(d) Council reserves the right to make additional submissions to the Queensland Government in relation to the valuation to be carried out for the Unimproved Capital Value of the En Globo Rateable Area.

(e) The Corporation acknowledges and agrees that the Queensland Government is not obligated to take into consideration any submission made by the Corporation or Council and the decision of the Queensland Government made under the *Land Valuation Act 2010* is final and binding.

(f) For each financial year where the Queensland Government does not provide a valuation for the Unimproved Capital Value of the En Globo Rateable Area, the valuation will be indexed in accordance with the movement of the Average Rateable Value of all properties in Brisbane included in the same rating category which would apply to the En Globo Rateable Area, as determined by Council in Council’s Resolution of Rates and Charges.

(g) The Loading Rate as determined under clause 4.1(b) of the Agreement will be removed and will not apply to payments required to be made by the Corporation under the Agreement on and from 1 July 2021.

(h) Without limiting and in addition to the discount described under paragraph (a), the Unimproved Capital Value of the En Globo Rateable Area will be further discounted for the financial years and at the percentages set out below:

- 12.5% in the 2021-22 financial year

- 11.25% in the 2022-23 financial year

- 10.0% in the 2023-24 financial year

- 8.75% in the 2024-25 financial year

- 7.50% in the 2025-26 financial year

- 6.25% in the 2026-27 financial year

- 5.00% in the 2027-28 financial year

- 3.75% in the 2028-29 financial year

- 2.50% in the 2029-30 financial year

- 1.25% in the 2030-31 financial year.

(i) The Corporation acknowledges and agrees that the additional discount set out in paragraph (h) above does not apply following 30 June 2031.

(j) The Corporation has made payments to Council in lieu of Council Rates and Charges for the period 1 July 2015 to 31 December 2020. These payments have not been made in accordance with the Agreement but have been calculated on the basis of a 25% discount applied to the valuation of the En Globo Rateable Area determined by an external valuation report commissioned by Council.

 Subject to the parties finalising the terms of the Deed of Variation, Council will accept those reduced payments in full and final satisfaction of amounts owing under the Agreement by the Corporation. For the avoidance of doubt, the parties agree that the Corporation has made the following payments in respect of the corresponding financial year:

- $190,024.94 for the 2015-16 financial year

- $221,608.61 for the 2016-17 financial year

- $207,622.66 for the 2017-18 financial year

- $241,321.70 for the 2018-19 financial year

- $244,223.61 for the 2019-20 financial year

- $242,132.02 for the 2020-21 financial year.

11. The Corporation has agreed to vary the Agreement as set out in the Deed of Variation (Attachment A, submitted on file).

12. The Divisional Manager provided the following recommendation and the Committee agreed.

13. **RECOMMENDATION:**

**THAT COUNCIL APPROVES THE DEED OF VARIATION TO THE PAYMENT IN LIEU OF COUNCIL RATES AND CHARGES AGREEMENT BETWEEN COUNCIL AND ARCHERFIELD AIRPORT CORPORATION PTY LTD.**

C DELEGATION OF COUNCIL’S POWERS

 **109/105/219/30**

14. The Divisional Manager, City Administration and Governance, provided the information below.

15. Council derives its decision-making powers from the *City of Brisbane Act 2010*, the *City of Brisbane Regulation 2012* and various other statutes and legislative instruments.

16. Except for those powers that must be exercised by resolution, under section 238 of the *City of Brisbane Act 2010* Council may, by resolution, delegate a power under the *City of Brisbane Act 2010* to certain persons and committees.

17. In Council’s *Annual Plan and Budget 2020-21*, funding was allocated under Program 8 – City Governance to maintain and review Council’s register of administrative arrangements (delegations, appointments and authorisations).

18. City Legal, City Administration and Governance, has undertaken a review of Council’s existing delegations of power under 22 Queensland Government Acts and subordinate legislation to ensure that they:

(a) are correct and have been delegated under a current head of power;

(b) reflect the current business and operating needs, and decision-making requirements of Council; and

(c) record the correct delegate (in so far as position or office held).

19. In addition to the existing delegations that are being remade, the following legislation was also identified as potentially containing powers that Council may require or need to exercise and was reviewed for those purposes:

*- Coastal Protection and Management Act 1995;*

*- Disaster Management Act 2003;*

*- Environmental Protection Regulation 2019;*

*- Human Rights Act 2019;*

*- Land Valuation Act 2010;*

*- Public Health Regulation 2005;*

*- Survey and Mapping Infrastructure Act 2003;*

*- Trusts Act 1973;* and

*- Workers’ Compensation and Rehabilitation Act 2003.*

20. Where legislative sources of power, from which current delegations derive, have been repealed or amended, those relevant delegations are being sought to be remade and form part of the delegations of power listed in Attachment B (submitted on file).

21. A number of powers that have not been previously delegated but which are required to ensure continuity of Council’s business and customer service have been highlighted in orange in Attachment B (submitted on file).

22. Under section 238 of the *City of Brisbane Act 2010* Council may, by resolution, delegate a power under the *City of Brisbane Act 2010* or another Act to the mayor, the chief executive officer, a standing committee or joint standing committee, or the Establishment and Coordination Committee.

23. The Divisional Manager provided the following recommendation and the Committee agreed.

24. **RECOMMENDATION:**

**THAT COUNCIL RESOLVE IN ACCORDANCE WITH THE DRAFT RESOLUTION SET OUT IN ATTACHMENT A**, hereunder.

**Attachment A
Draft Resolution**

**DRAFT RESOLUTION TO DELEGATE CERTAIN POWERS TO THE LORD MAYOR, CHIEF EXECUTIVE OFFICER, COUNCILLOR ETHICS COMMITTEE, AND THE ESTABLISHMENT AND COORDINATION COMMITTEE**

As:

(i) City Legal, City Administration and Governance, has conducted an extensive review of the delegable powers that are required to undertake Council’s functions and for the good rule and governance of decision-making

(ii) section 238 of the *City of Brisbane Act 2010* provides that Council may, by resolution, delegate a power under the *City of Brisbane Act 2010* or another Act to the mayor, the chief executive officer, a standing committee or joint standing committee, another local government (for the purposes of a joint establishment activity) or the Establishment and Coordination Committee,

then Council:

(i) resolves to delegate certain of its powers as set out in column 1 of the table attached as Attachment B (submitted on file), to each delegate specified in column 2 of the table, pursuant to the limits (if any) stated in column 3 and the General Conditions set out in Attachment C (submitted on file).

Chair: Thank you.

Can I—Councillors, can I please thank the staff and attendants who looked after us—

*Councillors interjecting.*

Chair: —this last week and a half and send our appreciation to everybody who’s made this meeting happen.

Thank you to all the Councillors and I declare the meeting closed.

**RISING OF COUNCIL:** **7.03pm.**

**PRESENTED: and CONFIRMED**

 **CHAIR**

**Council officers in attendance:**

Victor Tan (Council and Committee Coordinator)

Samantha Holloway (Council and Committee Officer)

Billy Peers (Personal Support Officer to the Lord Mayor and Council Orderly)