

**MINUTES OF THE GENERAL MEETING
OF THE BARCALDINE REGIONAL COUNCIL
HELD IN THE COUNCIL CHAMBERS, 43 DRYDEN STREET, ALPHA
ON WEDNESDAY 18 SEPTEMBER 2019
COMMENCING AT 9.10AM**

ATTENDANCE

Councillor R Chandler (Mayor) (In the Chair), Councillors J Gray (Deputy Mayor), G Bettiens, S Dillon, M Rogers, B Plumb and G Peoples.

OFFICERS

S Boxall (Chief Executive Officer), B Walsh (Deputy Chief Executive Officer), D Howard (District Manager – Alpha and Jericho), P Coulton (District Manager – Aramac and Muttaborra), J Lawrence (District Manager – Barcaldine), R Rolfe (Chief Engineer) and A Newton (Minute Secretary).

PRAYER – Cr Dillon and School Chaplain Tony Dodge read prayers.

CONDOLENCES

A minute's silence was observed to mark the passing of Mr Benjamin (Ben) Donald Heumiller of Barcaldine and Mr William Hartley Snr. of "Bowen Downs" Muttaborra and Mr Derwyn Jonathon Richard Everingham of Alpha.

LEAVE OF ABSENCE - Nil

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor acknowledged the traditional owners of the land, past and present.

DECLARATIONS OF COUNCILLORS

Material Personal Interest on any items of Business

Cr Gray for Item 3.4.1 - "I declare that I have a material personal interest in Goal 3 of the Works Report (as defined by Local Government Act 2009, section 175B) as I stand to gain a benefit depending on the outcome of Council's consideration of this matter. I stand to gain a benefit or suffer a loss because I am an owner of D Gray Grader and Loader Hire which is a contractor which has and is working on projects. I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on."

Cr Peoples for Item 3.1.5 - "I declare that I have a material personal interest in the disposal of the old library building in Aramac (as defined by Local Government Act 2009, section 175B) as I stand to gain a benefit depending on the outcome of Council's consideration of this matter. I stand to gain a benefit or suffer a loss because I am an owner of Aramac Cut Price which would be in competition with any retail business which may establish in the building. I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on."

Cr Peoples for Item 3.6.3 - "I declare that I have a material personal interest in the Aramac Bakery (as defined by Local Government Act 2009, section 175B) as I stand to gain a benefit depending on the outcome of Council's consideration of this matter. I stand to gain a benefit or suffer a loss because I am an owner of Aramac Cut Price which would be in competition with any retail business which may establish in the building. I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on."

Cr Bettiens for Item 3.2.2 - "I declare that I have a material personal interest in the Planning and Development Report (as defined by Local Government Act 2009, section 175B) as I stand to gain a benefit depending on the outcome of Council's consideration of this matter. I stand to gain a

benefit or suffer a loss because I am the Director of Capricorn Plumbing and Drainage which is carrying works on proposed developments. I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

Cr Bettiens for Item 3.2.4 - “I declare that I have a material personal interest in 2020 Project Progress Report (as defined by Local Government Act 2009, section 175B) as I stand to gain a benefit depending on the outcome of Council’s consideration of this matter. I stand to gain a benefit or suffer a loss because I am the Director of Capricorn Plumbing and Drainage which is a supplier and contractor involved in several of the projects mentioned in the report. I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

Cr Bettiens for Item 3.4.1 - “I declare that I have a material personal interest in Goal 3 of the Works Report (as defined by Local Government Act 2009, section 175B) as I stand to gain a benefit depending on the outcome of Council’s consideration of this matter. I stand to gain a benefit or suffer a loss because I am the Director of Capricorn Plumbing and Drainage which is a contractor on projects mentioned in the report. I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

Cr Bettiens for Item 3.4.1 - “I declare that I have a material personal interest in Goal 5 of the Works Report (as defined by Local Government Act 2009, section 175B) as I stand to gain a benefit depending on the outcome of Council’s consideration of this matter. I stand to gain a benefit or suffer a loss because I am the Director of Capricorn Plumbing and Drainage which is a supplier on projects mentioned in the report. I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

Cr Bettiens for Item 3.7.2 - “I declare that I have a material personal interest in Response to Request for Assistance – Barcaldine Business Expansion and Retention Group Report (as defined by Local Government Act 2009, section 175B) as I stand to gain a benefit depending on the outcome of Council’s consideration of this matter. I stand to gain a benefit or suffer a loss because I am the owner of a business in Barcaldine. I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

Conflict of Interest

Cr Gray for Item 3.2.2 – “I declare that I have a conflict of interest in the Planning and Development Report (as defined the Local Government Act 2009, section 175D) as an owner of D Gray Grader and Loader Hire which is a contractor that carried out work on the Freedom Park. I have determined that this personal interest is not of sufficient significance that it will lead me to making a decision on the matter that is contrary to the public interest. I will best perform my responsibility of serving the overall public interest of the whole of the Council’s area by participating in the discussion and voting on this matter.

However, I acknowledge that the remaining councillors must now determine, pursuant to section 175E(4) of the Local Government Act 2009: -

- (a) Whether I have a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- (b) If so, whether: -
 - (i) I must leave the meeting while this matter is discussed or voted on; or
 - (ii) I may participate in the meeting in relation to the matter, including by voting on the matter.”

Resolution: 2019/09/306 **Moved Cr Dillon** **Seconded Cr Peoples**
That Councillor Gray does not have either a real conflict of interest or perceived conflict of interest in the matter and is accordingly free to participate in the meeting while this matter is discussed, including by voting on the matter.

Carried
6/0

Cr Plumb for Item 3.1.6 - “I declare that I have a conflict of interest in this matter (as defined by section 175D of the Local Government Act 2009) as a member on the executive committee of the Barcaldine Rifle Club. I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.”

Personal Gifts and Benefits - Nil

BUSINESS**1. CONFIRMATION OF MINUTES**

Summary: *The following minutes required confirmation by Council:-
General Meeting – 21 August 2019.*

Resolution: 2019/09/307 **Moved Cr Peoples** **Seconded Cr Plumb**
That the minutes of the General Meeting held by Barcaldine Regional Council on the 21 August 2019 be received.

Carried
7/0

Resolution: 2019/09/308 **Moved Cr Gray** **Seconded Cr Dillon**
That the minutes of the General Meeting held by Barcaldine Regional Council on 21 August 2019 be confirmed.

Carried
7/0

2. PETITIONS**2.1.1 Equipment – Barcaldine Town Hall**

Summary: *The Mayor tabled a petition containing 12 signatures regarding the chairs and tables available for use in the Barcaldine Town Hall which the petitioners believe are not safe for use by elderly residents.*

Resolution: 2019/09/309 **Moved Cr Dillon** **Seconded Cr Gray**
That the petition be received and be referred to the Chief Executive Officer for appropriate action if necessary.

Carried
7/0

3. REPORTS

3.1 CHIEF EXECUTIVE OFFICER

3.1.1 Chief Executive Officer Information Report August - September 2019

Summary: The Chief Executive Officer's report for August to September 2019 is presented to Council.

Resolution: 2019/09/310 **Moved Cr Bettiens** **Seconded Cr Plumb**
That Council receives the Chief Executive Officer's Report for August to September 2019.

Carried
7/0

3.1.2 Councillor Information Bulletin

Summary: From the Chief Executive Officer tabling a list of items sent to Councillors in the Councillor Information Bulletin up to and including 13 September 2019.

Resolution: 2019/09/311 **Moved Cr Plumb** **Seconded Cr Gray**
That the report be received.

Carried
7/0

3.1.3 Community Care Services Report

Summary: From the Chief Executive Officer reporting on the operations of the Community Care Services.

Resolution: 2019/09/312 **Moved Cr Dillon** **Seconded Cr Gray**
That the report be received.

Carried
7/0

3.1.4 Australian Workers Heritage Centre – Request for Support - Wanpa-rda Matilda Outback Education Centre

Summary: From the Chief Executive Officer reporting on a request for support for the extension of the Wanpa-rda Matilda Outback Education Centre Deed of Agreement with Education Queensland.

3.1.7 2015-2019 Corporate Plan

Summary: From the Chief Executive Officer advising that the Corporate Plan expires this year.

Resolution: 2019/09/316 **Moved Cr Dillon** **Seconded Cr Gray**
That in accordance with section 165 of the Local Government Regulation 2012, Council extends the life of the Corporate Plan until 2020.

Carried
7/0

3.1.8 LGAQ Eight Point Action Plan on Drought - Draft for Consultation

Summary: From the Chief Executive Officer tabling the draft LGAQ Eight Point Action Plan on Drought for consultation.

Resolution: 2019/09/317 **Moved Cr Dillon** **Seconded Cr Peoples**
That Council endorses the draft Local Government Association of Queensland Inc. Eight Point Action Plan on Drought.

Carried
7/0

3.2 DEPUTY CHIEF EXECUTIVE OFFICER

3.2.1 Deputy Chief Executive Officer's Information Report – September 2019

Summary: The Deputy Chief Executive Officer's report for September is presented to Council.

Resolution: 2019/09/318 **Moved Cr Plumb** **Seconded Cr Dillon**
That Council receives the Deputy Chief Executive Officer's Report for May 2019.

Carried
7/0

At 10.15am the meeting adjourned for morning tea and resumed at 10.45am.

At this stage Cr Bettiens declared an interest in the following matter and left the meeting during discussions thereon.

3.2.2 Planning and Development Report

Summary: The Planning and Development Report for the period ending 9 September 2019 is presented to Council.

Resolution: 2019/09/323 **Moved Cr Bettiens** **Seconded Cr Gray**
That Council adopts the Barcaldine Regional Council Prevention of Bullying Policy as per Attachment B.

Carried
7/0

3.2.7 Domestic and Family Violence Policy

Summary: *The draft Domestic and Family Violence Policy is presented to Council for adoption.*

Resolution: 2019/09/324 **Moved Cr Bettiens** **Seconded Cr Peoples**
That Council adopts the Barcaldine Regional Council Domestic and Family Violence Policy as per Attachment C.

Carried
7/0

3.2.8 Amended Drug and Alcohol Policy

Summary: *The draft amended Drug and Alcohol Policy is presented to Council for adoption.*

Resolution: 2019/09/325 **Moved Cr Plumb** **Seconded Cr Rogers**
That Council adopts the Barcaldine Regional Council Drug and Alcohol Policy as per Attachment D.

Carried
7/0

3.2.9 Agistment of Council Land Policy

Summary: *The draft Agistment of Council Land Policy is presented to Council for adoption.*

Resolution: 2019/09/326 **Moved Cr Peoples** **Seconded Cr Gray**
That consideration of the draft Agistment of Council Land Policy be deferred to a future meeting of Council.

Carried
7/0

3.3 FINANCE

3.3.1 Financial Report

Summary: The financial report for the period ending 31 August 2019 is presented to Council.

Resolution: **Moved Cr Dillon** **Seconded Cr Plumb**
2019/09/327 **That Council receives the Financial Report for the period ending 31 August 2019.**

Carried
7/0

3.4 MANAGER ENGINEERING SERVICES

Councillors Gray and Bettiens declared an interest in Goal 3 of the following report and left the meeting during discussions thereon. Cr Bettiens also declared an interest in Goal 5 of the report and left the meeting during those discussions.

3.4.1 Works Report

Summary: From the Chief Engineer submitting for Council's information, the status of the scopes of work assigned to Engineering Services for the period ending 31 August 2019.

Resolution: **Moved Cr Peoples** **Seconded Cr Dillon**
2019/09/328 **That the Works Report for the period August 2019 be received.**

Carried
7/0

At this stage Councilors Gray and Bettiens returned to the meeting.

3.4.2 Asset Management Plan (Stage 1 – Assess and update our road asset information)

Summary: From the Chief Engineer submitting a progress update on the Asset Management Plan Stage 1 for Council's information.

Resolution: **Moved Cr Peoples** **Seconded Cr Plumb**
2015/09/329 **That the report be received.**

Carried
7/0

3.5 DISTRICT MANAGER – ALPHA AND JERICHO

At this stage Cr Peoples left the meeting.

3.5.1 Information Report

Summary: From the District Manager – Alpha and Jericho submitting the Information Report for information.

Resolution: Moved Cr Bettiens Seconded Cr Plumb
2019/09/330 That the District Manager’s Information Report be received.

Carried
6/0

At this stage Cr Peoples returned to the meeting.

3.5.2 Drowning Prevention and Water Safety Program

Summary: From the District Manager tabling a letter from Alpha Learn to Swim and Alpha Amateur Swimming Club Inc. seeking funding from Council to support a drowning prevention and water safety program for the local communities of Alpha, Jericho, Aramac and Muttaborra.

Resolution: Moved Cr Peoples Seconded Cr Plumb
2019/09/331 That Council agrees to support the Alpha Learn to Swim and Alpha Amateur Swimming Club Inc.’s drowning prevention and water safety program for the local communities of Alpha, Jericho, Aramac and Muttaborra following liaison with each community to ascertain preferred time frames.

Carried
7/0

3.6 DISTRICT MANAGER – ARAMAC AND MUTTABURRA

3.6.1 Information Report

Summary: From the District Manager – Aramac and Muttaborra submitting the Information Report for information.

Resolution: Moved Cr Peoples Seconded Cr Plumb
2019/09/332 That the District Manager’s Information Report be received.

Carried
7/0

At 12.30pm Rob Turner, Ashley Zischke, Melissa Radford, Tony Dodge and Scott Radford from Scripture Union School Chaplaincy Program attended the meeting to update Council on the work the program is carrying out and to thank Council for its financial support.

At 12.50pm the meeting adjourned for lunch and resumed at 2.10pm.

3.6.2 Aramac Tramway Museum – B12

Summary: *The Railway Preservation Society of Qld (RPSW) is seeking permission to recover the remains of Engine #1 (B12) from the Aramac Tramway Museum as part of a proposed restoration project.*

Resolution: **Moved Cr Gray** **Seconded Cr Peoples**
2019/09/333 **That Council agrees to vary the Queensland Heritage Register boundary to include the B12.**

Carried
7/0

Cr Peoples declared an interest in the following matter and left the meeting during discussions thereon.

3.6.3 Aramac Bakery

Summary: *Following discussions regarding the Aramac Bakery at the August General Meeting a number of consultations have taken place with interested parties relating to the future of the Aramac Bakery.*

Resolution: **Moved Cr Bettiens** **Seconded Cr Gray**
2019/09/334 **That Council agrees to list the Aramac Bakery and residence “For Sale by Tender”.**

Carried
4/2

At this stage Cr Peoples returned to the meeting.

At this stage Cr Peoples left the meeting and did not return.

3.6.4 RADF Application

Summary: *From the Community Development Officer reporting RADF Assessment Outcomes and Funded Project Outcome reports*

Resolution: 2019/09/335 **Moved Cr Rogers** **Seconded Cr Dillon**
That Council declines the application declined by the RADF Committee for the amount of \$1,730.00 as follows:-

Applicant	Project	Category	Total Cost	RADF Grant Amount
Barcaldine Cultural Association	Maxine Thompson Pastel Workshop	2 – Building Community Cultural Capacity	\$2,930	\$1,730

Carried
6/0

3.7 DISTRICT MANAGER – BARCALDINE

3.7.1 Information Report

Summary: The District Manager's – Barcaldine report was submitted to Council for information.

Resolution: 2019/09/336 **Moved Cr Plumb** **Seconded Cr Rogers**
That the District Manager's – Barcaldine General Information Report be received.

Carried
6/0

Cr Bettiens declared an interest in the following matter and left the meeting during discussions thereon.

3.7.2 Response to Request for Assistance – Barcaldine Business Expansion and Retention Group

Summary: From Barcaldine Business Expansion and Retention Group (BBRE) requesting Council's approval for assistance for the value of \$2,062.78 be reconsidered to align with funding of promotional material for the Buy Local Campaign for the Barcaldine business houses and services only.

Resolution: 2019/09/337 **Moved Cr Chandler** **Seconded Cr Rogers**
That Council does not agree to reconsider to provide financial assistance to the value of \$2,062.78 to Barcaldine Business Expansion and Retention Group for promotional material for the Buy Local Campaign for the Barcaldine business houses and services only.

Carried
5/0

At this stage Cr Bettiens returned to the meeting.

3.8 CONFIDENTIAL REPORTS

Procedural Motion

Resolution: **Moved Cr Dillon** **Seconded Cr Gray**
2019/09/338 **That Council move into closed session pursuant to Section 72 of the Local Government Act 2009, for the consideration of the future of the Alpha Post Office.**

Carried
5/0

Procedural Motion

Resolution: **Moved Cr Dillon** **Seconded Cr Plumb**
2019/09/339 **That the meeting move into open session.**

Carried
5/0

3.8.1 Alpha Post Office

Summary: From the Chief Executive Officer advising that an approach has been made for Council to purchase the Alpha Post Office.

Resolution: **Moved Cr Dillon** **Seconded Cr Plumb**
2019/09/340 **That Council authorises the Chief Executive Officer to negotiate the purchase of the Alpha Post Office located at 17 Milton Street, Alpha.**

Carried
5/0

3.9 NOTIFIED MOTIONS

As there was no further business, the Mayor declared the meeting closed at 2.55pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

MAYOR: _____

DATED: October 2019

Attachment A

**BARCALDINE REGIONAL COUNCIL
POLICY**

SYSTEM:	Human Resources
POLICY TITLE:	Prevention of Sexual Harassment
POLICY NUMBER:	HR002
ADOPTED:	17 th December 2008
AMENDED	18 September 2019
PURPOSE:	To eliminate sexual harassment from the workplace and to promote a harassment free environment for all employees of Barcaldine Regional Council.

1. SCOPE

This policy shall apply to all councilors, employees, contractors and consultants of Barcaldine Regional Council (the worker).

The policy applies to all Council activities including after-hours work functions. It also applies to conferences and events where the Council employee is deemed to be representing Council.

2. STATEMENT

Council is committed to ensuring that all workers are able to work in a healthy working environment free from sexual harassment. Workplace sexual harassment is illegal and unacceptable and will not be tolerated under any circumstances.

The Anti-Discrimination Act 1991 makes sexual harassment unlawful. Sexual harassment is a serious form of misconduct which undermines the integrity of the employment relationship and can have a detrimental effect on the health and well-being of fellow workers.

Legal action may be taken against workers for sexual harassment. Both the worker and Barcaldine Regional Council may be liable for any penalty imposed under the *Anti-Discrimination Act*.

3. WHAT IS SEXUAL HARASSMENT?

The Anti-Discrimination Act 1991 outlines the meaning of sexual harassment.

Sexual harassment happens if a person:

- a. Subjects another person to an unsolicited act of physical intimacy; or
- b. Makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
- c. Makes a remark with sexual connotations relating to the other person; or engages in any other unwelcome conduct of a sexual nature in relation to the other person;

And the person engaging in the conduct described above does so:

- a. With the intention of offending, humiliating or intimidating the other person; or
- b. In circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Sexual Harassment can take many different forms – it can be obvious or indirect, physical or verbal. Examples of sexual harassment include, but are not limited to:

- unwelcome physical contact such as touching, patting, pinching, grabbing, kissing or hugging
- unnecessary familiarity such as deliberately brushing against a person
- sexual propositions
- unwelcome and uncalled for remarks or insinuations about a person's sex or private life

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- suggestive comments about a person's appearance or body
- staring or leering at a person or at parts of their body
- offensive telephone calls
- indecent exposure
- suggestive comments or jokes
- displays of offensive material such as sexually explicit pictures, posters, screen savers, or internet material
- persistent invitations to go out, where they are refused
- unwelcome requests for sexual favours
- sending rude or offensive emails, attachments or text messages

Sexual Harassment is not behaviour which is based on mutual attraction, friendship and respect. If the interaction between employees is consensual, welcome and reciprocated it is not sexual harassment.

4. BREACH OF THIS POLICY

All workplace participants are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action.

Sexual harassment can sometimes be difficult to define and to prove. To support the allegation of sexual harassment, the worker should keep a diary detailing any incidents as well as any witnesses to the incidents.

If a worker believes they are being sexually harassed or wish to make a report about another employee being sexually harassed they should contact the relevant supervisor and follow the directions outlined in Council's Dispute Resolution Process.

If the above approach has been unsuccessful or if the alleged sexual harassment is so serious that the above approach is inappropriate, the worker may lodge a complaint directly to the Chief Executive Officer or Human Resources Officer.

The worker alleging sexual harassment may also make a formal complaint to the Queensland Human Rights Commission for resolution.

5. INVESTIGATING AN ALLEGATION

Any allegation of sexual harassment will be investigated under Council's Performance and Misconduct Policy.

If the allegation is not upheld the complaint will be dismissed and the parties to the complaint will be advised of that outcome in writing.

If the allegation is upheld, the action will depend on the severity of the case and may include one or more of the following:

- an apology
- a formal warning
- counselling
- transfer to another area of operations
- suspension from the workplace
- demotion
- dismissal
- another form of disciplinary action deemed necessary.

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6. CONFIDENTIALITY

All parties involved in a sexual harassment complaint must maintain confidentiality. However, it may be necessary to speak with other workers in order to conduct an investigation.

Spreading rumours or gossip may expose workers to a defamation claim. Workers may discuss the complaint with a designated support person or representative (who is not a workplace participant employed or engaged by Council).

7. REFERENCES

Local Government Act 2009

Anti-Discrimination Act 1991

Barcaldine Regional Council Certified Agreement 2018 - Dispute Resolution Process

Barcaldine Regional Council Performance and Misconduct Policy

Attachment B

BARCALDINE REGIONAL COUNCIL POLICY

SYSTEM:	Human Resources
POLICY TITLE:	Prevention of Workplace Bullying
POLICY NUMBER:	HR003
ADOPTED:	17 December 2008
AMENDED	18 September 2019
PURPOSE:	To eliminate bullying from the workplace and to promote a bullying free environment for all employees of Barcaldine Regional Council.

1. SCOPE

This policy shall apply to all councillors, employees, contractors and consultants of Barcaldine Regional Council (the worker).

The policy applies to all Council activities including after-hours work functions. It also applies to conferences and events where the Council employee is deemed to be representing Council.

2. STATEMENT

Council is committed to ensuring that all workers are able to work in a healthy working environment free from bullying. Workplace bullying is unacceptable and will not be tolerated under any circumstances.

Bullying in any form can have serious legal, ethical and financial implications for the employee and Council. Any incidents of bullying will be treated seriously by Council and may be grounds for disciplinary action including dismissal.

3. WHAT IS WORKPLACE BULLYING?

The *Industrial Relations Act 2016* states that an employee is **bullied in the workplace** if while the employee is at work, an individual or group of individuals repeatedly behaves unreasonably towards—
(i) the employee; or
(ii) a group of employees of which the employee is a member; and
that behaviour creates a risk to the health and safety of the employee.

This section does not apply to reasonable management action carried out in a reasonable manner.

This policy defines workplace bullying as behaviour by a worker that intimidates, offends, degrades or humiliates another worker, possibly in front of co-workers, clients or customers. This bullying behaviour can be direct or indirect. Forms of bullying may include:

Direct Bullying:

- physical assault or threat of physical assault
- yelling, screaming abuse, using offensive language, insults, inappropriate comment about a worker's appearance, personal life or lifestyle, slandering a worker or their family
- belittling opinions or constant criticism
- isolating a worker from normal work interaction
- restricting training and development or career opportunities without reason
- tampering with personal effects or work equipment
- displaying written or pictorial material which degrades or offends co-workers
- unreasonable administrative practices
- harmful or offensive initiation practices

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Indirect Bullying:

- overwork, unnecessary pressure, impossible deadlines
- underwork, creating a feeling of uselessness
- undermining work performance, deliberately withholding work related information or resources or supplying incorrect information
- unexplained job changes, meaningless tasks, tasks beyond your skills, failure to give credit where due
- not cooperating with other team members or not cooperating with directions by the manager
- obstructing a process so that tasks or projects are not completed
- refusing to accept a direction from the manager

Where bullying involves assault or threat of assault it may become a police matter.

4. WHAT CAN YOU DO ABOUT WORKPLACE BULLYING?

Bullying can sometimes be difficult to define and to prove. To support the allegation of bullying the worker should keep a diary detailing any bullying as well as any witnesses to the incidents.

If a worker believes they are being bullied or wish to make a report about another employee being bullied they should contact the relevant supervisor and follow the directions outlined in Council's Dispute Resolution Process.

If the above approach has been unsuccessful or if the alleged bullying is so serious that the above approach is inappropriate, the worker may lodge a complaint directly to the Chief Executive Officer or Human Resources Officer.

Under the *Industrial Relations Act 2016*, an employee who reasonably believes the employee has been bullied in the workplace may apply to the Industrial Relation Commission for an order to stop the bullying. If the Commission issues an order under this section, then all parties must abide by that order.

5. INVESTIGATING AN ALLEGATION:

Any allegation of bullying will be investigated under Council's Performance and Misconduct Policy.

If the allegation is not upheld the complaint will be dismissed and the parties to the complaint will be advised of that outcome in writing.

If the allegation is upheld, the action will depend on the severity of the case and may include one or more of the following:

- an apology
- a formal warning
- counselling
- transfer to another area of operations
- suspension from the workplace
- demotion
- dismissal
- another form of disciplinary action deemed necessary

6. REFERENCES

Industrial Relations Act 2016

Local Government Act 2009

Barcaldine Regional Council Certified Agreement 2018 - Dispute Resolution Process

Barcaldine Regional Council Performance and Misconduct Policy.

Attachment C

BARCALDINE REGIONAL COUNCIL POLICY

SYSTEM:	Human Resources
POLICY TITLE:	Domestic and Family Violence Support Policy
POLICY NUMBER:	HR014
ADOPTED:	
PURPOSE:	To establish the principles for managing situations where employees are subject to domestic and family violence.

1. SCOPE

The Domestic and Family Violence Support Policy applies to all Barcaldine Regional Council employees, trainees, volunteers, councillors, contractors and work experience students.

2. OBJECTIVE

This Policy provides employees, managers and supervisors with information relating to support that is available for those affected by Domestic and Family Violence.

3. DEFINITIONS

Domestic and Family Violence is behaviour by a person toward another person in a relevant relationship that is:

- Physically or sexually abusive
- Emotionally or psychologically abusive
- Economically abusive
- Coercive or threatening
- In any way controlling or dominating the second person and cause that person to fear for their safety or wellbeing or that of someone else.

4. POLICY

The Barcaldine Regional Council is committed to providing a healthy and safe workplace for all and will contribute to this by fostering a workplace culture where employees affected by Domestic and Family Violence (DFV) are supported.

DFV is unacceptable in any form and in any setting, including the workplace. All those covered by this Policy have a responsibility to model Council's values, which includes behaving in a way which promotes a work environment free from any form of violence or intimidation and supporting those who are affected by DFV. Violence, threats, force or intimidation perpetuated from the workplace, including by telephone, mail, email or social media will not be tolerated. Employees found to be doing so may be subject to disciplinary action.

Council recognises that employees who are affected by DFV sometimes face difficulties which may affect their attendance, performance at work or their safety.

Council will make available information on support services that may assist those in the workplace who are experiencing domestic violence to progress towards a life free from violence and its effects. Council will also provide information for affected employees on how to access special and personal leave in order to address health issues or to attend to other matters (e.g. legal matters, court proceedings, financial and child care matters etc.) as well as mechanisms to assist employee safety in the workplace.

No adverse action will be taken against an employee if their attendance or performance at work suffers as a result of their domestic violence situation, provided Council is aware of the situation through a confidential disclosure of the violence to their supervisor or management.

Council is committed to making the workplace great and acknowledges that it can make a significant difference to employees affected by DFV by providing appropriate support, safety and awareness measures. Council undertakes to raise awareness of DFV throughout its workplace by providing regular communications and training to staff.

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5. Confidentiality

All persons have the right to choose whether, when and to whom they disclose information about being affected by DFV. Information disclosed in relation to DFV will be kept confidential, except to the extent that disclosure is required or permitted by law or in an emergency to protect an individual's safety. This Policy does not override any legal obligations to disclose information.

Council will work with the person experiencing domestic violence to restrict access to the person's personal information and contact details.

Attachment D

**BARCALDINE REGIONAL COUNCIL
POLICY**

SYSTEM: Human Resources

POLICY TITLE: Drug and Alcohol Policy

POLICY NUMBER: HR015

ADOPTED:

PURPOSE: The purpose of this policy is to ensure that the health and safety of no person is at risk or is adversely affected by any worker being at the workplace during work hours whilst under the influence of alcohol or a drug.

1. INTRODUCTION

This policy applies to all employees, Councillors, workers, volunteers, contractors and subcontractors of Barcaldine Regional Council, who carry out work in any form or capacity for Council. This policy is to make sure all workplace participants are aware of their responsibilities in relation to the consumption of Drug and Alcohol.

2. OBJECTIVE

The objective of this policy is to:

- a) Reduce the likelihood of injury, damage and/or other negative effects caused by alcohol and/or drug use.
- b) Maintain a safe and efficient working environment for all workplace participants.

3. DEFINITIONS

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
Alcohol	Means liquor as defined under the <i>Liquor Act 1992</i> .
Authorised Officer	Means the Officer/s appointed by the CEO to conduct drug or alcohol testing.
BrAC	Means Breath Alcohol concentration
CEO	Means Chief Executive Officer
Confirmatory Test	Subsequent testing undertaken if a drug screening test produces a non-negative result.
Contractor	A contractor includes any employee or subcontractor of any company who has been engaged by Council to perform services.
Council	Means Barcaldine Regional Council
Drug	Means any illegal substance or a medically prescribed substance that may affect an employee's work performance.
Employee Assistance Program (EAP)	Means Council's confidential, professional counselling service available to Council employees.
Fitness For Work	Means a state (physically, mentally and emotionally) to perform assigned tasks competently and in a manner which does not comprise or threaten the health, wellbeing and safety of themselves or other persons.
Negative (drug test result)	The result from the first test of a sample that indicates no presence of a substance being tested for.

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Non-negative (drug test result)	The result from the first test of a sample that may indicate the presence of a substance being tested for.
Random	Having no specific pattern nor predetermined outcome.
Screening Test	Initial test to determine presence of alcohol or other drugs above the acceptable limit.
Work	Means a place, entity or function of Barcaldine Regional Council.
Work Hours	Means anytime where a worker is at the workplace, or is claiming remuneration, including time where the on-call allowance is received.
Workplace	Means any place under the control of Barcaldine Regional Council at which work is performed for or on behalf of Barcaldine Regional Council.
Workplace Participants	Means employees, Councillors, workers, contractors, subcontractors and volunteers of Barcaldine Regional Council

4. SCOPE

This Policy is not restricted to any one workplace or any set work hours. The Policy applies to all workplace participants at all workplaces. The obligations in this policy extend to all functions and places that are work-related. A 'work-related function' is any function that is connected to work, for example; conferences, work lunches, meetings, Christmas parties, client functions, etc.

Workplace participants are required to comply with this policy at all work related functions. This policy also applies when a workplace participant attends other workplaces in connection to work, for example when visiting a customer, client or supplier.

5. POLICY

5.1. CONTEXT

Barcaldine Regional Council aims to provide and maintain a workplace environment that not only protects the health and safety of all workplace participants whilst at work, but also facilitates a productive work environment. A safe and productive work environment includes the respectful treatment of others in the workplace.

The consumption of drugs and/or alcohol can impair a workplace participant's ability to perform work in a safe manner and can also lead to unacceptable behaviour towards others.

Barcaldine Regional Council requires that all workplace participants (with the exception of those listed in 6.4) must provide, if tested, a breath alcohol concentration (BrAC) reading of less than 100 micrograms (0.01) of alcohol per litre of breath whilst at the workplace during work hours. Barcaldine Regional Council requires that all workplace participants must not be under the influence of either illegal or prescribed medication above the cut-off levels specified in AS/NZ 4308:2008 or AS/NZ4760:2006 whilst at work.

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5.2. POLICY STATEMENT

Except as set out in this Policy, workplace participants are not permitted to do the following:

- a) Attend work while under the influence of drugs and/or alcohol
- b) Commence or return to work while under the influence of drugs and/or alcohol
- c) Consume or keep illegal drugs and/or alcohol in Council owned machinery or plant
- d) Consume or use illegal drugs and/or alcohol at work or during work hours (even whilst off site)
- e) Bring alcohol or illegal drugs to work
- f) Sell or dispense illegal drugs or alcohol at work
- g) Possess illegal drugs or alcohol at work.

Employees are expected to cooperate in being tested during work hours, if required by Council.

Workplace participants should not remain at the workplace if they become impaired or there is a risk of impairment by drugs and/or alcohol.

Barcaldine Regional Council does not accept liability for the consequences (property damage, injury, etc.) of any illegal or inappropriate actions of any workplace participant whilst they are affected by drugs and/or alcohol. The workplace participant is responsible for the consequences of their actions.

6. STANDARDS AND PROCEDURES

6.1. AWARENESS AND TRAINING

Council recognises that it is important to develop a workplace culture, through awareness and training, where employees are prepared to encourage each other to be safe and not unfit for work. All employees shall be familiarised with this Policy and the Drug and Alcohol Procedures upon commencement of employment and annually thereafter.

6.2. PRESCRIPTION AND PHARMACY MEDICATION

Where a workplace participant is taking prescription or pharmacy medications for legitimate medical purposes, the workplace participant will not breach this Policy by attending work if:

- a) The workplace participant takes the prescription and pharmacy medications in accordance with the instructions from their medical practitioner or pharmacist and normal directions applying to the use of those medications;
- b) The workplace participant does not misuse or abuse prescription or pharmacy medications;
- c) The workplace participant is aware of the effects (including potential effects) of consumption of alcohol whilst taking prescription or pharmacy medications;
- d) The workplace participant checks with their medical practitioner or pharmacist about the effect of the medication on their abilities to drive vehicles, operate machinery (if relevant) and generally perform their work duties in a safe manner. If a workplace participant's ability to perform their work safely could be impaired by prescription and/or pharmacy medications, the workplace participant must notify their Manager or Supervisor before undertaking their work. A workplace participant is not required to disclose details of the condition/s being treated; and
- e) The workplace participant advises the testing provider of any prescription or pharmacy medication that may impact upon the result, prior to the test being undertaken. Employees and workers will be informed of how prescription or pharmacy medication may impact upon the result prior to the test being undertaken.

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If Council suspects that a workplace participant's ability to safely perform their work is impaired (or likely to be impaired), Council may take steps to address the issue. These steps may include:

- a) Requesting a clearance from a Doctor or Medical Professional; and/or
- b) Providing suitable alternative duties in consultation with the workplace participant, and subsequently approved by a Doctor or Medical Professional.

6.3. ALCOHOL CONSUMPTION AT FUNCTIONS

Council may waive the prohibition on the consumption of alcohol in certain circumstances such as special functions, Christmas parties, conferences etc. This decision to waive this prohibition is at the sole discretion of the Chief Executive Officer. Prior to the relevant function taking place, workplace participants will be notified whether or not the prohibition of alcohol is waived. Unless notified otherwise, all workplace participants must assume that the prohibition applies.

If Council does waive the prohibition of consumption of alcohol for an identified event, the following restrictions will still apply:

- Workplace participants must not become inebriated or drunk;
- Workplace participants who consume alcohol should do so in a responsible manner;
- Workplace participants must uphold an appropriate standard of behaviour at all times. Inebriation will not be accepted as an 'excuse' for misconduct;
- The restrictions on the operation of vehicles and machinery continue to apply.

6.4. VEHICLE AND MACHINERY

Workplace participants must not, in any circumstances operate machinery if they have consumed alcohol or illicit drugs. Any worker who conducts or is involved in any of the following activities must provide, if tested, a BrAC of 0.00g/100ml (0.00%):

- Construction and maintenance works;
- Operation of plant requiring an LR licence or above to operate including trucks / buses;
- Operation of plant or machinery that requires a statement of attainment or licence issued by Workplace Health and Safety Queensland to operate;
- High risk construction activities as defined by the *Work Health and Safety Act 2011*;
- Confined space work and rescue;
- Operation of vehicle loading cranes;
- Traffic control;
- Electrical work;
- Operation of explosive power tools and firearms;
- Operation of chainsaws;
- Operation of dingo/stump grinders;
- Operation of demolition saws;
- Operation of wood chippers;
- Welding, grinding or oxy acetylene activities
- Workers who hold a learner or provisional licence;
- Rail safety sensitive duties specified by the Department of Transport and Main Roads (TMR); or
- Operation of a fly system in a theatre.

Council does not accept liability for any damage which has occurred to any machinery, plant or vehicle, any injury to any person, or damage to any other property caused by a workplace participant's use of vehicle or machinery while under the influence of illicit drugs or alcohol.

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6.5. ASSESSING AND TESTING

6.5.1. RANDOM TESTING – DRUG AND ALCOHOL

Consistent with Council's obligation and commitment to ensuring a safe workplace, all workplace participants (including Councillors, managers, contractors, etc.) will be required to partake in drug and alcohol testing. Council may be required to undergo drug and alcohol testing in the following circumstances:

- As part of the Random Testing Program;
- In case of Reasonable Suspicion; and/or
- Post Incident.

Random testing of workplace participants will be conducted periodically in a non-discriminatory manner that involves a neutral selection process. For the purposes of confidentiality, the Authorised Officer and a Union Representative will be the only individuals present during the random selection and testing.

6.5.2. TESTING METHOD

Authorised Officers must complete the required training and be authorised by the CEO to conduct drug and alcohol tests for all workplace participants.

All workplace participants **must** disclose all relevant medication to the Authorised Officer prior to the test being administered. In the instance where concerns remain about the level of substances tested, or whether those substances reliably reflect the medications identified, a confirmatory test shall be required.

Breath testing Alcohol Apparatus

- Council has a breath alcohol testing apparatus. This apparatus is able to indicate from a breath sample, an individual's breath alcohol concentration.
- Council will maintain the apparatus in accordance with the Australian Standard.
- All Alcohol testing will be conducted in accordance with current random breath testing procedures in Queensland, Australian Standard AS 3547-1997.

Drug testing Apparatus

- Council has a drug-testing apparatus. This apparatus is able to detect from an individual's oral fluids whether they have consumed illicit drugs.
- Saliva testing will be conducted in accordance with Australian Standard AS 4760:2006.

6.5.3. INITIAL TESTING

All initial drug and alcohol testing will comprise of a breath or saliva test. The initial screening test will be undertaken by an Authorised Officer to detect the presence of drugs or alcohol. Where the screening test returns a non-negative result indicating the presence of alcohol and/or other drugs above the acceptable limits, the employee will be required to undertake a confirmatory test.

6.5.4. CONFIRMATORY TESTING

Confirmatory tests may comprise of either a saliva or urine test. Where the initial screening test result of an individual indicates the presence of drugs or alcohol above the acceptable limits, the individual will be immediately suspended from work with pay, until a confirmatory test is completed.

Urine testing will be conducted in accordance with Australia/New Zealand Standard AS/NZS 4308:2008.

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6.5.5. UNSATISFACTORY RESULT

Where the initial screening test result of an individual indicates the presence of drugs or alcohol above the acceptable limits, the workplace participant will be immediately suspended from work with pay, and a confirmatory test will be required. If a confirmatory test indicates a breach of acceptable limits, the employee will then be subject to appropriate disciplinary measures as determined by the CEO and in accordance with Council's Code of Conduct, including the opportunity to seek counselling and rehabilitation where appropriate.

The employee may elect to undergo further confirmation testing at their own expense within a reasonable timeframe following the initial test. Council will take on board the advice from the external medical service provider as to the period of time within which the relevant drug or alcohol is likely to remain in the employee's system in excess of the relevant standards.

If the presence of drugs or alcohol is confirmed to be above the acceptable limits in accordance with this Policy, the employee will be escorted to their residence by a senior officer or their delegate. The employee will be responsible for the collection of their personal vehicle, if applicable.

6.5.6. SATISFACTORY RESULT

A satisfactory result is when a workplace participant produces a negative drug or alcohol test result from an initial drug or alcohol test and/or a confirmatory drug or alcohol test.

If a workplace participant produces a negative test result to an initial drug or alcohol test and/or a confirmatory drug or alcohol test, they will be able to return to work immediately. In the event of a negative result, no record will be kept by Council.

6.6. RETURN TO WORK

Where an employee has been absent from work due to an unsatisfactory result, the employee may be required to undergo a drug or alcohol test prior to the recommencement of work. The employee will not be allowed to return to work until they have achieved a satisfactory result to the testing in the agreed timeframe.

6.7. REFUSAL TO UNDERGO TESTING

A refusal to undergo a drug or alcohol test will be considered a breach of this Policy and the employee may face disciplinary action.

6.8. CONFIDENTIALITY OF TEST RESULTS

An employee's test results and any information they share with the testing provider about medication or personal health issues will remain confidential. In the case of an unsatisfactory result obtained, a record of the test result only will be kept in the employee's personnel file. All test results will be kept in accordance with the *Information Privacy Act 2009* and corresponding legislation.

Any proven breach of confidentiality from any person present during random selection and testing will result in formal disciplinary action against that individual.

6.9. EMPLOYEE ASSISTANCE

Council recognises drug and alcohol dependency as a treatable condition. Employees or Councillors who suspect they have an issue with drugs and/or alcohol are encouraged to seek advice regarding appropriate treatment options. Council will provide all appropriate support where an employee is seeking assistance in addressing drug or alcohol dependency. All information regarding such a disclosure will be treated confidentially.

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Forms of support may include:

- Access to Leave entitlements;
- Counselling services provided under Council's HEAD YAKKA Program; and
- Transfer to another role or work area.

6.10. BREACH OF POLICY

Disciplinary action may be taken in accordance with the Drug and Alcohol Procedure for breaches of this policy including, but not limited to:

- The recording of an unsatisfactory result from a confirmatory drug and/or alcohol test;
- If found to have deliberately masked a substance;
- The falsification of medication information or details;
- Tampering with a sample or drug and/or alcohol testing; and
- Refusing to comply with any requirements of this policy.

Workplace participants must comply with this policy at all times. Breaches of this Policy will be dealt with on a case by case basis. If an employee has been found to have breached this policy, they may be subjected to disciplinary action. The type and severity of the disciplinary action will depend on the circumstances of the case and the seriousness of the breach.

Examples of disciplinary action that may be taken include, but not limited to:

- A formal warning;
- Demotion;
- Suspension; or
- Termination of employment.

Any workplace contractors (including temporary or sub-contractors) of Council who are found to have breached this Policy may have their contracts terminated or not renewed. Contractors and visitors found to be in breach of this Policy will be required to leave the workplace immediately to ensure the safety of all employees, Councillors, and other contractors and visitors.

In any circumstances where a workplace participant's behaviour or conduct may involve a breach of any Australian Laws, (or any other laws including foreign and international laws) Council may notify the police or other relevant authority.

7. RELATED POLICIES, LEGISLATION AND DOCUMENTS

Policies and Procedures:

- Barcaldine Regional Council Code of Conduct
- Work Health and Safety Policy

Legislation and Regulations:

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- *Local Government Act 2009*
- *Information Privacy Act 2009*
- *Public Records Act 2002*
- AS 3547-1997
- AS 4760-2006
- AS/NZS 4308-2008