



**SOUTH BURNETT**  
**REGIONAL COUNCIL**

**Agenda**  
**of the**  
**Post Election Meeting**

**Held in the Warren Truss Chamber 45 Glendon Street Kingaroy**

on Monday 20 April 2020

Commencing at 9.00am

**Chief Executive Officer: Mark Pitt**

**Our Vision**

*"South Burnett Region, working together building a strong, vibrant and safe community"*

**Our Values**

- |          |                           |   |
|----------|---------------------------|---|
| <b>A</b> | <b>Accountability:</b>    | <i>We accept responsibility for our actions and decisions in managing the regions resources.</i>      |
| <b>C</b> | <b>Community:</b>         | <i>Building partnerships and delivering quality customer service.</i>                                 |
| <b>H</b> | <b>Harmony:</b>           | <i>Our people working cooperatively to achieve common goals in a supportive and safe environment.</i> |
| <b>I</b> | <b>Innovation:</b>        | <i>Encouraging an innovative and resourceful workplace.</i>   |
| <b>E</b> | <b>Ethical Behaviour:</b> | <i>We behave fairly with open, honest and accountable behaviour and consistent decision-making.</i>   |
| <b>V</b> | <b>Vision:</b>            | <i>This is the driving force behind our actions and responsibilities.</i>                             |
| <b>E</b> | <b>Excellence:</b>        | <i>Striving to deliver excellent environmental, social and economic outcomes.</i>                     |



## **SOUTH BURNETT REGIONAL COUNCIL SPECIAL MEETING AGENDA**

**Monday 20 APRIL 2020**

### **ORDER OF BUSINESS:**

1. Leave Of Absence.....	1
2. Business .....	1
2.1 Declaration of Office by Mayor and Councillors .....	1
2.2 Appointment of Deputy Mayor .....	8
2.3 Meeting Days, Times and Location for Ordinary Meetings of Council .....	10
2.4 PAYG Withholding for Councillors .....	12
2.5 Appointment of the Chairperson and Deputy Chairperson to the LDMG.....	16

## 1. Leave Of Absence

Nil.

## 2. Business

### 2.1 Declaration of Office by Mayor and Councillors

#### Document Information

ECM ID 2678943

Author Manager Social and Corporate Performance

Endorsed  
By General Manager Finance and Corporate

Date 6 April 2020

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#### Précis

The Chief Executive Officer will administer the procedural Declarations of Office by the Mayor and Councillors pursuant to *Section 169(2)* of the *Local Government Act 2009* (the 'Act').

#### Summary

The Chief Executive Officer will take the procedural Declaration of Office of the Mayor followed by each of the Councillors in order of divisional numbers.

For *Section 169(2)* of the Act, the prescribed declaration of office under *Section 254* of the *Local Government Regulation 2012* is:

*'I, (insert name of councillor), having been elected as a councillor of the South Burnett Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the Local Government Act 2009, to the best of my judgment and ability.'*

#### Officer's Recommendation

That the Chief Executive Officer take the procedural Declaration of Office of the Mayor and Councillors as follows:

Mayor Councillor Brett Wayne Otto  
Division 1 Councillor Roslyn Jeanette Frohloff  
Division 2 Councillor Gavin Anthony Jones  
Division 3 Councillor Danita Alison Potter  
Division 4 Councillor Kirstie Michelle Schumacher  
Division 5 Councillor Kathryn Anne Duff  
Division 6 Councillor Scott William Henschen

#### Financial and Resource Implications

No direct financial or resource implications arise from this report.

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## **Link to Corporate/Operational Plan**

Corporate Plan:  
EXC2 Effective corporate management

## **Communication/Consultation (Internal/External)**

Public notice of the meeting was advertised in the South Burnett Times, a notice was placed in Council's public office, Glendon Street, Kingaroy and on Council's website.

## **Legal Implications (Statutory Basis, Legal Risks)**

The Declaration of Office of the Mayor and Councillors is a statutory requirement pursuant to *Section 169(2)* of the *Local Government Act 2009*.

The Chief Executive Officer will take the procedural Declaration of Office of the Mayor and each of the Councillors at the post-election meeting to publically acknowledge their Declaration of Office.

## **Policy/Local Law/Delegation Implications**

No direct policy/local law/delegation implications arise from this report.

## **Asset Management Implications**

No direct asset management implications arise from this report.

## **Report**

The Chief Executive Officer will take the procedural Declaration of Office of the Mayor followed by each of the Councillors in order of divisional numbers.

For **Section 169(2)** of the Act, the prescribed declaration of office under *Section 254* of the *Local Government Regulation 2012* is:

*'I, (insert name of councillor), having been elected as a councillor of the South Burnett Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the Local Government Act 2009, to the best of my judgment and ability.'*

**Notice of Election Results**  
**LOCAL GOVERNMENT ELECTIONS**  
**SATURDAY, 28 MARCH 2020**



The local government quadrennial elections were held on Saturday, 28 March 2020.

In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the South Burnett Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
MAYOR	OTTO, Brett Wayne

Pat Vidgen  
Electoral Commissioner  
Declaration Date: 16 April 2020

**Notice of Election Results**  
**LOCAL GOVERNMENT ELECTIONS**  
**SATURDAY, 28 MARCH 2020**



The local government quadrennial elections were held on Saturday, 28 March 2020.  
In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the South Burnett Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
DIVISION 1 COUNCILLOR	FROHLOFF, Roslyn
DIVISION 2 COUNCILLOR	JONES, Gavin

Pat Vidgen  
Electoral Commissioner  
Declaration Date: 30 March 2020



**Notice of Election Results  
LOCAL GOVERNMENT ELECTIONS  
SATURDAY, 28 MARCH 2020**

The local government quadrennial elections were held on Saturday, 28 March 2020.  
In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the South Burnett Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
DIVISION 3 COUNCILLOR	POTTER, Danita Alison

Pat Vidgen  
Electoral Commissioner  
Declaration Date: 6 April 2020

**Notice of Election Results**  
**LOCAL GOVERNMENT ELECTIONS**  
**SATURDAY, 28 MARCH 2020**



The local government quadrennial elections were held on Saturday, 28 March 2020.

In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the South Burnett Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
DIVISION 4 COUNCILLOR	SCHUMACHER, Kirsie Michelle
DIVISION 5 COUNCILLOR	DUFF, Kathryn Anne

Pat Vidgen  
Electoral Commissioner  
Declaration Date: 7 April 2020



**Notice of Election Results**

**LOCAL GOVERNMENT ELECTIONS  
SATURDAY, 28 MARCH 2020**



The local government quadrennial elections were held on Saturday, 28 March 2020.

In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the South Burnett Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
DIVISION 6 COUNCILLOR	HENSCHEN, Scott William

Pat Vidgen  
Electoral Commissioner  
Declaration Date: 13 April 2020

## 2.2 Appointment of Deputy Mayor

### Document Information

ECM ID 2678941

Author Manager Social and Corporate Performance

Endorsed  
By General Manager Finance and Corporate

Date 6 April 2020

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### Précis

To appoint a Deputy Mayor from within the elected divisional Councillors.

### Summary

South Burnett Regional Council ('Council') is required to appoint a Deputy Mayor from its Councillors, by resolution, at its first meeting after the conclusion of each quadrennial election.

### Officer's Recommendation

That Council appoint Councillor \_\_\_\_\_ as Deputy Mayor for the South Burnett Regional Council, pursuant to *Section 175(2)* of the *Local Government Act 2009*.

### Financial and Resource Implications

Funds are allocated within the budget of Council to remunerate the position of Mayor, Deputy Mayor and Councillors.

### Link to Corporate/Operational Plan

Corporate Plan:  
EXC1 Effective financial management  
EXC2 Effective corporate management

### Communication/Consultation (Internal/External)

Council has been provided with an opportunity to discuss the appointment of the Deputy Mayor.

### Legal Implications (Statutory Basis, Legal Risks)

The appointment of a Deputy Mayor is a statutory requirement pursuant to *Section 175(2)* of the *Local Government Act 2009*.

### Policy/Local Law/Delegation Implications

No direct policy/local law/delegation implications arise from this report.

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## **Asset Management Implications**

No direct asset management implications arise from this report.

## **Report**

The *Local Government Act 2009* (the 'Act') prescribes certain tasks, which Council must perform at the statutory post-election meeting of which includes the appointment of a Deputy Mayor.

The Act specifies certain roles and responsibilities of a Deputy Mayor, which should be taken into consideration in making the determination of the Deputy Mayor, Section:

### **165 Acting Mayor**

- (1) *The Deputy Mayor acts for the Mayor during –*
  - a) *the absence or temporary incapacity of the Mayor; or*
  - b) *a vacancy in the office of Mayor.*

Therefore, the appointment of Deputy Mayor is specifically mandated and the selection is determined in consideration of the additional roles associated with the appointment as specified in the Act.

## 2.3 Meeting Days, Times and Location for Ordinary Meetings of Council

### Document Information

**ECM ID** 2678936

**Author** Manager Social and Corporate Performance

**Endorsed By** General Manager Finance and Corporate

**Date** 6 April 2020

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### Précis

This report is to recommend dates, times and location for the ordinary meetings of South Burnett Regional Council for the period of 16 April to 31 December 2020.

### Summary

In accordance with *Section 277(1)* of the *Local Government Regulation 2012*, it is necessary to confirm the dates, times and locations of the ordinary meetings of South Burnett Regional Council ('Council') for the period of 16 April to 31 December 2020.

The fixing of the day, time and location of the first ordinary meeting following the statutory post-election meeting is considered to have primacy above all other meetings as it affords Council the opportunity to address:

- Administrative issues affecting Council in an immediate sense which require Council resolution e.g. matters arising from and confirmation of minutes of the previous Council;
- Emergent issues arising during the "caretaker period" which require Council resolution; and
- Governance issues affecting Council in an immediate sense, which may require Council resolution.

### Officer's Recommendation

That Council fix the days, times and location for the ordinary meetings of South Burnett Regional Council in 2020 commencing at 9.00am as follows:

<b>Date</b>	<b>Location</b>
Wednesday 29 April 2020	Warren Truss Chamber, 45 Glendon Street, Kingaroy
Wednesday 20 May 2020	Warren Truss Chamber, 45 Glendon Street, Kingaroy
Wednesday 17 June 2020	Warren Truss Chamber, 45 Glendon Street, Kingaroy
Wednesday 15 July 2020	Warren Truss Chamber, 45 Glendon Street, Kingaroy
Wednesday 19 August 2020	Warren Truss Chamber, 45 Glendon Street, Kingaroy
Wednesday 16 September 2020	Warren Truss Chamber, 45 Glendon Street, Kingaroy
Wednesday 21 October 2020	Warren Truss Chamber, 45 Glendon Street, Kingaroy
Wednesday 18 November 2020	Warren Truss Chamber, 45 Glendon Street, Kingaroy
Wednesday 9 December 2020	Warren Truss Chamber, 45 Glendon Street, Kingaroy

## **Financial and Resource Implications**

Budget funds are provided for the costs associated with Council meetings. Operationally, scheduling of workshops and preparation of reports have been generally aligned to ordinary meetings of Council being conducted on the third Wednesday of the month.

## **Link to Corporate/Operational Plan**

Corporate Plan:

EC1 An informed and engaged community

EXC1 Effective financial management

EXC2 Effective corporate management

## **Communication/Consultation (Internal/External)**

Council advertises the dates, times and location of Council meetings and provides information on how the community can participate through a number of mediums.

## **Legal Implications (Statutory Basis, Legal Risks)**

Public notice of Council meetings is required pursuant to *Section 277(1)* of the *Local Government Regulation 2012*.

## **Policy/Local Law/Delegation Implications**

No direct policy/local law/delegation implications arise from this report.

## **Asset Management Implications**

No direct asset management implications arise from this report.

## 2.4 PAYG Withholding for Councillors

### Document Information

ECM ID 2678841

Author Manager Social and Corporate Performance

Endorsed  
By General Manager Finance and Corporate

Date 6 April 2020

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### Précis

The Chief Executive Officer is seeking determination whether Councillors elect to be subject to Pay As You Go (PAYG) withholding tax pursuant the *Taxation Administration Act 1953 (Cwlth)* (the 'Act').

### Summary

*Division 446-5 of Schedule 1* to the Act allows Councillors by unanimous resolution to elect to be treated as PAYG taxpayers.

An election under *Division 446-5 of Schedule 1* to the Act affects the way in which Councillor remuneration will be taxed. Where such a resolution is passed, PAYG tax instalments will be deducted from Councillors' remuneration, and non-cash remuneration will be subject to fringe benefits tax. It also results in the Councillors being treated as employees for a wide range of other taxation purposes, including possible salary sacrificing opportunities such as a vehicle.

### Officer's Recommendation

That Council unanimously elect to become an eligible governing body subject to *Division 446-5 of Schedule 1* of the Act to take effect on Monday, 20 April 2020.

### Financial and Resource Implications

Should Councillors elect to unanimous become an eligible governing body subject to *Division 446-5 of Schedule 1* of the Act, Council will be liable for fringe benefits tax on non-cash remuneration.

### Link to Corporate/Operational Plan

Corporate Plan:

EXC2.1 Deliver governance that provides sound organisational management and complies with relevant legislation.

### Communication/Consultation (Internal/External)

Information was provided to Councillors for consideration and advised to seek independent financial advice prior to the meeting.

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## **Legal Implications (Statutory Basis, Legal Risks)**

Pursuant to *Division 446-5 of Schedule 1* to the Act, Council must elect the way in which Councillor remuneration will be taxed. Where such a resolution is passed, PAYG tax instalments will be deducted from Councillors' remuneration, and non-cash remuneration will be subject to fringe benefits tax. It also results in the Councillors being treated as employees for a wide range of other taxation purposes, including possible salary sacrificing opportunities such as a vehicle.

## **Policy/Local Law/Delegation Implications**

No direct policy/local law/delegation implications arise from this report.

## **Asset Management Implications**

No direct asset management implications arise from this report.

## **Report**

*Division 446-5 of Schedule 1* to the Act allows Councillors by unanimous resolution to elect to be treated as PAYG taxpayers.

An election under *Division 446-5 of Schedule 1* to the Act affects the way in which Councillor remuneration will be taxed. Where such a resolution is passed, PAYG tax instalments will be deducted from Councillors' remuneration, and non-cash remuneration will be subject to fringe benefits tax. It also results in the Councillors being treated as employees for a wide range of other taxation purposes, including possible salary sacrificing opportunities such as a vehicle.

An election under *Division 446-5 of Schedule 1* to the Act also brings into effect the *Superannuation Guarantee (Administration) Act 1992 (Cwlth)* which would consider Councillors to be employees for superannuation guarantee purposes. This means that Council would have to pay the minimum prescribed contributions (or pay the superannuation guarantee charge).

Where non-cash remuneration is provided (such as use of a motor vehicle), the making of an election, under *Division 446-5 of Schedule 1* to the Act, has the result that tax on the non-cash remuneration is paid by the Council as fringe benefits tax, rather than being paid by the Councillor as part of his or her own income because fringe benefits tax is a tax on the employer.

Should Council make an election pursuant to *Division 446-5 of Schedule 1* to the Act:

1. The resolution is not affected by change in the membership of Council;
2. The resolution must specify a day as the day on which the resolution takes effect. The specified day must be within the 28-day period beginning on the day after the day on which the resolution was made.
3. The Commissioner for Taxation must be given written notification of the resolution within seven (7) days after the resolution was made.
4. The resolution applies for the purposes of particular provisions whose operation it affects.

The following table summarises particular provisions that are affected when Council resolves for an election under *Division 446-5 of Schedule 1* to the Act.

<b>When the resolution applies</b>		
<b>Item</b>	<b>If the resolution affects the operation of ...</b>	<b>the resolution applies to ...</b>
1	section 12-45	amounts that become payable after the day on which the resolution takes effect
2	Subdivision AB of Division 17 of Part III of the <i>Income Tax Assessment Act 1936</i> (about tax offset for lump sum payments in arrears)	*ordinary income *derived, and amounts that become *statutory income, after the day on which the resolution takes effect

\*For definition, see section 995-1 of the *Income Tax Assessment Act 1997*.

540

*Taxation Administration Act 1953*

Compilation No. 165

Compilation date: 1/1/2020

Registered: 12/2/2020

<b>When the resolution applies</b>		
<b>Item</b>	<b>If the resolution affects the operation of ...</b>	<b>the resolution applies to ...</b>
3	sections 26-30 and 34-5 of the <i>Income Tax Assessment Act 1997</i> (about deductions for relatives' travel expenses and non-compulsory uniforms)	expenditure incurred after the day on which the resolution takes effect
4	Divisions 28 and 900 of the <i>Income Tax Assessment Act 1997</i> (about car expenses and substantiation)	expenses incurred after the day on which the resolution takes effect
5	section 130-80 of the <i>Income Tax Assessment Act 1997</i> (about capital gains tax and employee share trusts)	*shares and rights to which a beneficiary becomes absolutely entitled after the day on which the resolution takes effect
6	provisions of the <i>Fringe Benefits Tax Assessment Act 1986</i> relating to assessments	(a) in the case of a loan benefit within the meaning of the <i>Fringe Benefits Tax Assessment Act 1986</i> —a loan made after the day on which the resolution takes effect; (b) in the case of a housing benefit within the meaning of that Act—the subsistence, after the day on which the resolution takes effect, of the housing right concerned; (c) in the case of a residual benefit within the meaning of that Act that is *provided during a period—so much of the period as occurs after the day on which the resolution takes effect; (d) any other *fringe benefit provided after the day on which the resolution takes effect.

\*For definition, see section 995-1 of the *Income Tax Assessment Act 1997*.



<b>When the resolution applies</b>		
<b>Item</b>	<b>If the resolution affects the operation of ...</b>	<b>the resolution applies to ...</b>
7	Division 4 of Part II of the <i>Income Tax Rates Act 1986</i> (about pro-rating the tax-free threshold)	amounts that become assessable income after the day on which the resolution takes effect
8	the provisions of the <i>Child Support (Registration and Collection) Act 1988</i>	*ordinary income *derived, and amounts that become *statutory income, after the day on which the resolution takes effect
9	section 9-20 of the *GST Act (about the meaning of <i>enterprise</i> )	activities, or series of activities, done after the day on which the resolution takes effect
10	Division 111 of the *GST Act (about reimbursement of employees)	reimbursements made after the day on which the resolution takes effect

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\*For definition, see section 995-1 of the *Income Tax Assessment Act 1997*.

## 2.5 Appointment of the Chairperson and Deputy Chairperson to the LDMG

### Document Information

ECM ID 2678946

Author Manager Social and Corporate Performance

Endorsed  
By General Manager Finance and Corporate

Date 6 April 2020

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### Précis

Appointment of the Chairperson and Deputy Chairperson to the South Burnett Local Disaster Management Group.

### Summary

Pursuant to *Section 34* of the *Disaster Management Act 2003*, South Burnett Regional Council ('Council') is required to appoint a Chairperson and a Deputy Chairperson to the South Burnett Local Disaster Management Group ('LDMG').

Pursuant to *Section 10(2)* of the *Disaster Management Regulation 2014*, a Chairperson appointed to the LDMG must be a Councillor of a local government.

### Officer's Recommendation

That Council:

1. Pursuant to *Section 34* of the *Disaster Management Act 2003*, \_\_\_\_\_ be appointed Chairperson of the South Burnett Local Disaster Management Group; and
2. Pursuant to *Section 34* of the *Disaster Management Act 2003*, \_\_\_\_\_ be appointed Deputy Chairperson of the South Burnett Local Disaster Management Group; and
3. A review of all other positions in the South Burnett Local Disaster Management Group be completed and referred to Council for consideration as soon as practicable.

### Financial and Resource Implications

Local disaster management has an allocation within the 2019/2020 budget.

### Link to Corporate/Operational Plan

Corporate Plan:  
EC4 Our community is prepared and resilient to disasters

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### **Communication/Consultation (Internal/External)**

Newly elected Councillors have been provided the opportunity to discuss and consider the appointment of the Chairperson and Deputy Chairperson to the LDMG.

### **Legal Implications (Statutory Basis, Legal Risks)**

Decisions undertaken are pursuant to the *Disaster Management Act 2003* and the *Disaster Management Regulation 2014*.

### **Policy/Local Law/Delegation Implications**

No direct policy/local law/delegation implications arise from this report.

### **Asset Management Implications**

No direct asset management implications arise from this report.

### **Report**

Pursuant to *Section 34* of the *Disaster Management Act 2003*, South Burnett Regional Council ('Council') is required to appoint the Chairperson and Deputy Chairperson to the South Burnett Local Disaster Management Group ('LDMG').

Pursuant to *Section 10(2)* of the *Disaster Management Regulation 2014* (the 'Regulation'), a Chairperson appointed to the LDMG must be a Councillor of a local government.

Pursuant to *Section 10(3)* of the Regulation, the Deputy Chairperson of the LDMG acts in the office of Chairperson of the LDMG during—

- a) a vacancy in the office of Chairperson; or
- b) a period when the Chairperson is absent from duty or cannot, for another reason, perform the functions of the office.

