



Minutes

Of The

Post Election Meeting

Held in the Council Chambers, 45 Glendon Street Kingaroy

on Wednesday, 16 May 2012

Chief Executive Officer: Ken McLoughlin

SOUTH BURNETT REGIONAL COUNCIL MINUTES

Wednesday, 16 May 2012

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Minutes of the Post Election Meeting of the South Burnett Regional Council, held in the Council Chambers, 45 Glendon Street Kingaroy on 16 May 2012 at 9:03am

PRESENT:

Councillors:

Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr DW Kratzmann (Mayor)

Council Officers:

Ken McLoughlin (Chief Executive Officer), Gary Wall (General Manager Finance & Information Services), John Kersnovski (General Manager Infrastructure Services), Eleanor Sharpe (General Manager Community & Economic Development), Stan Taylor (General Manager Planning & Environment)

1. Leave Of Absence

Nil.

2. Prayers

A representative of the Ministers Fraternal, Pastor Lyle Slinger, Church in the Marketplace offered prayers for Council and for the conduct of the Council meeting.

3. Business

CEO addressed the Council

3.1 IR1255225 - Declaration of Office for Councillors

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 the *Local Government (Operations) Regulation 2010* is:

'I, (insert name of mayor/councillor), having been elected as a mayor/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 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 Wayne Kratzmann
Division 1	Councillor Barry Green
Division 2	Councillor Debra Palmer
Division 3	Councillor Damien Tessmann
Division 4	Councillor Keith Campbell
Division 5	Councillor Kathy Duff
Division 6	Councillor Cheryl Dalton

Resolution:

Moved Cr CD Dalton, seconded Cr KA Duff.

That the Officer's Recommendation be adopted

Carried 7/0
FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

Mayor addressed the Council

3.2 IR1255227 - Appointment of Deputy Mayor

Summary

Council is required to appoint a Deputy Mayor from its Councillors, by resolution, at its first meeting after the conclusion of each of its quadrennial elections (i.e. the post election meeting).

Officer's Recommendation

That Council appoint a Deputy Mayor for the South Burnett Regional Council pursuant to S175(2) of the *Local Government Act 2009*.

Resolution:

Moved Cr KA Duff, seconded Cr DJ Palmer.

That Council appoint Keith Campbell as Deputy Mayor for the South Burnett Regional Council pursuant to S175(2) of the *Local Government Act 2009*.

Carried 7/0
FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

Deputy Mayor addressed the Council

3.3 IR1258165 - Establishment of Councillor Portfolios

Summary

In order to streamline operations Council has decided to implement a portfolio based system under which the Councillors operate. Councillor portfolios are areas of interest for each Councillor. While Councillors will have no decision making authority of their own, they will be expected to have a higher level of knowledge of the issues surrounding their areas of interest. Councillors will be responsible for chairing their respective portfolio meetings and will be the official Council spokesperson for their respective portfolio.

Officer's Recommendation

That the following Portfolios be established, with the nominated Councillor as portfolio chairperson and spokesperson:

Governance	Cr Wayne Kratzmann
Finance and Information Services	Cr Keith Campbell
Community & Cultural Services	Cr Debra Palmer
Economic Development	Cr Damien Tessmann
Roads	Cr Wayne Kratzmann
Water & Wastewater	Cr Barry Green
Planning, Land Management and Waste	Cr Cheryl Dalton
NRM, Parks and Environment	Cr Kathy Duff

Resolution:

Moved Cr CD Dalton, seconded Cr KA Duff.

That the following Portfolios be established, with the nominated Councillor representative:

<i>Governance</i>	<i>Cr Wayne Kratzmann</i>
<i>Finance and Information Services</i>	<i>Cr Keith Campbell</i>
<i>Community & Cultural Services</i>	<i>Cr Debra Palmer</i>
<i>Economic Development</i>	<i>Cr Damien Tessmann</i>
<i>Roads</i>	<i>Cr Wayne Kratzmann</i>
<i>Water & Wastewater</i>	<i>Cr Barry Green</i>
<i>Planning, Land Management and Waste</i>	<i>Cr Cheryl Dalton</i>
<i>NRM, Parks and Environment</i>	<i>Cr Kathy Duff</i>

Carried 7/0

FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

ADJOURNMENT:

Motion:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the meeting adjourn for Morning Tea

Carried 7/0

*FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP
Tessmann, Cr W Kratzmann (Mayor)*

RESUMPTION:

Motion:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the meeting resume at 10.51am with attendance as previous to the adjournment

Carried 7/0

*FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP
Tessmann, Cr W Kratzmann (Mayor)*

3.4 IR1255228 - Councillors Code of Conduct

Summary

The *Local Government Act 2009* (the Act) provides a regulatory framework for the adoption and enforcement of Councillor codes of conduct in Queensland.

The Code of Conduct for Councillors will provide South Burnett Regional Council Councillors with guidance and a frame of reference about their roles, obligations and acceptable standards of professional conduct. It also provides a public statement of professional conduct considered appropriate for elected officials and which the community can expect them to observe.

Officer's Recommendation

That the Code of Conduct for Councillors be adopted and the Code be a "procedure" for the purposes of section 176 (4) of the *Local Government Act 2009* (the Act), meaning breaches of this Code are considered to be breaches of the Act.

Resolution:

Moved Cr KA Duff, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted

Carried 7/0

*FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP
Tessmann, Cr W Kratzmann (Mayor)*

3.5 IR1255232 - Advice Guidelines

Summary

Under section 170A of the *Local Government Act 2009* (the Act), the Chief Executive Officer (CEO) is required to prepare Advice Guidelines that set out the procedure that Councillors must follow when requesting help or advice from Council employees.

Attached to this report is the Advice Guidelines for South Burnett Regional Council which has been approved by the CEO and is based on both the requirements of the Act and best practice guidelines developed by the Local Government Association of Queensland (LGAQ).

Officer's Recommendation

That the Advice Guidelines, as attached and authorised by the Chief Executive Officer, be noted by Council for the purpose of a local government procedure for the purpose of section 176(4) of the *Local Government Act 2009*.

Resolution:

Moved Cr CD Dalton, seconded Cr DP Tessmann.

That the Officer's Recommendation be adopted

Carried 7/0
FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

3.6 IR1255237 - Meeting Day and Time for first Ordinary Meeting of Council

Summary

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

- Administrative issues affecting Council in an immediate sense which require Council resolution eg. matters arising from and Confirmation of Minutes of 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 day and time for the first ordinary meeting of South Burnett Regional Council as Wednesday 23 May 2012 at 9.00 am at the Council Chambers, Glendon Street, Kingaroy.

Resolution:

Moved Cr KM Campbell, seconded Cr KA Duff.

That the Officer's Recommendation be adopted

Carried 7/0
FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP
Tessmann, Cr W Kratzmann (Mayor)

3.7 IR1255244 - Meeting Dates for Ordinary Meetings of Council

Summary

Pursuant to Section 52 of the *Local Government (Operations) Regulation 2010* Council must consider the day and times of other meetings at its post election meeting. This report proposes the days and time for the ordinary meetings of the newly elected South Burnett Regional Council (excluding the first ordinary meeting proposed for 23 May 2012).

The change to monthly meeting has been considered taking into account the expanding business needs of Council. For consistency purposes Wednesdays have been allocated to meet these business needs, which include Councillor attendance at the Ordinary Council meetings, Councillor portfolio meeting day, Strategic Workshops and the Chief Executive Officers' briefings to Councillors. It is considered that the following meeting schedule will provide an orderly and efficient meeting schedule for Wednesdays:

First Wednesday of Month:	Portfolio Meeting Day
Second Wednesday of Month	Strategic Workshops/CEO Briefings
Third Wednesday of Month	Ordinary Meeting
Fourth Wednesday of Month	Strategic Workshops/CEO Briefings
Fifth Wednesday of Month	Strategic Workshops/CEO Briefings

(The fifth Wednesday will occur 4 times throughout a calendar year.)

Thursdays have also been set aside as a contingency day for Council business as required and with notice.

Officer's Recommendation

That Council:

1. Fix the day and time for the ordinary meetings of South Burnett Regional Council as the third Wednesday of the month at 9.00 am.
2. Adopt the dates, times and locations for Council meetings to December 2012 as follows:

Date	Time	Location
Wednesday, 20 June 2012	9.00 am	Council Chambers, Glendon Street Kingaroy
Wednesday, 18 July 2012	9.00 am	Council Chambers, Glendon Street Kingaroy
Wednesday, 15 August 2012	9.00 am	Council Chambers, Glendon Street Kingaroy
Wednesday 19 September 2012	9.00 am	Council Chambers, Glendon Street Kingaroy
Wednesday, 17 October 2012	9.00 am	Council Chambers, Glendon Street Kingaroy
Wednesday, 21 November 2012	9.00 am	Council Chambers, Glendon Street Kingaroy
Wednesday 19 December 2012	9.00 am	Council Chambers, Glendon Street Kingaroy

Resolution:

Moved Cr KM Campbell, seconded Cr CD Dalton.

That the Officer's Recommendation be adopted

Carried 7/0

FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

3.8 IR 1255245 - Remuneration to be paid to Mayor, Deputy Mayor and Councillors of the South Burnett Regional Council

Summary

The Local Government Remuneration and Discipline Tribunal was established to review and determine the appropriate levels of remuneration for Mayors, Deputy Mayors and Councillors of Queensland Councils.

The Remuneration Schedule does not cover the reimbursement of expenses and the provision of facilities for Councillors that are covered under the Reimbursement of Expenses and Provision of Facilities for Councillors Policy.

Officer's Recommendation

That Council, in accordance with Section 42(5) of the Queensland Local Government (Operations) Regulation 2010, resolves to adopt the following rates in relation to the remuneration of the Mayor, Deputy Mayor and Councillors of the South Burnett Regional Council, in line with the report of the

Local Government Remuneration and Discipline Tribunal, gazetted on 2 December 2011, and that the rates of remuneration to be effective from 16 May 2012 as follows:

The following rates are to apply to the positions as stated:

- **Mayor** - 80% of the rate payable to a member of the Queensland Legislative Assembly being \$109,719.00.
- **Deputy Mayor** - 50% of the rate payable to a member of the Queensland Legislative Assembly being \$68,575.00.
- **Councillor** – 42.5% of the rate payable to a member of the Queensland Legislative Assembly being \$58,288.00.

Resolution:

Moved Cr CD Dalton, seconded Cr KM Campbell.

That the Officer's Recommendation be adopted

Carried 7/0
FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

3.9 IR1255246 - PAYG Withholding for Councillors

Summary

Division 446-5 of Schedule 1 to the Taxation Administration Act 1953 allows Councillors by unanimous resolution to elect to be treated as PAYG taxpayers.

An election under Division 446-5 impacts on the way in which Councillor remuneration will be taxed. Where such a resolution is passed, PAYG tax instalments will be deducted from Councillors' salary/meeting fees, 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 elect whether to become an eligible governing body subject to Division 446-5 of Schedule 1 of the Taxation Administration Act 1953.

PROCEDURAL MOTION:

Moved Cr KM Campbell, seconded Cr DJ Palmer.

That the previous item lay on the table until a future meeting pending further private independent advice and Council Officers to provide information in respect to possible items that may be able to be considered if treated as an employee under the Act.

Carried 7/0
FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

3.10 IR1255248 - Councillor Reimbursement of Expenses and Provision of Facilities Policy

Summary

Pursuant to section 44 of the *Local Government (Operations) Regulation 2010* Council is required to adopt an *Expenses Reimbursement Policy* that provides for the payment of reasonable expenses incurred, or to be incurred, by Councillors for discharging their duties and responsibilities as Councillors and the provision of facilities to Councillors for that purpose.

The *Expenses Reimbursement Policy* must be consistent with the five local government principles under section 4(2) of the *Local Government Act 2009* (the Act) and meet the financial sustainability criteria under section 102 of the Act.

Officer's Recommendation

That Council adopt the Reimbursement of Expenses and the Provision of Facilities Policy for Councillors.

Resolution:

Moved Cr KA Duff, seconded Cr BL Green.

That the Officer's Recommendation be adopted

Carried 7/0

FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

3.11 IR1258178 - Local Government Association of Queensland Election of Association s Executive District Representatives 2012-2016

Summary

The Local Government Association of Queensland is seeking nominations for the election of the Associations Executive District Representatives 2012-2016 - Nominations close at 5.00pm on Friday 1 June 2012.

Officer's Recommendation

That Council

1. not make a nomination to the LGAQ for the Executive District Representatives for 2012-2016; and
2. delegate the Mayor and Deputy Mayor to vote on behalf of Council at the LGAQ Executive Elections in June.

Resolution:

Moved Cr CD Dalton, seconded Cr DP Tessmann.

That the Officer's Recommendation be adopted

Carried 7/0

FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

3.12 IR1258167 - Appointment of Councillor Representatives on Other Organisations**Summary**

Council will continue to have extensive involvement in numerous organisations across the South Burnett region and as a result of the newly elected Council it is necessary for Council to appoint Councillor representatives to those bodies and organisations.

Officer's Recommendation

That the following Councillor's be appointed as the Councillor representative representing Council on organisations, associations or bodies and that previous Council Officer appointments remain unchanged.

COMMUNITY COMMITTEES WITH COUNCIL REPRESENTATION	MEMBERSHIP	COUNCILLOR
Toowoomba Golden West South Burnett Tourism 2011-2012 Board (TGWSBT)	1 Council representative	Mayor Wayne Kratzmann
South Burnett Tourism Association	1 representative	Cr Debra Palmer
Wide Bay Burnett Regional Organisation of Councils (WBBROC)	Mayor	Mayor Wayne Kratzmann
Health Consultative Committee	1 Councillor	Mayor Wayne Kratzmann
Wide Bay Regional Sport and Recreation Committee	1 Councillor	Cr Debra Palmer
Wide Bay Burnett Regional Road Group (WBBRRG)	1 Councillor	Mayor Wayne Kratzmann
Burnett Inland Economic Development Organisation (BIEDO)	2 Council representatives	Mayor Wayne Kratzmann Cr Damien Tessmann
Kingaroy Community Police Consultative Committee	1 Councillor officer	Mayor Wayne Kratzmann
South Burnett PCYC Steering Committee	2 Councillors	Cr Debra Palmer Cr Kathy Duff

COMMUNITY COMMITTEES WITH COUNCIL REPRESENTATION	MEMBERSHIP	COUNCILLOR
Crow FM Community Radio Station	1 Councillor	Cr Damien Tessmann
Kingaroy Chamber of Commerce Inc.	1 Councillor	Cr Damien Tessmann
South Burnett Community Network Committee	1 Councillor	Cr Keith Campbell
Performing Arts Complex Committee	1 Councillor	Mayor Wayne Kratzmann
Tick & Sale Yards Committee	1 Councillor	Cr Kathy Duff
Blackbutt Pool Committee	1 Councillor	Cr Debra Palmer
Brisbane Valley Rail Trail Steering Committee	1 representative	Cr Debra Palmer
Barker Barambah Irrigators Advisory Committee	1 representative	Cr Barry Green
Regional Animal Advisory Committee	1 Councillor	Cr Kathy Duff

Resolution:

Moved Cr DJ Palmer, seconded Cr DP Tessmann.

That the Officer's Recommendation be adopted

Carried 7/0
FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

3.13 IR1258176 - Appointment of Councillors to Council Committees**Summary**

Councillors will continue to have extensive involvement in numerous Council committees. The following Council committees are well established within Council's governance framework, and as a result of the newly elected Council, the Chief Executive Officer is seeking Councillor appointment to each committee, which have been predominately aligned with Councillor portfolios.

Officer's Recommendation

That the following Councillors be appointed to Council committees as listed below:

COUNCIL COMMITTEES	MEMBERSHIP	COUNCILLOR
Healthy Communities Management Advisory Committee	2 Councillors	Cr Debra Palmer (Chairperson) Cr Keith Campbell
Local Disaster Management Committee	2 Councillors (as detailed in Local Disaster Management Plan)	Mayor Wayne Kratzmann (Chairman) Cr Keith Campbell
Boondooma Homestead Management Advisory Committee	2 Councillors	Cr Kathy Duff (Chairperson) Cr Debra Palmer
Audit Committee	2 Councillors, with one being appointed Chairman (as per Audit Committee Terms of Reference)	Mayor Wayne Kratzmann (Chairman) Cr Keith Campbell
Traffic Advisory Committee (TAC)	3 Councillors	Mayor Wayne Kratzmann (Chairman) Cr Kathy Duff Cr Keith Campbell
Enhancing Passenger Transport Steering Committee	1 Councillor	Cr Damien Tessmann
Arts, Culture and Heritage Advisory Committee	2 Councillors	Cr Cheryl Dalton (Chairperson) Cr Debra Palmer (Chairperson position as an interim arrangement – to be reviewed within 12 months)
Reconciliation Action Plan Working Group	2 Councillors	Mayor Wayne Kratzmann Cr Kathy Duff
Grants & Donations Committee	3 Councillors	Cr Debra Palmer Cr Kathy Duff Cr Keith Campbell
Workplace Health & Safety Committee	1 Councillor	Mayor Wayne Kratzmann

Resolution:

Moved Cr KM Campbell, seconded Cr BL Green.

That the Officer's Recommendation be adopted

Carried 7/0

FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

3.14 IR1258491 - Appointment of Council Representatives on the Kingaroy Private Hospital Pty Ltd Board of Directors

Summary

Under the Kingaroy Private Hospital Pty Ltd constitution Council has three (3) representatives on the board of directors. As a result of the newly elected Council it is necessary for Council to appoint by resolution Councillor representatives to the Kingaroy Private Hospital Pty Ltd board. The constitution specifies that one (1) of the three (3) Council representatives must be a Councillor.

Officer's Recommendation

That the Mayor Wayne Kratzmann and Cr Damien Tessmann be appointed as Council representatives on the Kingaroy Private Hospital Pty Ltd board of directors.

Resolution:

Moved Cr CD Dalton, seconded Cr BL Green.

That the Officer's Recommendation be adopted

Carried 7/0
FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

3.15 IR1258492 - Appointment of Council Representatives on the Castra Retirement Home Pty Ltd Board of Directors

Summary

Under the Castra Retirement Home Pty Ltd constitution South Burnett Regional Council has two (2) representatives on the board of directors. As a result of the newly elected Council it is necessary for Council to appoint by resolution Councillor representatives to the Castra Retirement Home Pty Ltd board.

Officer's Recommendation

That the Mayor Wayne Kratzmann and Manager Economic Development and Property Management be appointed as Council representatives on the Castra Retirement Home Pty Ltd board of directors.

Resolution:

Moved Cr KM Campbell, seconded Cr KA Duff.

That the Officer's Recommendation be adopted

Carried 7/0
FOR VOTE - Cr KM Campbell, Cr CD Dalton, Cr KA Duff, Cr BL Green, Cr DJ Palmer, Cr DP Tessmann, Cr W Kratzmann (Mayor)

4. General Section

Nil.

There being no further business the meeting was declared closed at 11:38 am.

Confirmed before me this day of2012

..... **MAYOR**

