



MINUTES
of the
GENERAL MEETING

CHAIRMAN: Cr R Dyne (Mayor)

**Held in the Boardroom
Town Hall
2 Caledonian Hill
Gympie Qld 4570**

**On Tuesday 25 January 2011
At 9.00 am**

Gympie Regional Council **GENERAL**

*Mayor RJ Dyne (Chairman),
Crs AJ Perrett, GL Engeman, RA Gâté, LJ Friske,
DR Neilson, IT Petersen, J Watt and JA Walker*

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The meeting commenced at 9:00 am.

PRESENT: Mayor Cr R.J. Dyne (Chairman), Cr A.J. Perrett, Cr G.L. Engeman, Cr I.T. Petersen, Cr L.J. Friske, Cr R.A. Gâté, Cr D.R. Neilson, Cr J. Watt and Cr J.A. Walker.

Also in attendance were Acting Chief Executive Officer (Mr C. Manson), and Minutes Clerk (Mrs S Lowe).

DECLARATIONS OF INTEREST BY COUNCILLORS

Planning & Development Committee Meeting

P27/01/11 - Cr I.T. Petersen - Conflict of Interest

SECTION 1: OPEN WITH PRAYER

Pastor Cameron Hughes from River of Life offered a Prayer for the advancement of the Region and the true welfare of its people.

One Minute's silence was observed for family and friends of deceased residents of the Region and those impacted by floods in South East Queensland.

LEAVE OF ABSENCE

SECTION 2: APOLOGIES

Cr L.J. Friske left the meeting 9.04am

SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING

G01/01/11 **Moved: Cr R.A. Gâté**

Seconded: Cr A.J. Perrett

That the Minutes of the Gympie Regional Council General Meeting held on 15 December 2010 be taken as read and confirmed.

Carried

SECTION 4: PETITIONS

4/1	Petition – Heated Aquatic Centre
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Re: **G02/01/11** Petition – Heated Aquatic Centre
 From: 674 Residents, Ratepayers and Visitors of the Region.
 File: 4/4/7/17
 Date: 14 January 2011
 Reference:

“Your petitioners are calling on Council to commence work on the Tozer Park site with a clear timeline for the staged development of facilities to meet some of the major sporting, fitness, health and wellbeing needs of our community, including a Heated Aquatic Centre, Hydro Pool and Netball Courts. We request that this timeline include a feasibility study in early 2011, capital works to prepare the site in the 2011/12 financial year, netball courts and hydro pool (dependent on SSSS funding) in the 2012/13 financial year and continued staging of the development thereafter while both council and community groups continue to seek outside funding to speed up this development.”

Cr L.J. Friske returned to the meeting at 9.08am.

G02/01/11 Moved: Cr R.A. Gâté Seconded: Cr G.L. Engeman

That the petition be received and referred to a future Works and Services Meeting for consideration.

Carried

4/2	Petition – Chinamans Creek & Whittle Road
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Re: **G03/01/11** Petition – Chinamans Creek & Whittle Road
 From: 18 Residents of the Region
 File: 4-8-7-7
 Date: 18 January 2011
 Reference:

“We the undersigned Residents wish to bring to Council’s attention the deplorable condition of the road surface of the above Roads. They are in need of immediate full and careful maintenance as also are the entrances to the properties.

The Creek crossing over Whittle Road needs a permanent solution in the form of concreting as the road washes out every time the creek comes up.

Where Chinamans Creek Road passes over pipe culverts the surface is eroded which is narrowing the road making it very dangerous. Each time the Council workers review the road they move the white edge marker stakes. We're wondering how far they intend to move them. In time they will meet in the middle of the road. These culverts are concrete pipes but they need concrete collars to prevent erosion and damage to the road edge.

When entering Chinamans Creek Road in an Easterly direction from Kenilworth Skyring Creek Road the first dip needs to be raised at least a metre by way of culvert and concrete top to allow us, in a time of heavy rain, to be able to get out of the valley. We require this work to be done.

Council's attention is also drawn to the noxious weed (Lantana) on the road side which is proliferating and contaminating adjoining properties. A solution to this problem is also required."

G03/01/11**Moved: Cr J.A. Walker****Seconded: Cr J. Watt**

That the Petition be received and referred to a future Works & Services Committee Meeting for consideration.

Carried

SECTION 5: COMMITTEE	ADOPTION OF PLANNING & DEVELOPMENT RECOMMENDATIONS
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G04/01/11**Moved: Cr I.T. Petersen****Seconded: Cr J. Watt**

That the Recommendations of the Planning & Development Committee Meeting held on 19 January 2011 as presented, be received with the exception of Minute P27/01/11 to be withdrawn and dealt with later in this meeting.

Carried

G05/01/11 Moved: Cr I.T. Petersen Seconded: Cr J. Watt

That the Recommendations of the Planning & Development Committee Meeting held on 19 January 2011 as amended, be adopted.

Carried

In accordance with Section 173 of the Local Government Act 2009:-

Cr I.T. Petersen declared a Conflict of Interest in Minute P27/01/11 due to being a personal friend of the applicant.

The chairman requested a vote to determine if this was a "Conflict of Interest".

Cr I.T. Petersen left the meeting at 9.12 am.

G06/01/11 Moved: Cr R.A. Gâté Seconded: Cr J.A. Walker

That Cr I.T. Petersen does not have a Conflict of Interest in Minute P27/01/11 due to being a personal friend and elected to leave the meeting while the matter is being discussed and voted on.

Carried

<p>Recommendation P27/01/11 of the Recommendations of the Planning & Development Committee Meeting held on the 19 January 2011.</p>
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G07/01/11 Moved: Cr L.J. Friske Seconded: Cr J. Watt

That Recommendation P27/01/11 of the Recommendations of the Planning & Development Committee Meeting held on 19 January 2011 be received and adopted.

Carried

Cr I.T. Petersen returned to the meeting at 9.14 am.

SECTION 6: REPORT BY THE PLANNING & DEVELOPMENT COMMITTEE CHAIRMAN
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Cr Ian Petersen presented the following report:

STRATEGIC PLANNING MATTERS

Following a report from the Heritage Advisory Committee, the Planning and Development Committee is recommending that Council endorse the National Trust theme for the heritage art competition as the "Heritage of Water".

The Committee is also recommending that Council writes to the Minister for Environment and Resource Management requesting that the burial site of Emily Reilly at Inskip Point be conserved and acknowledged with a memorial plaque.

It is recommended that the comments of The Heritage Advisory Committee pertaining to the design plans for the Old Lands Office be endorsed.

To progress the development of an open space and recreation policy for Imbil, and to consolidate the three open space policies into one Gympie Regional Council Open Space and Recreation Policy, The Committee is recommending that Council commission Strategic Leisure Group to undertake the work.

MATERIAL CHANGE OF USE APPLICATIONS

A Material Change of Use Application for a light engineering workshop at Kandanga Creek is recommended for approval, as is an application for a private airstrip at Lower Wonga.

A code assessable Material Change of Use application for a place of worship at Groundwater Road, having met all requirements of the relevant codes, has been approved under delegated authority. The Committee is recommending that Council note that a decision notice has been issued. A large number of submissions were received and the approval carries conditions to address the concerns raised.

NEW APPLICATIONS

Seven new Impact Assessable Applications were received including a multi sports park and kiosk at Bella Creek, a feedlot at Cinnabar and a 24 hour gymnasium in Gympie. Eight new Code Assessable Material Change of Use Applications were received including the long awaited community centre at Rainbow Beach. No new Impact Assessable Reconfiguring a Lot Applications were received, but seven new Code Assessable Reconfiguration applications were noted.

DEVELOPMENT APPLICATIONS APPROVED

Staff approved thirty development applications under delegated authority. This is a commendable effort even allowing for the extra time since last report and confirms that strategies now in place are freeing up the approval process.

BUILDING SUMMARY AND REPORT

Although reports for November and December both indicate a reduction in the number of new dwelling approvals, it is apparent that new applications are trending upwards.

GENERAL MATTERS

An e-mail from some concerned business owners in Kandanga summarising a recent meeting indicates that most businesses are experiencing extremely difficult trading conditions, with many seriously considering their future.

The Committee is recommending that Council contact the State Government advising them that the Mary Valley community would welcome any farming families who may wish to relocate here after being displaced by the recent widespread flooding.

The recommendation is also to suggest to the State Government that this is an opportunity to develop a relocation scheme utilising State owned land and help restore some productivity to the Mary Valley.

G08/01/11 Moved: Cr I.T. Petersen

Seconded: Cr J. Watt

That the Report be received.

Carried

SECTION 7: OTHER MATTERS

7/1 Councillors' Remuneration

Re: **G09/01/11** Councillors' Remuneration
From: Local Government Remuneration Tribunal
File: 1/3/6/5
Date: 25 January 2011
Reference: 2010-12-13.PDF Doc ID: 1471917

"Please find enclosed a copy of the Local Government Remuneration and Discipline Tribunal's 2010 Report which was given to the Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships on 7 December 2010.

Your attention is drawn to Section 6 of the Report which records the outcomes of the deliberations of the Tribunal and the Remuneration Schedule which will apply from 1 January 2011. The Schedule reflects the decision of the Tribunal to increase the remuneration levels of Mayors, Deputy Mayors and Councillors by 2.5%.

It would be appreciated if you could please bring this Report to the attention of Council. An electronic copy of the Report can also be downloaded from the Tribunal's website

www.dip.q1d.gov.au/lgrdt.

In accordance with section 42(5) of the Local Government (Operations) Regulation 2010 (the Regulation), Council will need to make a resolution about the levels of remuneration to be paid to its Local Government representatives within 90 days of the Remuneration Schedule being gazetted. Once resolved, please provide a copy of Council's resolution to the Tribunal's Secretariat either by emailing enquiries@remunerationtribunal.q1d.gov.au or mailing to PO Box 15009, City East Queensland 4002.

If exceptional circumstances arise which cause Council to believe that a Councillor (or Councillors) is entitled to a different amount of remuneration from that in the Tribunal's Remuneration Schedule, Council may make a submission to the Tribunal under section 43 of the Regulation. The circumstances relevant to any such request would also need to be provided. Information about making section 43 submissions can be found on the Tribunal's website.

Should you require any further information please contact the Tribunal's Secretariat on 1800 030 114 or send an email to enquiries@remunerationtribunal.q1d.gov.au".

Report: (Brian Hayes, Manager Information Systems and Change Management)

In accordance with section 41 of the Regulation the Tribunal is required, on or before 1 December each year, to decide the remuneration that may be paid to Mayors, Deputy Mayors and Councillors in each category in the following calendar year.

After considering the criteria for establishing categories of Local Governments prescribed in section 39 of the Regulation, the Tribunal has decided to maintain the ten existing categories for 2011. Gympie Regional Council remains a Category 5 Council in 2011.

As required by section 42(3)(b) of the *Local Government (Operations) Regulation 2010* (the Regulation) the Remuneration Schedule which is to apply from 1 January 2011 has been published in the Government Gazette. Section 42(5) requires Councils to consider the determinations of the Tribunal within 90 days of gazettal and to adopt the remuneration levels to apply during that calendar year.

The Reference Rate of \$133,800 is a rate determined by the Tribunal and is the annual base salary payable to Members of the Queensland

Legislative Assembly on and from **1 January 2010** (\$130,540) plus 2.5% (rounded to the nearest \$10).

Position	Remuneration range determined as % of reference rate	
Mayor	87.5	100
Deputy Mayor	57.5	67.5
Councillor	50	60

These percentages of the base rate of \$133,800 equate to the following dollar amounts.

Position	Remuneration Range (rounded to nearest \$10)	
Mayor	\$117, 080	\$133, 800
Deputy Mayor	\$76,940	\$90,320
Councillor	\$66,900	\$80,280

If an elected representative only serves for part of a calendar year they are only entitled to a prorate payment to reflect the portion of the year served. Pursuant to section 41 of the Regulation the Tribunal is not to include in its determination any contribution a Local Government may make to a voluntary superannuation scheme for Councillors.

The purpose of the remuneration is to cover individual Councillors involvement in Council affairs including attendance at Council Meetings, committee meetings, meetings concerning the local government and community matters, deputations, inspections and training and educational seminars and conferences which further a Councillor's knowledge of local government affairs and requirements.

Furthermore, the Tribunal also recognises the additional workload to be managed by Councillors due to the 2008 amalgamation process with the implementation of an Amalgamation Loading. This loading will be phased out in March 2012, and as such the loading has been decreased to reflect this intention.

Strategic Implications:

Corporate Plan:	4 . Council working as a team in providing leadership to the Region.
Operational Plan:	1.1 – Corporate Governance and Executive Management.
Budget Implications:	Provided for in current Budget.
Budget Reference:	Elected Members – Ledger # 2110601
Legal/Statutory:	Local Government (Operations) Regulation 2010
Risks:	Low

Consultation:

- ☐ Financial Services Directorate
- ☐ Corporate Services Directorate
- ☐ Community Services Directorate
- ☐ Engineering Services Directorate
- ☐ Planning & Development Directorate
- ☒ Office of the Chief Executive Officer

G09/01/11 **Moved: Cr R.J. Dyne****Seconded: Cr A.J. Perrett**

That Council adopts the following remuneration levels in accordance with the determination of the Local Government Remuneration and Discipline Tribunal in the Remuneration Schedule effective from 01/01/2011.

- | | |
|---------------------------------|--|
| Mayor - | 90% of the rate payable (\$133,800pa) to a Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government |
| Deputy Mayor - | 62.5% of the rate payable (\$133,800pa) to a Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government. |
| Councillor - | 55% of the rate payable (\$133,800pa) to Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government. |
| Committee Chairpersons - | 2.5% of the rate payable (\$133,800pa) to a Member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government for the Chairpersons of the following Committees: <ul style="list-style-type: none"> - Works & Services - Corporate Governance & Finance - Community & Economic Development |

In recognition of the additional workload undertaken by the Chairperson of the Planning and Development Committee 5% of the rate payable (\$133,800pa) to a member of the Queensland Legislative Assembly in accordance with the remuneration range for a Category 5 Local Government.

Amalgamation Loading - In accordance with the per annum amounts set by the Local Government Remuneration Tribunal for the following periods:

	1/01/2011 to 30/06/2011	1/07/2011 to 31/12/2011
Mayor	\$5,540	\$2,770
Deputy Mayor	\$3,880	\$1,940
Councillor	\$3,400	\$1,700

Carried

7/2	Review of Queensland Legislation
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Re: **G10/01/11** Review of Queensland Legislation
 From: Desley Boyle MP - Minister for Local Government
 File: 1/4/05/0018 Doc ID: 1473268
 Date: 22 December 2010
 Reference:

During consultations for the development of the Local Government Act 2009, Councils expressed frustration at having to work across so many pieces of legislation relating to their business. As a result, I announced a review of all Queensland legislation that has obligations for Local Government.

I anticipate that the review's practical outcomes will be the repeal of duplicate, redundant and irrelevant provisions and rationalisation of similar provisions across Queensland statutes. There will also be a consolidation of powers, accountabilities and responsibilities.

To explore the issue further, I am pleased to release a Discussion paper with questions which draw on your considerable experience in Local Government. While it seeks information on major issues of authorised persons, local law, compliance and reporting and procurement, it also gives you an opportunity to raise additional legislative issues.

I am keen to hear what Councils have to say and particularly any solutions you may have. The Discussion Paper is available on the Department of Infrastructure and Planning's website at www.dip.qld.gov.au and Councils have until Friday, 18 February 2011 to make a submission. I ask that you inform businesses and other relevant groups in your area about the Discussion Paper so that they

may access it and make a submission. Their points of view are equally important to the review.

Should you require any further information in relation to this matter, please contact the Local Government Legislative Reform Unit, Department of Infrastructure and Planning on 3033 0587 or email lglr@dip.qld.gov.au.

REFER ATTACHMENT 1 – Discussion Paper

G10/01/11

Moved: Cr J.A. Walker

Seconded: Cr G.L. Engeman

That an extension of time be requested for responses to the review of Local Government Act 2009 Discussion paper.

Carried

7/3

Funding - State Capital Works Grants & Subsidies Returned to Previous Levels

Re: **G11/01/11 Funding - State Capital Works Grants & Subsidies Returned to Previous Levels**
 From: Greg Hoffman - LGAQ
 File: 5-3-5-8 Doc ID: 1472766
 Date: 17 December 2010
 Reference:

"2010 Annual Conference Resolution Number 50

At the Association's 2010 Annual Conference held in Mackay between 30 August – 2 September 2010, the following motion submitted by Gympie Regional Council was adopted by resolution:-

FUNDING - STATE CAPITAL WORKS GRANTS AND SUBSIDIES RETURNED TO PREVIOUS LEVELS

"That the Local Government Association of Queensland make representations to the State Government to have the level of State subsidy and grants for water, sewerage, roads and drainage return to the previous level of funding."

The following background information was considered by the Conference in the adoption of this resolution.

The State Government's previous decision to scale back the level of local government funding for water, sewerage, roads and drainage infrastructure grants and subsidies has been confirmed by the level of funding provided in the 2010-11 State Government Budget.

In particular the 40 percent subsidies for water and sewerage infrastructure allowed Councils to program new plants to meet future growth demand and comply with stringent environmental protection regulations introduced by state government. The withdrawal of these subsidies will require substantial increases in existing water and sewerage charges and additional headwork contributions from developers.

With housing affordability high on the State Government policy agenda, the reduction of these subsidies is counter productive. The LGAQ has written to the relevant Ministers, and will continue to raise the issues referred to in the motion where appropriate. Please let me know if there is any further action you would like the LGAQ to take regarding this matter.

NOTE: The Association is continuing negotiations with the State Government in regards to the Capital Works Subsidy Scheme. Enclosed is a copy of the reply we have received from the Minister."

Re: Funding - State Capital Works Grants & Subsidies
Returned to Previous Levels
From: Desley Boyle MP – Minister for Local Government

"Thank you for your letter of 20 September 2010 regarding the Local Government Association of Queensland's (LGAQ) 2010 Annual Conference Resolution Number 50 Funding - State capital works grants and subsidies returned to previous levels.

While I note the LGAQ's concerns regarding the level of funding provided to Local Government under the capital works subsidy scheme, I would point out that the overall level of grant funding provided by the Queensland Government across all portfolios and agencies remains substantial. For example, in 2010/2011, the Queensland Government will provide in excess of \$1.3 billion to Local Government in grant funding. This compares favourably with the overall level of funding provided in previous years.

I would also point out that the new Local Government Grants and Subsidy Program will commence on 1 July 2011 and will make available \$45 million per annum to Local Government. Furthermore, the proposed waste levy, when it commences, will provide Local Government with a source of funding for a range of waste management and environmental initiatives. It is expected that funding of up to \$279 million over the first four years will be provided from the levy revenue for these initiatives.

This proposed new funding, together with the existing on-going funding, demonstrates the Queensland Government's commitment to providing Local Government with significant financial support now and into the future.

Should you require any further information in relation to this matter, please contact Mr Lachlan McKenzie, Policy Advisor of my office on 3227 8819."

G11/01/11

Moved: Cr L.J. Friske

Seconded: Cr A.J. Perrett

That Council approach Local Government Association of Queensland to continue the discussion with Government with regards to the Local Government grant funding.

Carried

7/4

Instruments of Appointment

Re: **G12/01/11** Instruments of Appointment
From: King and Company solicitors, GPO Box 758, Brisbane
Qld 4001
File: 3/3/03/0128
Date: 21 December 2010
Reference:

Executive Summary:

Following the introduction of the new Local Government Act 2009, Council is required to review the delegations register to reflect the necessary changes with respect to updating the instruments of appointments for all relevant staff.

Report: (Manager Corporate Administration - Debbie Jenkins)

King and Company Solicitors have been engaged to review the current Instruments of Appointment in line with the changes brought about by the introduction of the new Local Government Act 2009.

Accordingly it is noted that two resolutions are required to be adopted by Council. The first resolution is pursuant to Section 257 of the Local Government Act 2009 delegating from Council to the Chief Executive Officer the power to appoint persons pursuant to Various State legislation and local laws of Council.

The second resolution is pursuant to Section 257 of the Local Government Act 2009 delegating from Council to the Chief Executive

Officer the power to authorise an employee or agent of Council to act as a Local Government Worker. This is a new requirement, and in this situation Council is required to endorse contractors who are undertaking works on behalf of Council on private land.

Strategic Implications:

Corporate Plan: Administrative in nature.

Operational Plan: Outcome 1.2 (ii)

Budget: Nil

Budget: Nil

Legal/Statutory: Local Government Act 2009
Local Government (Finance, Plans & Reporting)
Regulation 2010

Risks: Medium - Legal implications

Checklist:

- ☐ Financial Services Directorate
- ☒ Corporate Services Directorate
- ☐ Community Services Directorate
- ☐ Engineering Services Directorate
- ☐ Planning & Development Directorate
- ☐ Office of the Chief Executive Officer

G12/01/11

Moved: Cr D.R. Neilson

Seconded: Cr R.A. Gâté

1. Pursuant to Section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer of Council the power to appoint:-

- (a) authorised persons of Council to exercise 1 or more or all of the powers given to an authorised person pursuant to each of:

- (i) the *Water Supply (Safety and Reliability) Act 2008*; and
- (ii) the *Public Health (Infection Control and Personal Appearance Services) Act 2003*; and
- (iii) Section 12 of *Cooloolo Shire Council Local Law No. 1 (Administration) 2005*; and

- (iv) **Section 13 of *Kilkivan Shire Council Local Law No. 1 (Administration)*.**
 - (b) **local government workers of Council to exercise the powers of a local government worker under the *Local Government Act 2009*, Chapter 5, Part 2, Division 2; and**
 - (c) **Inspectors of Council under Section 107 of the *Plumbing and Drainage Act 2002* to exercise 1 or more or all of the powers given to an inspector pursuant to the *Plumbing and Drainage Act 2002*; and**
 - (d) **1 or more rehabilitation and return to work coordinators pursuant to Section 226 of the *Workers' Compensation and Rehabilitation Act 2003*; and**
 - (e) **1 or more workplace health and safety officers for the purposes of Section 93 of the *Workplace Health and Safety Act 1995*.**
2. **Pursuant to Section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer of Council the power to authorise an employee or agent of Council to act as a local government worker under Chapter 5 Part 2, Division 2 of the *Local Government Act 2009*.**
 3. **Pursuant to Section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer of Council the power to appoint purchasing officers and the limit of purchasing authority relative to the position held.**

Carried

7/5	GRC-011 Councillor Expenses Reimbursement Policy
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Re: **G13/01/11** GRC-011 Councillor Expenses Reimbursement Policy

From: Change Management, Corporate Services

File: 1/1/08/0001

Date: 09 February 2011

Reference: Minute - G33/05/08

Section 45(1) of the Local Government (Operations) Regulation 2010 states, a local government must adopt, by resolution, an expenses reimbursement policy or an amendment of the expenses reimbursement policy (ERP).

A recent review of the Gympie Regional Council ERP has resulted in some minor amendments to the legislative references to reflect the new legislative requirements.

This revision has also resulted in the amendment of the policy's principles to reflect the principles and the financial sustainability criteria of the Local Government Act 2009, as required by section 45(2) of the Local Government (Operations) Regulation 2010.

An amendment was also made to reflect a more recent Directive (14/10) regarding Motor Vehicle Use.

Report: (Manager Information Systems and Change Management - Brian Hayes)

Councillor Expenses Reimbursement Policy

Preface:

1.1 Legislative requirements:

Section 45(1) of the Local Government (Operations) Regulation 2010 states, a local government must adopt, by resolution, an expenses reimbursement policy or an amendment of the expenses reimbursement policy.

This policy should be read in conjunction with the Local Government (Operations) Regulation 2010 and specifically sections 44-47.

In summary the regulation states:

- A local government must adopt by resolution, an expenses policy that complies with the principles of the Local Government Act 2009 (Act) and the financial sustainability criteria under section 102 of the Act.
- The local government must give public notice of the Expenses Reimbursement Policy by publishing a public notice of the policy in a newspaper circulating in the local government area and on the local government's website as soon as practicable after adopting the Expenses Reimbursement Policy.
- The local government's Annual Report must contain a copy of the Council's Expenses Reimbursement Policy and a copy of any resolution made during the year authorising payment of expenses or provision of facilities

to councillors of the local government. Particulars of the reimbursements and facilities provided to Councillors will be included in the Annual Report.

- The local government may amend, by resolution its Expenses Reimbursement Policy ensuring the same public accountability and transparency requirements are followed. Minor amendments such as spelling and grammatical errors may be made to the policy by Council.
- Pursuant to section 44 (2) of the Local Government (Operations) Regulation 2010, local governments' Expenses Reimbursement Policy must provide:
 - Payments to Councillors for reasonable expenses incurred, or to be incurred, for discharging their duties and responsibilities as Councillors.
 - The facilities that are to be provided to Councillors for the purpose of discharging their civic duties.

Definitions

CEO: Council's Chief Executive Officer.

Expenses: These expenses relate to actual expenses deemed necessary and required for the business of Gympie Regional Council. In addition, expenses are payments reasonably incurred, or to be incurred, in connection with Councillors discharging their duties. The expenses may be either reimbursed to Councillors or paid direct by Council. Expenses are not included as remuneration.

Facilities: Facilities provided to Councillors are the "tools of trade" required to enable them to perform their duties with relative ease and at a standard appropriate to fulfil the community expectation of their role.

Official Council Business: Activities conducted on behalf of Council where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business objectives for the Council. Official Council business should result in a benefit being achieved either for the local government and/or the local community. This includes:

- Attendance at Council, Committee and Briefing Meetings;

- Attendance at prescribed Local Government training/workshops, seminars and conferences;
- Attendance at civic ceremonies and community events where a formal invitation has been received inviting Councillors in their capacity to undertake official duty;
- Attending public meetings, annual meetings or presentation dinners where invited as a Councillor;
- Attending meetings of community groups where invited to speak about Council programs or initiatives;
- Attending private meetings with constituents, where arranged through official council channels and details of discussions are documented in official records or diaries;
- Attending Civic Reception functions on behalf of the Mayor; and
- Attending organised meetings/inspections/community consultations pertaining to Committee responsibilities.

Private Use of Council Vehicle: Use of a Council vehicle for other than official Council business is private use. For the purposes of this policy only, however, private use does **not** include:

- Travel between a Councillor's home and official Council business;
- Any incidental deviations from the direct travel route where the distance travelled is not material (eg. a Councillor who is attending official Council business could stop enroute at the corner store, provided that the Councillor does not make a significant deviation from the most direct route.)

The home garaging of a Council vehicle is permitted.

Professional Development:

a) Mandatory Training:

Where one or more Councillors are required to attend training courses, workshops, seminars or conferences for skills development related to a Councillor's role. Examples of this type of training include Councillor induction, code of conduct, meeting procedures and legislative obligations. Attendance at conferences includes major industry events eg Australian Local Government Association (ALGA), Local

Government Association of Queensland (LGAQ) and Australian Local Government Women's Association (ALGWA) or specific events that are relevant to all Councillors or Committee members.

b) Discretionary training:

Where a Councillor identifies a need to attend a conference, seminar, workshop or training to improve skills relevant to their role as a Councillor, other than mandatory training, the Council may allow for the expenses to be covered to a limit of \$5,000 available to each Councillor during their current term in office. The Mayor or Chief Executive Officer is to approve the attendance of a Councillor to the conference, seminar, workshop or training prior to the expense being incurred.

Policy:

1.2 Statement of Principles:

Gympie Regional Council acknowledges the core principles underpinning the Local Government Act 2009, those being:

- (a) transparent and effective processes, and decision-making in the public interest;
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) democratic representation, social inclusion and meaningful community engagement;
- (d) good governance of, and by, local government;
- (e) ethical and legal behaviour of Councillors and local government employees.

Council has formulated this policy in line with the above principles and the financial sustainability criteria referred to in Section 102 of the Local Government Act 2009.

2. Expenses:

2.1 Professional Development

Council will reimburse expenses incurred for mandatory professional development; and discretionary professional development. Council will meet registration fees, course fees and entrance fees together with reasonable travel, accommodation and sustenance expenses.

- Registrations should, where practicable, be made in sufficient time to take advantage of “early bird” discounts.
- Councillors will provide a verbal or written report on the outcomes of any Professional Development.

2.2 Travel as required to represent Council:

Councillors may incur travel costs to attend statutory Council meetings, committee meetings, briefings, and travel to attend conferences, training workshops and seminars.

- Any vehicle usage must comply with section 3.1 of this policy.
- If using their own private vehicles, Councillors are required to keep a log book with details to substantiate the relevance and distance of the travel. Where appropriate Councillor’s private vehicle usage may be reimbursed by Council if the total travel claim does not exceed the cost of the same travel using economy flights plus the cost of all related taxi transfers.
- Councillors are to maintain the log book and are to calculate the amount of reimbursement in accordance with the scale prescribed by Directive Number 06/07 (or the most current directive) made pursuant to the section 34 of the Public Service Act 1996.
- For Councillor purposes a reference in the above Directive to headquarters can be interpreted as individual Councillor residences.
- From an insurance viewpoint Councillor’s own vehicles should be covered by either a comprehensive or a third party property damage insurance policy. Councillors are required to produce evidence that the insurance policy has been endorsed to indemnify Gympie Regional Council. It is understood this is a standard type endorsement available on request from all insurance companies. Council will refund any endorsement fees.
- The amount reimbursed will be calculated on the actual mileage travelled by the Councillor.
- Councillors are required to travel via the most direct route using the most economical and efficient mode of transport.

- All Councillor travel approved by Council will be booked and paid for by Council. This will occur as soon as practicable after the decision to attend the event to ensure the most economical method of travel is attained.
- Airline tickets are not transferable and can only be procured for the Councillor's travel on Council business. They cannot be transferred to offset any other unapproved expenses (eg the costs of a spouse accompanying the Councillor).
- Economy class is to be used where possible unless a specific resolution of Council specifies another class.

2.3 Accommodation:

Councillors may need to stay away overnight to attend to Council business, however for this to be considered as an expense of Council written approval must be obtained from the Mayor/CEO prior to incurring any expense.

When attending conferences, seminars, training workshops or courses, and where available, Councillors must utilize the package offered by the conference organisers, unless a more suitable or more economical venue convenient to the event can be obtained.

In all other cases, written approval must be obtained from the Mayor/CEO prior to the incurring of the expense for accommodation costs to be reimbursed.

All Councillor accommodation for Council business will be booked and paid by Council.

Council will pay for the most economical deal available, however where possible the standard for Councillors' accommodation should be four star rating.

2.4 Hospitality Expenses:

Councillors may have occasion to incur hospitality expenses while conducting Council business apart from civic receptions organised by Council.

The maximum amount of hospitality expenses which may be reimbursed:

- for Councillors is \$500 per financial year.
- for the Mayor is \$ 4,000 per financial year.

- Reimbursement for hospitality expenses may include alcoholic beverages when supply of such beverages meets established social customs.

2.5 Meal allowance:

Gympie Regional Council shall reimburse the cost of sustenance for Councillors who are travelling for Council business related reasons including professional development when:

- the Councillor incurs the cost personally and
- a meal is not provided within the registration costs of the approved activity/event or during a flight.

The amount reimbursed shall be:

- The actual amount, or ;
- For meals the following limits shall apply:
 - Breakfast \$25.00
 - Lunch \$30.00
 - Dinner \$38.00

whichever is the lesser and to be adjusted with CPI (Brisbane All Ordinaries, March Quarter figures) on an annual basis.

No alcohol shall be paid for by Council as part of the meal allowance.

2.6 Incidental allowance:

Up to \$20 per day may be paid by Gympie Regional Council to cover any incidental costs incurred by Councillors required to travel and who are away from home overnight for official Council business.

Examples of incidentals include but may not be limited to: tea/coffee; newspapers; telephone.

Incidental expenses must be verified by providing receipts.

2.7 Travel Transfer Costs:

Any travel transfer expenses associated with Councillors travelling for Council approved business will be reimbursed.

Examples of travel transfer expenses include train, taxi, bus and ferry fares.

Cab charge vouchers may also be used where Councillors are required to undertake duties relating to the business of Council.

3. Facilities:

Provision of Facilities

All facilities provided to Councillors remain the property of Council and must be returned when a Councillor's term expires.

Private Use of Council Owned Facilities.

The provision of facilities for use by Councillors is based upon the principle that *no private benefit is to be gained* from the facilities provided to Councillors.

The facilities are to be used for Council business only unless prior written approval has been granted by the Mayor or CEO.

3.1 Gympie Regional Council Office based Administrative tools:

For the Mayor specifically:

- An office.
- An administration officer for secretarial support.
- Use of a Council maintained 6 cylinder vehicle, as detailed below.

Mayor's Vehicle:

The Mayor shall be provided with use of a Council owned vehicle for use on Council business:

- The vehicle shall be a six cylinder vehicle equivalent to a Holden Berlina or Ford Fairmont standard.
- At all times the vehicle is to be driven by only the Mayor, the Mayor's spouse or partner, a Councillor or a Gympie Regional Council employee.
- In an emergency situation another person may drive the vehicle.
- Private use of the motor vehicle may be utilised by one of the following options:

Option 1: The Mayor may purchase private use rights of a motor vehicle for private use within Queensland subject to contribution of 2% of the base Mayoral salary.

Option 2: If option 1 is not chosen private use of the vehicle should be minimal and in line with the principle that no private benefit be gained from the facilities provided to the Councillors. Incidental private use of the Council owned vehicle is to be reimbursed to Council on a monthly basis.

The Mayor is to maintain a log book and the amount of reimbursement will be in accordance with the scale prescribed by Directive Number 14/10 (or the most current

directive) made pursuant to the section 54(1) of the Public Service Act 2008.

- Fuel for the Council owned vehicle will be provided by Council.
- Car parking at the local government office premises and when away from that premises reimbursement of parking costs paid by the Mayor when attending to official Council business.
- Council will be responsible for the ongoing maintenance and wear and tear costs of the Council owned vehicle.
- Any fines incurred while travelling in a Council owned vehicle or a privately owned vehicle while attending to Council business will be the responsibility of the Mayor or other driver if applicable.
- It is the Mayor's responsibility to ensure that he/she or any other driver as is applicable, are legally licensed to drive the Council vehicle or to drive a private vehicle while attending to official Council business.
- Gympie Regional Council will accept no responsibility for unlicensed or illegal driving matters.

For all Councillors:

- Communal office space - with an office provided in Gympie, Imbil library, Kilkivan Branch office and Tin Can Bay library and basic stationery for use in that office.
- Postage for items of Council business.
- Use of a Council landline.
- Name badge
- Safety equipment (eg safety helmet, vest safety shoes, safety glasses where necessary.)
- Internet access for use with Councillor's lap top.
- Email access for use with Councillor's lap top.
- Publications.
- Stationery.
- Shared access to office equipment.

For Councillors (excluding the Mayor):

- A Council maintained vehicle for Council business, as detailed below.

Councillor Vehicle (excluding the Mayor):

Each Councillor (excluding the Mayor) shall be provided with use of a Council owned vehicle for use on Council business:

- The vehicle shall be a four cylinder vehicle equivalent to a Mazda 3 or Ford Focus.

- At all times the vehicle is to be driven by a Councillor or Gympie Regional Council employee.
- The Councillor's spouse or partner may drive the vehicle only at such a time as the Councillor is incapacitated or in such other circumstances as would reasonably require that the Councillor's spouse or partner drive the vehicle.
- In an emergency situation another person may drive the vehicle.
- Private use of the motor vehicle may be utilised by one of the following options:

Option 1: A Councillor may purchase private use rights of a Council vehicle for private use within Queensland subject to contribution of 2% of the base Councillor salary.

Option 2: If option 2 is not chosen private use of the vehicle should be minimal and in line with the principle that no private benefit be gained from the facilities provided to the Councillors. Incidental private use of the Council owned vehicle is to be reimbursed to Council on a monthly basis.

The Councillor is to maintain a log book and to calculate the amount of reimbursement in accordance with the scale prescribed by Directive Number 14/10 (or the most current directive) made pursuant to the section 54(1) of the Public Service Act 2008.

- Fuel for the Council owned vehicle will be provided by Council.
- Car parking at the local government office premises and when away from that premises reimbursement of parking costs paid by Councillors while attending to official Council business.
- Council will be responsible for the ongoing maintenance and wear and tear costs of the Council owned vehicle.
- Any fines incurred while travelling in a Council owned vehicle or privately owned vehicle while attending to Council business will be the responsibility of the Councillor or other driver if applicable.
- It is the Councillor's responsibility to ensure that he/she or any other driver as applicable, are legally licensed to drive the Council vehicle or to drive a private vehicle while attending to official Council business.
- Gympie Regional Council will accept no responsibility for unlicensed or illegal driving matters.

Use of Council pool vehicles for Council business:

Councillors, when necessary, may have access to a Council pool vehicle for official Council business.

3.2 Home Office:

Council shall provide each Councillor with:

- A fax machine
- A laptop computer with appropriate software as decided by the CEO.
- A mobile telephone and car kit. Where personal calls are made on this telephone, Councillors shall reimburse the costs of the private calls on a monthly basis. Internet access or where Councillors have an existing home office set up with internet access, Council shall reimburse the equivalent cost of monthly internet access at a level set by the CEO.
- Basic stationery.
- Maintenance of Council owned equipment.

3.3 Legal Costs and Insurance Cover:

Council may decide to cover costs incurred through any inquiry, investigation, hearing or legal proceeding into the conduct of a Councillor, or arising out of or in connection with, the Councillor's performance of his/her functions.

Councillors may be covered under Council insurance policies while discharging civic duties. Specifically insurance cover may be provided for public liability, professional indemnity, Councillor's liability, personal accident, international and domestic travel insurance.

3.4 Other:

The Chief Executive Officer will provide an administration process to facilitate payment of private reimbursement costs to Council.

Strategic Implications:

Corporate Plan:	4.1 Council is maintaining responsible financial management.
Operational Plan:	1.1 – Corporate Governance and Executive Management.
Budget Implications:	Provided for in current Budget.
Budget Reference:	Elected Members _ Other reimbursements Ledger # 2110601

Legal/Statutory: Local Government (Operations) Regulation 2010
 Risks: Low

Consultation:

- ☒ Financial Services Directorate
- ☒ Corporate Services Directorate
- ☒ Office of the Chief Executive Officer

G13/01/11

Moved: Cr R.A. Gâté

Seconded: Cr L.J. Friske

That Council adopts the amended Councillor Expenses Reimbursement Policy in accordance with Section 45(1) of the Local Government (Operations) Regulation 2010.

Carried

7/6

Contract for the provision of Gate Keeping and Recycling Services at Sexton Transfer Station, Sexton Road, Sexton

Re: **G14/01/11** Contract for the provision of Gate Keeping and Recycling Services at Sexton Transfer Station, Sexton Road, Sexton.
 From: Environmental Health Officer – Mr Paul Lofts
 File: 2/9/01/0006
 Date: 18 January 2011
 Reference: Local Government Act 2009

Executive Summary

Council operates its Waste Management Facilities through the use of contract Recyclers who enter into Agreements for the provision of gate keeping and recycling services. These Agreements are generally for a period of twelve (12) months. Council, at its sole discretion reserves the right to extend the Agreement or not. The issue of extension is detailed in the Agreement however, no reference to extension, implied or otherwise, was made during the advertising process.

The current Agreement was due to commence on 1 December 2010 however, due to unfortunate circumstances the Agreement was never commenced.

Previous Council Considerations

At the Community & Economic Development Committee meeting held on 13 October 2010 Council considered a quotation from the

incumbent contractor for provision of gatekeeping and recycling services at the Sexton Transfer Station and resolved as follows

Minute CS04/10/10 refers:

RECOMMEND THAT COUNCIL ACCEPT THE QUOTATION SUBMITTED BY OSBORNE'S (ABN: 97464378984) FOR THE PROVISION OF GATEKEEPING AND RECYCLING SERVICES AT COUNCIL'S SEXTON TRANSFER STATION ON A CONTRACT BASIS FOR A PERIOD OF ONE (1) YEAR.

THE CONTRACT ARRANGEMENT IS TO COMMENCE AT 12:01 AM ON 1 DECEMBER 2010 AND EXPIRE AT 11:59 PM ON 30 NOVEMBER 2011.

REMUNERATION FOR THE PROVISION OF THESE SERVICES TO BE AS PER THE QUOTATION SUBMITTED BY OSBORNE'S (ABN: 97464378984) WITH COUNCIL TO PAY \$22 480.00 IN TWELVE (12) INSTALMENTS OF \$1 873.33 PER MONTH, SUCH PAYMENT TO BE FOR THE PERIOD DECEMBER 2010 – NOVEMBER 2011.

FURTHER, THAT COUNCIL REIMBURSE OSBORNE'S (ABN: 97464378984) UP TO MAXIMUM OF \$800.00 FOR PAYMENT OF THE PUBLIC LIABILITY INSURANCE PREMIUM ASSOCIATED WITH THIS AGREEMENT SUBJECT TO OSBORNE'S (ABN: 97464378984) SUBMITTING AN INVOICE TO COUNCIL AND A COPY OF PAYMENT RECEIPT FOR THIS INSURANCE PREMIUM.

Report: (Environmental Health Officer – Mr P Lofts)

The Sexton Transfer Station has been unmanned since the end of November 2010. Arrangements were made with Works Western Division to monitor and maintain the facility in the interim. Additionally, some of the local residents also monitored the facility and carried out minor maintenance and generally kept the individual material stockpiles in order. Notwithstanding these arrangements, the facility does suffer from not having an on site contractor and does not present to Council and public expectations.

Accordingly, quotations were called for the provision of Gate Keeping and Recycling Services at Sexton Transfer Station, Sexton Road, Sexton for a one (1) year period commencing 7 February 2011.

Council, when entering into a contract, has an obligation under the Local Government Act 2009 to apply sound contracting principles as follows:

- (a) value for money; and
- (b) open and effective competition; and
- (c) the development of competitive local business and industry; and

- (d) environmental protection; and
- (e) ethical behaviour and fair dealing.

A total of six (6) sets of quotation documents were forwarded to interested parties. Closing date for quotations was 11 January 2011 however, due to staff commitments associated with the 2011 flood, the opening of Council's Tender Box was delayed until 12:00 midday on Friday, 14 January 2011.

One (1) quotation was received by the amended closing date. Contact was made with the other five (5) interested parties to whom quotation documents were sent to ensure that the flood event did not prevent the submission of their quotations by the advertised closing date. All parties confirmed they had elected not to proceed with submitting quotations.

The one quotation received is from Res-Q and Recycle Pty Ltd (ACN: 61144485852) and seeks payment by Council of \$30,000 including GST for the period February 2011 to February 2012 for the provision of the required services.

Res-Q and Recycle Pty Ltd (ACN: 61144485852) currently hold contracts for Tin Can Bay and Bonnick Road Waste Management Facilities and have all required insurances and Workplace Health and Safety documentation in place.

The Manager of Res-Q and Recycle Pty Ltd has confirmed the details of the quotation and has advised that staffing and operation of the facility to Council and public expectations can be achieved.

Strategic Implications

Corporate Plan:	3.3 (3)
Operational Plan:	3.1 (ii)
Budget Implications:	The quotation received from Res-Q and Recycle Pty Ltd (ACN: 61144485852) falls within current budget.
Budget Reference:	Transfer Stations (Widgee, Sexton, Woolooga & Tansey) Contractor Payments.
Risk Analysis:	The Contractor is responsible for compliance with the Workplace Health & Safety Act 1995.

Council has care and control of numerous Waste Management Facilities. Failure to provide the required level of supervision and recycling activities of these facilities would result in uncontrolled disposal of prohibited items such as asbestos and waste oil. This lack of supervision may also encourage uncontrolled scavenging by unauthorised persons which could result in on site conflict and injuries.

As supervisor of a Council owned facility, the contractor is considered to be a representative of Council and has daily interaction with members of the public. As such, the contractor's actions and behaviour on site are a reflection on Council. Council's choice of a suitable person for this contract is an important consideration.

Consultation

Director of Community Services
Environmental Health Officer
Res-Q and Recycle Pty Ltd (ACN: 61144485852)

Checklist

- ☐ Financial Services Directorate
- ☐ Corporate Services Directorate
- ☒ Community Services Directorate
- ☐ Engineering Services Directorate
- ☐ Planning & Development Directorate
- ☐ Office of the Chief Executive Officer

G14/01/11

Moved: Cr A.J. Perrett

Seconded: Cr J.A. Walker

That Council accept the quotation submitted by Res-Q and Recycle Pty Ltd (ACN: 61144485852) for the provision of gatekeeping and recycling services at Council's Sexton Transfer Station on a contract basis for a period of one (1) year.

The contract arrangement is to commence at 12:01 pm on 7 February 2011 and expire at 11:59 am on 6 February 2012.

Remuneration for the provision of these services to be as per the quotation submitted by Res-Q and Recycle Pty Ltd (ACN:

61144485852) with Council to pay \$30 000.00 (inc GST) in twelve (12) instalments of \$2 500.00 (inc GST) per month, such payment to be for the period 7 February 2011 – 6 February 2012.

Carried

SECTION 8: GENERAL BUSINESS

Leave of Absence

G15/01/11 Moved: Cr R.A. Gâté

Seconded: Cr D.R. Neilson

That Cr A.J. Perrett be granted Leave of Absence from all Council meetings from the 2 February to the 15 February 2011.

Carried

SECTION 9: IN COMMITTEE

COUNCIL IN COMMITTEE

The Mayor advised the meeting that Council was going “Into Committee” to discuss

1. Staff Matter

G16/01/11 Moved: Cr R.A. Gâté

Seconded: Cr J.A. Walker

That pursuant to the provisions of Section 72 of the Local Government (Operations) Regulation 2010, Council resolves to close the meeting to the public and move “into committee” to consider the following matter/s:-

1. Staff Matter

Further, that in relation to the provisions of Section 171 of the Local Government Act 2009, Council resolves that following the closing of the meeting to the public and the moving ‘into committee’ that all matters and all documents (whether in hard copy, electronic, optical, visual or magnetic form) discussed, raised, tabled and/or considered whilst the meeting is closed and ‘in committee’, are confidential to the Council and the Council wishes to keep them confidential.

Carried

COUNCIL OUT OF COMMITTEE

G17/01/11 Moved: Cr J.A. Walker

Seconded: Cr J. Watt

That proceedings be resumed in Open Council.

Carried

SECTION 10: ATTACHMENTS

Attachment 1: Review of Queensland Legislation – Discussion Paper – Refer Item 7/2

There being no further business the meeting closed at 10.05 am.

Confirmed this NINTH day of FEBRUARY 2011

CHAIRMAN
Cr R.J. Dyne