

Post Election Meeting of Council
Wednesday 16 May 2012

16 May 2012

CONFIRMED MINUTES



CARPENTARIA SHIRE
Outback by the Sea

***POST-ELECTION
MEETING***

16 May, 2012

CONFIRMED MINUTES

AGENDA

1.	Opening of Meeting
2.	Record of Attendance
3.	Declarations of Office
4.	Returning Officer's Report (if available)
5.	Election of Deputy Mayor
6.	Meeting Dates
7.	Establishment of and Appointment of Committees
8.	Chief Executive Officer's Advice Guidelines
9.	Nominations – Local Government Association of Queensland Policy Executive District Representatives 2012-2016
10.	Use of Information, Material Personal Interests and Conflicts of Interest
11.	Closure of Meeting

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1. OPENING OF MEETING

The Chief Executive Officer welcomed all elected members and declared the meeting open at 9.00am.

2. RECORD OF ATTENDANCE

Mayor Elect: Cr FC Pascoe.
Councillors Elect: Cr AJ Gurney; Cr JD Beard; Cr ATJ Gallagher; Cr MD Johnson;
Cr LA Simmons; Cr JC Zahner.

Staff:
Chief Executive Officer; Mr Bob Owen,
Executive Assistant; Ms Angeline Pascoe.

Mrs Violet Beard, Mrs Helen Simmons, Mrs Shannon Gallagher, Mrs Diane Reeves, Ms Barbara Wollner, Mr Gary Zahner and Mr Brett de Chastel were in attendance in the public gallery for the Declaration of Office.

3. DECLARATIONS OF OFFICE

SWEARING IN

Section 169 of the *Local Government Act 2009*, requires that a person elected as a Councillor must not act in the office until the Councillor makes a declaration of office.

The abovementioned declaration is set out below (pursuant to section 50 of the *Local Government(Operation) Regulation 2010*).

"I ..., having been elected as a Councillor of the Carpentaria Shire 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 judgement and ability.

The "local government principles" referred to in the declaration are set out in section 4(2) of the *Local Government Act 2009*. The principles are:

- (a) Transparent and effective processes, and decision making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement, and
- (d) Good governance of, and by, the local government; and
- (e) Ethical and legal behaviour of councillors and local government employees.

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RESPONSIBILITIES OF COUNCILLORS

Section 12 of the *Local Government Act 2009*, sets out the responsibilities of Councillors and the Mayor. These responsibilities are set out below:

- (1) A councillor must represent the current and future interests of the residents of the local government area.
- (2) All councillors of a local government have the same responsibilities, but the mayor has some extra responsibilities.
- (3) All councillors have the following responsibilities –
 - (a) Ensuring the local government –
 - (i) Discharges its responsibilities under this Act; and
 - (ii) Achieves its corporate and community plans; and
 - (iii) Complies with all laws that apply to local governments;
 - (b) Providing high quality leadership to the local government and the community;
 - (c) Participating in council meetings, policy development, and decision making for the benefit of the local government area;
 - (d) Being accountable to the community for the local government's performance.
- (4) The Mayor has the following extra responsibilities -
 - (a) Leading and managing meetings of the local government at which the mayor is the chairperson, including managing the conduct of the participants at the meetings;
 - (b) Proposing the adoption of the local government's budget;
 - (c) Liaising with the chief executive officer on behalf of the other councillors;
 - (d) Leading, managing, and providing strategic direction to, the chief executive officer in order to achieve the high quality administration of the local government;
 - (e) Directing the chief executive officer, in accordance with the local government's policies;
 - (f) Conducting a performance appraisal of the chief executive officer, at least annually, in the way that is decided by the local government (including as a member of a committee, for example);
 - (g) Ensuring that the local government promptly provides the Minister with the information about the local government area, or the local government, that is requested by the Minister;
 - (h) Being a member of each standing committee of the local government;
 - (i) Representing the local government at ceremonial or civic functions.
- (5) A councillor who is not the mayor may perform the mayor's extra responsibilities only if the mayor delegates the responsibility to the councillor.
- (6) When performing a responsibility, a councillor must serve the overall public interest of the whole local government area.

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4. RETURNING OFFICER'S REPORT

Section 159(a) of the *Local Government Act 2009* states that a Councillor's term starts on the day after the conclusion of the election.

The "conclusion of the election" is defined in the *Local Government Act* as being when the last declaration of the poll is displayed in the local government's office.

Council must ensure a minimum of 2 days notice of the post-election meeting before Councillors may be sworn into office.

Declaration of Poll

Mayor
PASCOE Frederick Returned Unopposed

Councillor	Votes	%
BEARD John	552	13.69
GALLAGHER Ashley	530	13.14
GURNEY Alan	520	12.90
JOHNSON Merle	600	14.88
SIMMONS Luke	480	11.90
ZAHNER Joyce	524	13.00

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LOCAL GOVERNMENT ELECTORAL ACT 2011

**NOTICE OF RESULT
OF ELECTION
(First-Past-the-Post Voting)**

COUNCILLOR

CARPENTARIA

Local Government Area of _____

I, Jacqueline Ann Carter, advise that at the election of a Councillor/s

for the Local Government Area of CARPENTARIA

held on 28 April 2012 under the provisions of the *Local Government Electoral Act 2011*, the following:

FULL NAME OF ELECTED CANDIDATE
GURNEY, ALAN JOHN
BEARD, JOHN DELTA
GALLAGHER, ASHLEY THOMAS JAMES
JOHNSON, MERLE DOROTHEA
SIMMONS, LUKE ANTHONY
ZAHNER, JOYCE CECILIA

were duly elected for this Local Government Area.

Signature _____

Returning Officer for the Local Government Area of CARPENTARIA

Date 9/5/2012

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Moved Cr Zahner

Seconded Cr Gurney

That Council receives the Returning Officer's declaration of the poll and notes the above votes and percentages as published on the website of the Electoral Commission of Queensland.

CARRIED

Resolution No.PEM0512/001

5. ELECTION OF DEPUTY MAYOR

Section 175(2) of the *Local Government Act 2009* requires that a local government must appoint a Deputy Mayor from its Councillors by resolution at the post-election meeting.

The *Local Government Act* does not prescribe how this appointment is to take place. In the absence of statutory guidance, it must be assumed that the Act's standard provisions requiring decisions to be made by majority in open voting are to apply.

Cr Johnson nominated Cr Zahner for the position of Deputy Mayor

Cr Zahner declined the nomination.

Cr Zahner nominated Cr Gurney. Cr Gurney accepted the nomination.

There being no further nominations, Cr Gurney was elected unopposed.

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6. MEETING DATES

Section 52 of the *Local Government (Operations) Regulation 2010* requires that a local government must consider at a post election meeting the day and time for holding other meetings. Section 444 provides that meetings of a Shire are to be held at least once in each period of three months.

Council's current policy is to hold monthly meetings on the third Wednesday and following Thursday of each month, commencing at 9:00am. It is recommended that this policy continues. It is also noted that dates are reviewed at the end of each year for the next year.

Dates adopted by the former Council were as follows:

Month	Agenda Due	Meeting Date	Meeting Type
January	10	18 19	General Meeting General Meeting
February	7	15 16	General Meeting General Meeting
March	13	21 22	General Meeting General Meeting
April	10	18 19	General Meeting - Karumba General Meeting
May	8	16 17	General Meeting General Meeting
June	12 19	20 21	General Meeting General Meeting Kba Civic Centre Public Consultation
July	10 17	18 19	General Meeting General Meeting Ntn Shire Hall Public Consultation
August	7	15 16	General Meeting General Meeting Budget Meeting
September	11 18	19 20	General Meeting General Meeting Ntn Shire Hall Public Consultation (Budget Update)
October	9 16	17 18	General Meeting - Karumba General Meeting Kba Civic Centre Public Consultation (Budget Update)
November	13	21 22	General Meeting General Meeting
December	4	12 13	General Meeting Note: 1 week earlier due to Christmas

Moved Cr Beard

Seconded Cr Zahner

That the current policy of holding general meetings on the third Wednesday and following Thursday of each month be continued and that the dates previously adopted for the period from May to December 2012 be confirmed as the dates for the remaining 2012 meetings.

CARRIED

Resolution No. PEM0512/002

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7. ESTABLISHMENT OF AND APPOINTMENTS TO COMMITTEES

Section 61(1) of the *Local Government (Operations) Regulation 2010* provides that a local government may appoint, from its Councillors, standing committees, special committees, and advisory committees.

Committee Member	
Mayor Cr A Gurney Cr J Zahner Cr M Johnson Cr J Beard	Australia Day Council Committee
Cr A Gurney	Carpentaria Interagency Network
Mayor Cr A Gurney	GSD Gulf Savannah Development To consider the GSD business plan for annual review & update.
Cr L Simmons Cr J Beard	Integrated Catchment Management Group North [Northern Gulf Resources Management Group]
Cr L Simmons	South - [Southern Gulf Catchments Inc.]
Cr A Gallagher Cr L Simmons	Gulf Catchment Pest Task Force
Cr J Beard Cr A Gurney	Qld Fisheries Service (QFS) Management Advisory Committee (MAC) <i>(Meets twice a year)(Claudine Ward)</i>
Mayor Cr A Gurney	Oz Minerals - Community Forum
Mayor Cr A Gurney	Ports Corporation Consultative Committee
Mayor Cr A Gurney Cr J Beard	Gulf Barramundi Discovery Centre / Restocking Association
Cr A Gurney Cr A Gallagher Cr J Zahner Cr M Johnson	Air Users Group
Mayor Cr A Gallagher	North West Queensland Regional Roads Group
Cr J Zahner Cr M Johnson	Regional Arts Development Fund (RADF)
Mayor Cr J Beard	North Queensland Sports Foundation

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Cr A Gallagher Cr J Zahner Cr A Gurney	Normanton Heritage Precinct Steering Committee
Mayor Cr A Gurney Cr J Beard Cr J Zahner	Local Disaster Management Group
Cr J Beard Cr M Johnson Cr J Zahner	Pensioner Housing Committee
Mayor + 1	North Queensland Local Government Association (NQLGA) [1 per year] To represent Council: Delegate – Mayor Observer – + 1 other Councillor
Cr L Simmons	Gulf Regional Planning Advisory Committee (RPAC)
Cr J Beard Cr J Zahner Cr L Simmons	Mutton Hole Wetlands Management Committee
Cr A Gurney Cr A Gallagher	Gulf Chamber of Commerce

Moved Cr Gurney

Seconded Cr Zahner

That Council approve the appointments of the councillor representatives to the above committees and organisations.

CARRIED

Resolution No. PEM0512/003

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8. ADVICE GUIDELINES

Pursuant to section 170A(2) and (3) of the *Local Government Act 2009*, requests by Councillors to employees for advice and information to help the Councillor make a decision must comply with guidelines made by the Chief Executive Officer.

The Chief Executive Officer made guidelines in December 2011. These guidelines are attached for Councillors' information. The importance of following the guidelines cannot be overemphasised as breaches may potentially be the subject of a complaint of misconduct or inappropriate conduct possibly leading to external investigations and actions.

Moved Cr Gurney

Seconded Cr Gallagher

That Council receives and notes the Advice Guidelines published by the Chief Executive Officer in December 2011.

CARRIED

Resolution No.PEM0512/004

9. NOMINATIONS – LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND POLICY EXECUTIVE DISTRICT REPRESENTATIVES 2012-2016

In accordance with Rule 37 of the Local Government Association of Queensland ("LGAQ") Constitution and Rules, nominations are hereby called for the election of District Representatives to the LGAQ Policy Executive for the period 2012 - 2016.

Councils within an Electoral District are entitled to nominate candidates for election from amongst elected members of the Councils within their District.

Nominations close at 5.00pm, Friday 1 June 2012, and must be received by the Executive Director by that time.

Moved Cr Beard

Seconded Cr Gurney

That Carpentaria Shire Council hereby nominates Cr Pascoe to represent District Number 11 on the Association's Policy Executive in accordance with Rule 37 of the Constitution and Rules of the Association for the period 2012 – 2016.

CARRIED

Resolution No.PEM0512/005

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10. USE OF INFORMATION, MATERIAL PERSONAL INTERESTS AND CONFLICTS OF INTERESTS

The *Local Government Act 2009* places obligations on councillors with respect to the use of information, material personal interests and conflicts of interest.

The relevant legislation, sections 171 to 174 of the *Local Government Act*, is attached to this report for councillors' information and consideration.

The provisions are of significance to councillors as breaches may potentially result in allegations of misconduct and removal from office. Councillors should refer to the full text of the provisions as attached. However, by way of summary the following matters should be noted.

Use of Information by councillors

1. Councillors cannot use information acquired as a councillor to:
 - (a) Gain, directly or indirectly, a financial advantage for the councillor or someone else; or
 - (b) Cause detriment to the local government.

The maximum penalty for a breach of this offence is currently \$10,000.00 or 2 years imprisonment.

2. It is misconduct for a councillor to release information that is confidential to the local government. For example, this may apply to information discussed by councillors in closed session.

Material personal interests

1. A councillor has a material personal interest in a matter if a range of persons, including the councillor and their family, stand to gain a benefit, or suffer a loss (either directly or indirectly) depending on the outcome of the matter at a meeting.

Councillors should refer to section 172(2) of the *Local Government Act* for complete details of the persons to whom this provision relates.

2. If there is a material personal interest, a councillor must inform the meeting and leave the meeting room while the matter is being discussed and voted on.
3. The maximum penalty for an offence ranges from \$20,000.00 or 2 years imprisonment, or \$8,500.00 depending on the circumstances of the offence.
4. Please refer to the full text of section 172 of the *Local Government Act* for further details and exemptions.

Conflicts of Interest

1. A conflict of interest is a conflict between a councillor's personal interests and the public interest.
2. Councillors must deal with conflicts of interest in a transparent and accountable way.
3. For example, a councillor must inform the meeting of the councillor's personal interests in the matter and, if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

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4. It is up to individual councillors to determine if they have a real or perceived conflict of interest.
5. Please see the full text of section 173 of the *Local Government Act* for complete details and exemptions.

Duty to report

1. If another councillor knows or reasonably suspects that another councillor has a material personal interest or conflict of interest in a matter, or has engaged in misconduct, the matter must be reported to the Mayor or the Chief Executive Officer depending on the particular circumstances.
2. Serious penalties exist if a person prejudices, intimidates or harasses, or threatens to do so, because a person has complied with the reporting requirement.

General

Councillors will undertake further training with the Department of Local Government and Planning, and the Local Government Association of Queensland in relation to their roles and responsibilities.

However, given the seriousness of the abovementioned provisions, the Chief Executive Officer brings these matters to the attention of councillors to assist in avoiding unintended or possible breaches.

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11. CLOSURE OF MEETING

The Chair of the meeting, Cr Fred Pascoe, Mayor, declared the meeting closed at 10.45am.

MINUTES CERTIFICATE

These Minutes are Confirmed.

F. Pascoe
.....

Councillor F C Pascoe
Mayor

16.05.2012
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Date