



Agenda and Business Papers
Burke Shire Council Post Election Meeting
Thursday 16 April 2020
3.30pm Council Chambers

3.30pm	Oath of Declaration
3.40pm	Opening of meeting

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Notice of Post-election Meeting

The Post Election Meeting of the Burke Shire Council will be held on Thursday 16 April 2020 in the Nijinda Durlga, Burketown commencing at 3.30pm.

Pursuant to section 175 of the Local Government Act 2009 the Post-election Meeting must be held within 14 days after the conclusion of each quadrennial election; and the conclusion of a fresh election of its councillors.

The Statutory Meeting is formal in nature and relates specifically to the constitution of the local government body and is not intended to transact substantive business nor entertain general business relating to the functional aspects of the Council's responsibilities. Section 175 of the Act prescribed those matters that must be considered by the Council at this meeting.

01. Opening of Meeting

The Mayor welcomed members and declared the meeting open at 3.30pm.

02. Record of Attendance

Members	Cr Ernie Camp; Mayor – Chair Cr John Clarke Cr John Yanner Cr Rosita Wade Cr Tonya Murray
Officers	Clare Keenan; Chief Executive Officer Madison Marshall; Executive Assistant (Minutes)

02.01 LGR 2012 Section 276 – Attendance by teleconferencing

That Council, in accordance with section 276 of the Local Government Regulation 2012, allows the following person/s to take part in the meeting by teleconferencing:

- Philip Keirle, Executive Manager Strategic Projects (EMSP)

03. Executive Management Reports

03.01 Appointment of Deputy Mayor

03.02 Adoption of Council Meeting Dates for 2020

Executive Management Reports

03.01 Appointment of Deputy Mayor

DEPARTMENT:	Office of the Chief Executive Officer
RESPONSIBLE OFFICER:	Clare Keenan; Chief Executive Officer
PREPARED BY:	Philip Keirle; Executive Manager Strategic Projects
DATE REPORT PREPARED:	16 April 2020
LINK TO COUNCIL PLAN/S:	Statutory Plans

1. PURPOSE

Council is required to appoint an elected member (other than the Mayor) to the position of Deputy Mayor at the post-election Council meeting.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Local Government Elections 2020

The Queensland Local Government elections were held on 28 March 2020.

The Declaration of Results for the Burke Shire Councillor positions was made on 11 April 2020 (https://www.ecq.qld.gov.au/_data/assets/pdf_file/0032/9896/Burke-Shire-Council-Councillor-Results-Declaration_11.4.20.pdf).

Previous Deputy Mayoral position – 2016-2020

Paul Poole was appointed Deputy Mayor on 4 April 2016 to 11 April 2020.

Role of the Deputy Mayor in the Local Disaster Management Group

Traditionally, the Deputy Mayor has also been the Deputy Chair of the Local Disaster Management Group (LDMG). However, it is important to note that it is the LDMG and not Council that appoints the Deputy Chair of the LDMG (per s 34 of Burke's Local Disaster Management Plan).

3. PROPOSAL

That Council appoints an elected member (other than the Mayor) as Deputy Mayor according to the following process:

1) Calls for Nominations

- a. The Mayor calls for nominations for the position of Deputy Mayor. This nomination process may include:
 - i. The Mayor nominating a Councillor for the position of Deputy Mayor;
 - ii. A Councillor nominating another Councillor for the position of Deputy Mayor;
 - iii. A Councillor self-nominating for the position for the position of Deputy Mayor;
- b. For each nomination, the Mayor will confirm that the nominee is prepared to be considered for the role.

- i. If not, the nomination will not be progressed for that Councillor.
 - ii. If yes, the nomination process will proceed
 - c. Where the nominee is willing to be considered for the role, the Mayor will request that the nomination be seconded.
 - i. Where nominations are seconded, they are to be recorded as follows:
 1. Councillor _____ was nominated/self-nominated for the position of Deputy Mayor by Councillor _____. Councillor _____ seconded the nomination.
 - ii. Where the nomination is not seconded, the nomination is to be recorded as follows:
 1. Councillor _____ was nominated/self-nominated for the position of Deputy Mayor by Councillor _____. The nomination was not seconded.
- 2) If only one seconded nomination is received then that the nominee will be appointed as Deputy Mayor pursuant to section 175 of the Local Government Act 2009, according to the following resolution.

That Councillor _____ be appointed Deputy Mayor in accordance with section 175 of the Local Government Act 2009.

Nominated:

Seconded:

Carried:

OR

- 3) In the event that the Mayor calls for nominations for the position of Deputy Mayor and there is more than one seconded nomination, that the details of the nomination and seconding be recorded as follows:
 - (a) Councillor _____ was nominated for the position of Deputy Mayor by Councillor _____. Councillor _____ seconded the nomination.
 - (b) Councillor _____ was nominated for the position of Deputy Mayor by Councillor _____. Councillor _____ seconded the nomination.
 - (c) Councillor _____ was nominated for the position of Deputy Mayor by Councillor _____. Councillor _____ seconded the nomination.

AND

- 4) That Councillors conduct a vote, by secret ballot, to appoint the Deputy Mayor.

AND

- 5) That the CEO and Team Leader – Community Services and Compliance be scrutineers for the vote to appoint a councillor to the position of Deputy Mayor.

AND

- 6) That in the event of a tied ballot, the Chair casts the deciding vote.

4. FINANCIAL & RESOURCE IMPLICATIONS

N/A

5. POLICY & LEGAL IMPLICATIONS

Section 175 of the Local Government Act 2009 provides as follows:

175 Post-election meetings

- (1) A local government must hold a meeting within 14 days after—
 - (a) the conclusion of each quadrennial election; and
 - (b) the conclusion of a fresh election of its councillors.
- (2) The local government must, by resolution, appoint a deputy mayor from its councillors (other than the mayor)—
 - (a) at that meeting; and
 - (b) at the first meeting after the office of the councillor who is the deputy mayor becomes vacant.

Section 165 of the Local Government Act 2009 provides as follows:

165 Acting mayor

- (1) The deputy mayor acts for the mayor during—
 - (a) the absence or temporary incapacity of the mayor; or
 - (b) a vacancy in the office of mayor.
- (2) If—
 - (a) the office of mayor is vacant and the deputy mayor is prevented, by absence or temporary incapacity, from acting as the mayor; or
 - (b) the mayor and deputy mayor are both prevented, by absence or temporary incapacity, from performing the role of mayor; or
 - (c) the offices of both the mayor and deputy mayor are vacant;the local government may, by resolution, appoint an acting mayor from its councillors.
- (3) A local government may, by resolution, declare that the office of deputy mayor is vacant.
- (4) The resolution may be passed only if written notice of the resolution has been given to the councillors at least 14 days before the meeting.
- (5) If a local government declares that the office of deputy mayor is vacant, it must immediately appoint another deputy mayor from its councillors.

6. CRITICAL DATES & IMPLICATIONS

The appointment of the Deputy Mayor must take place at the post-election Council meeting in line with section 175 of the Local Government Act 2009. This meeting must be held within fourteen (14) days of the Declaration of Results (11 April 2020).

7. CONSULTATION

Department of Local Government, Multicultural Affairs and Racing

8. CONCLUSION

As outlined in section 175 of the Local Government Act 2009, Councillors are required to appoint a councillor (other than the Mayor) to the position of Deputy Mayor at the post-election Council meeting.

9. OFFICER'S RECOMMENDATION

1. That Council notes the contents of this report;
2. That Councillor ____ be appointed Deputy Mayor in accordance with section 175 of the Local Government Act 2009.

Nominated:

Seconded:

Carried:

ATTACHMENTS

Nil

Executive Management Reports

03.02 Adoption of Council Meeting Dates for 2020

DEPARTMENT:	Office of the Chief Executive Officer
RESPONSIBLE OFFICER:	Clare Keenan; Chief Executive Officer
PREPARED BY:	Madison Marshall; Team Leader Community Services and Compliance
DATE REPORT PREPARED:	16 April 2020
LINK TO COUNCIL PLAN/S:	Corporate Plan Operational Plan

1. PURPOSE

Councils are required to consider the day and time for holding other Council meetings at the post-election Council meeting.

2. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Council previously considered and developed the dates for the 2020 Ordinary Meetings of Council at the October 2019 Council meeting. Council determined to continue holding Council meetings on the third Thursday of each Month with the exception of December (second Thursday of the month).

At that meeting, Council resolved to hold the 2020 Ordinary Meetings of Council on the following dates:

January	Thursday 23	<i>This is the 4th Thursday due to Council recommencing after shutdown on 7 Jan</i>
February	Thursday 20	
March	Thursday 19	
April	Thursday 23	<i>Changed from 16 to 23 due to Local Government elections</i>
May	Thursday 21	<i>To be held in Gregory</i>
June	Thursday 18	
July	Thursday 16	
August	Thursday 20	
September	Thursday 17	
October	Thursday 15	
November	Thursday 19	<i>To be held in Gregory</i>
December	Thursday 10	<i>2nd Thursday - Likelihood that Council will close on Friday 18 December 2020 for the Christmas shut-down period.</i>

3. PROPOSAL

That Council continues to hold ordinary meetings on the third Thursday of each month commencing at 9am, with the exceptions noted below for the reasons noted below.

January	Thursday 23	<i>This is the 4th Thursday due to Council</i>
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		<i>recommencing after shutdown on 7 Jan</i>
February	Thursday 20	
March	Thursday 19	
April	Thursday 23	<i>Changed from 16 to 23 due to Local Government elections</i>
May	Thursday 21	<i>To be held in Gregory</i>
June	Thursday 18	
July	Thursday 16	
August	Thursday 20	
September	Thursday 17	
October	Thursday 15	
November	Thursday 19	<i>To be held in Gregory</i>
December	Thursday 10	<i>2nd Thursday - Likelihood that Council will close on Friday 18 December 2020 for the Christmas shut-down period.</i>

4. FINANCIAL & RESOURCE IMPLICATIONS

This is budgeted for in Council's normal operations.

5. POLICY & LEGAL IMPLICATIONS

Local Government Regulation 2012 Chapter 8 Administration Part 2 Local government meetings and committees 256 Agenda of post-election meetings	256 Agenda of post-election meetings (1) The matters a local government must consider at a post-election meeting include the day and time for holding other meetings. (2) A post-election meeting is the meeting mentioned in section 175(1) of the Act.
Local Government Regulation 2012 Chapter 8 Administration Part 2 Local government meetings and committees 257 Frequency and place of meetings	257 Frequency and place of meetings (1) A local government must meet at least once in each month. (2) However, the Minister may, after written application by a local government, vary the requirement under subsection (1) for the local government. (3) All meetings of a local government are to be held— <ul style="list-style-type: none"> (a) at 1 of the local government's public offices; or (b) for a particular meeting—at another place fixed by the local government, by resolution, for the meeting.

<p>Local Government Regulation 2012</p> <p>Chapter 8 Administration</p> <p>Part 2 Local government meetings and committees</p>	<p>258 Notice of meetings</p> <p>(1) Written notice of each meeting or adjourned meeting of a local government must be given to each councillor at least 2 days before the day of the meeting unless it is impracticable to give the notice.</p> <p>(2) The written notice must state—</p> <p style="padding-left: 40px;">(a) the day and time of the meeting; and</p> <p style="padding-left: 40px;">(b) for a special meeting—the business to be conducted at the meeting.</p> <p>(3) A special meeting is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.</p> <p>(4) Despite subsection (1), the written notice must be given to each councillor of an indigenous regional council at least 4 days before the day of the meeting unless it is impracticable to give the notice.</p> <p>(5) The written notice may be given to a councillor by sending the notice to the councillor electronically.</p>
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<p>Local Government Regulation 2012</p> <p>Chapter 8 Administration</p> <p>Part 2 Local government meetings and committees</p> <p>277 Public notice of meetings</p>	<p>277 Public notice of meetings</p> <p>(1) A local government must, at least once in each year, publish a notice of the days and times when—</p> <p style="padding-left: 40px;">(a) its ordinary meetings will be held; and</p> <p style="padding-left: 40px;">(b) the ordinary meetings of its standing committees will be held.</p> <p>(2) The notice mentioned in subsection (1) must be published—</p> <p style="padding-left: 40px;">(a) in a newspaper circulating generally in the local government’s area; and</p> <p style="padding-left: 40px;">(b) on the local government’s website.</p> <p>(3) The local government must display in a conspicuous place in its public office a notice of the days and times when—</p> <p style="padding-left: 40px;">(a) its meetings will be held; and</p> <p style="padding-left: 40px;">(b) meetings of its committees will be held.</p> <p>(4) The local government must immediately notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.</p> <p>(5) A list of the items to be discussed at a meeting mentioned in subsection (3) must be available for inspection at the time the agenda for the meeting is made available to councillors.</p> <p>(6) The local government may publish the list of items to be discussed at a meeting, including any details or documents relating to an item, on the local government’s website.</p> <p>(7) Subsection (5) does not affect the right to discuss or deal with, at any meeting, items arising after the agenda for the meeting is made available to councillors.</p>
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6. CRITICAL DATES & IMPLICATIONS

The day and time for holding Council meetings must feature on the agenda at the post-election Council meeting. Accordingly, Council is required to consider the meeting schedule on 16 April 2020.

7. CONSULTATION

Chief Executive Officer

8. CONCLUSION

Council is required to conduct meetings in line with the minimum requirements established in the Local Government Regulation 2012. Adopting the meeting schedule proposed below will satisfy the requirements of the Local Government Regulation 2012.

9. OFFICER’S RECOMMENDATION

1. That Council note the contents of the report; and

2. That Council adopts the dates below for the Ordinary Meeting of Council in 2020:-

April	Thursday 23	<i>Changed from 16 to 23 due to Local Government elections</i>
May	Thursday 21	<i>To be held in Gregory</i>
June	Thursday 18	
July	Thursday 16	
August	Thursday 20	
September	Thursday 17	
October	Thursday 15	
November	Thursday 19	<i>To be held in Gregory</i>
December	Thursday 10	<i>2nd Thursday - Likelihood that Council will close on Friday 18 December 2020 for the Christmas shut-down period.</i>

ATTACHMENTS

Nil

04. Closure of meeting

The next Ordinary Meeting of Burke Shire Council is scheduled for Thursday 23 April 2020.