



Phone: 07 4745 5100
Fax: 07 4745 5181
office@burke.qld.gov.au

Musgrave Street Burketown
PO Box 90
BURKETOWN QLD 4830

*Unconfirmed Minutes
Burke Shire Council Ordinary General Meeting
Wednesday 16 November 2011
9.00am Council Chamber*

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01. Opening of Meeting

The Chair declared the Meeting open at 9.06 am.

Council is advised for the purpose of recording of the minutes a tape recorder is being used.

02. Present

Cr Annie Clarke, Mayor - Chair
Cr Tracy Forshaw
Cr Bill Olive
Cr Tonya Murray

Leave Cr Ernie Camp, Deputy Mayor

John Page, Acting Chief Executive Officer
Tony Jarvis, Project Officer
Jenny Williams, Executive Assistant (Minutes)

03. Prayer

Cr Murray led Council in Prayer.

04. Consideration of applications for leave of absence

04.01 Cr Camp Leave of Absence

That council notes that Cr Ernie Camp would like to request a leave of absence for the 16 November 2011 Council Meeting due to attending meetings with ABA and MLA in Longreach.

Moved: Cr Murray
Seconded: Cr Forshaw

Carried 01.111116 4/0

04.02 Appointment of ACEO

That Council appoint John K Page as Acting Chief Executive Officer effective from 7th November 2011.

Moved: Cr Clarke
Seconded: Cr Olive

Carried 02.111116 4/0

Note that council expresses its thanks to Acting Corporate Services Manager Tony Jarvis for competently stepping into the role on a very short notice.

05. Confirmation of Minutes of Previous Meeting(s)

05.01 General Meeting 19 October 2011

That the Minutes of the General Meeting of Council held on Wednesday 19th October 2011 as presented be confirmed by Council.

Moved: Cr Forshaw
Seconded: Cr Olive

Carried 03.111116 4/0

FILE: BCS/G/CM/Minutes

06. Condolences

Council noted the passing of Helen Reid, Douglas Duncan, Mick Murray and expressed their condolences to the Family.

Suspend standing orders

Standing orders were suspended at 9.17am.

08. Councillor Reports

That the verbal reports provided by Councillors Olive, Murray, and Forshaw be noted by Council.

Moved: Cr Murray
Seconded: Cr Forshaw

Carried 04.111116 4/0

08.01 Access to Rural Properties

That mayor writes to our Local Member Betty Kiernan, the Minister for DEEDI and the Director General of the Department Local Government and Planning to correct the portrayal that property owners do not welcome local indigenous people onto their properties.

Moved: Cr Forshaw
Seconded: Cr Clarke

Carried 05.111116 4/0

FILE NO:BCS/LUP/Report

09. Consideration of Notice(s) of Motion and Petitions

09.01 Notices of Motion

09.02 Petitions

That Council notes that no Notices(s) of Motion and Petitions were received.

Moved: Cr Murray
Seconded: Cr Forshaw

Carried 06.111116 4/0

10. Chief Executive Officers Reports

10.01.02 Temporary Acting CEO's report

That Council endorse the Acting CEO's arrangement with Elevated Architecture and instruct the CEO to confirm this in writing with Greg Adsett. Further, to resolve to make budgetary provision for this project which is protected from reallocation.

That Council form a Community Hub Committee to oversee the project and appoint Cr Forshaw and Cr Murray together with the CEO and another staff member determined by the CEO.

Moved Cr Clarke
Seconded Cr Olive

Carried 07.111116 4/0 FILE NO: BCS/G/CM/R/CEO and BCS/TAQ/2011/11-09

Adjournment

That Council adjourn the proceedings of standing orders at 10.03am for the purpose of seeking additional information.

Resume Proceedings

That Council resume proceedings of standing orders at 10.22am.

10.01.01 Chief Executive Officer Monthly Update Report

1. That council notes the contents of the Acting Chief Executive Officer November 2011 Monthly Update Report.
2. That council resolves to hold the December council meeting on Wednesday 14th December 2011.
3. That council confirm the name 'Gulf Highway' to be the correct name for the road between Borroloola to Normanton.
4. That Council receives and adopts the audited financial report for the year 2010 to 2011 as presented.

Moved Cr Olive
Seconded Cr Forshaw

Carried 08.111116 4/0 FILE NO:BCS/G/CM/R/CEO

Declaration: Conflict of Interest

Cr Forshaw declared a conflict of interest, as she is a member of the RDAF and left the meeting at 10.23am

10.01.01 Chief Executive Officer Monthly Update Report

That council accepts the EOI's as presented for the RDAF Funding Round 2 with the Gregory Solar Project being the priority project for consideration.

Moved Cr Murray
Seconded Cr Olive

Carried 09.111116 3/0 FILE NO:BCS/G/CM/R/CEO

Attendance

John Page left the meeting at from 10.38am to 10.40am.

10.01.03 Digital TV

That council defers this matter and the CEO seeks further advice.

Moved Cr Murray
Seconded Cr Forshaw

Carried 10.111116 4/0

FILE NO: BCS/IT/TTF/U

Adjournment

That Council adjourn the proceedings of standing orders at 10.48am for Morning Tea.

Resume Proceedings

That Council resume proceedings of standing orders at 11.14am.

10.01.04 Burketown Tennis Courts and Aquatic Facility

That Council approves the installation of a padlock on the gate to the aquatic centre and that the centre is locked each evening at dusk and reopened each morning.

Moved Cr Forshaw
Seconded Cr Murray

Carried 11.111116 4/0

FILE NO: BCS/PAR/M/AC and BCS/PAR/M/BTC

10.01.05 Main Office Building

That Council endorses the Acting CEO's actions and approve the expenditure necessary to create this storage space such expenditure not to exceed \$10,000.00.

Moved Cr Olive
Seconded Cr Murray

Carried 12.111116 4/0

FILE NO: BCS/SB/BAO/M

10.01.06 HR and Performance Appraisals

1. That Council instructs the CEO to develop a policy whereby staff will be granted an automatic increment only on completion of a satisfactory performance appraisal on the anniversary date of their appointment; and
2. That only in exceptional circumstances will more than one increment be granted in a year.

Moved Cr Clarke
Seconded Cr Forshaw

Carried 13.111116 4/0

FILE NO: BCS/Per/PA

Noted - documents presented to council

10.01.07 IT Services

That Council authorises staff or a consultant to investigate the possibility of shared services for IT with Regional Councils and that ITVision be approached to visit Council with a view to demonstrating their integrated software package.

Moved Cr Forshaw
Seconded Cr Murray

Carried 14.111116 4/0

FILE NO: BCS/IT/M

10.01.08 Corporate Services Update Report

That Council notes the contents of the Acting Manager of Corporate Services November 2011 Corporate Services Update Report.

Moved Cr Clarke
Seconded Cr Forshaw

Carried 15.111116 4/0

FILE NO: BCS/Per/Res

10.01.09 Local Laws

1. That the draft Local law No 1 (Administration) 2011 and Subordinate Local law No 1 (Administration) be accepted and distributed for Public Consultation prior to adoption.
2. That the draft Local law No 2 (Animal Management) 2011 and Subordinate Local law No 2 (Animal Management) 2011 be accepted and distributed for Public Consultation prior to adoption.
3. That the draft Local law No 3 (Community & Environmental Management) 2011 and Subordinate Local law No 3 (Community & Environmental Management) 2011 be accepted and distributed for Public Consultation prior to adoption.
4. That the draft Local law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011 and Subordinate Local law No 4 (Local Government Controlled Areas, Facilities and Roads) 2011 be accepted and distributed for Public Consultation prior to adoption.

Moved Cr Forshaw
Seconded Cr Olive

Carried 16.111116 4/0

FILE NO: BCS/LAE/LLaw/D

10.01.10 Upcoming Meetings

That the Mayor or Councillors be authorised to meet with Sen. McLucas and any available Councillors be authorised to meet with Tim Bastin.

Moved Cr Murray
Seconded Cr Forshaw

Carried 17.111116 4/0

FILE NO: BCS/G/Coun/TB

10.02.01 Home and Community Care Monthly Update Report

That Council notes the contents of the Home and Community Care Team Leader November 2011 Monthly Update Report.

Moved Cr Forshaw
Seconded Cr Murray

Carried 18.111116 4/0

FILE NO: BCS/Comms/HACC/CR

11. Finance Manager Reports

11.01.01 Finance Manager Monthly Update Report

That Council notes the contents of the Finance Managers September Monthly Update Report.

Moved Cr Forshaw
Seconded Cr Murray

Carried 19.111116 4/0

FILE NO: BCS/G/CM/R/FM

11.01.02 Burketown Kindergarten

Council writes off the outstanding amount of \$533.51 owed on rates assessment 00180-00000-000

Moved Cr Olive
Seconded Cr Murray

Carried 20.111116 4/0

FILE NO: PF/00180-00000-000

11.02.01 Payroll HR Monthly Update Report

That Council notes the contents of the Payroll HR Officers November 2011 Monthly Update Report.

Moved Cr Clarke
Seconded Cr Forshaw

Carried 21.111116 4/0

FILE NO: BCS/G/CM/R/PHR

12. Director Engineering Services Reports

Refer to late Items

Adjournment

That Council adjourn the proceedings of standing orders at 12.14 for Lunch.

Resume Proceedings

That Council resume proceedings of standing orders at 2.00pm.

Attendance

Dennis Kerr entered the meeting at 2.00pm.

13. Late Reports

13.01 Director of Engineering Services Monthly Update Report

That a report be furnished to council detailing the investigations of a solution to the problems with the cabling of the Gregory pumps including solar options.

Moved Cr Clarke
Seconded Cr Murray

Carried 22.111116 4/0

FILE NO: BCS/WaterM/GW/PS

13.01 Director of Engineering Services Monthly Update Report

That the mayor write a letter of appreciation RWHSO and EXENG for their efforts in organising and conducting the Pest Task Force Meeting held in Burketown on 2nd November 2011.

Moved Cr Olive
Seconded Cr Forshaw

Carried 23.111116 4/0

FILE NO: BCS/EnfirM/CM/PT

13.01 Director of Engineering Services Monthly Update Report

That Council notes the contents of the Director of Engineering Services September 2011 Monthly Update Report.

Moved Cr Forshaw
Seconded Cr Olive

Carried 24.111116 4/0

FILE NO: BCS/G/CM/R/DES

Attendance

Jenny Williams left the meeting at 2.48pm to 2.52pm.

Declaration: Material Personal Interest

Cr Forshaw declared a material personal interest in reports 13.03 and 13.04 and left the meeting at 3.40pm.

13.03 Tender 11-21 Assessment Culdara Creek Floodway

That Council accepts the Tender 11-21 of Trevor Jones of Burketown for the sum of \$220,000 plus GST for the restoration construction of Culdara Creek Floodway.

Moved Cr Murray
Seconded Cr Olive

Carried 25.111116 3/0

FILE NO: BCS/TAQ/2011/11-21

Attendance

Jenny Williams left the meeting from 4.02pm to 4.04pm.

Consideration of this matter

That the report '13.04 Floodways Concrete Supply Payments' be deferred to Closed Committee segment of Council.

Attendance

Cr Olive left the meeting at 4.05pm
Cr Forshaw entered the meeting at 4.05pm
Cr Olive entered the meeting at 4.06pm..

Attendance

Cr Clarke left the meeting at 4.13pm. Cr Olive took the chair.
Cr Clarke entered the meeting at 4.15pm and resumed chair.

13.07 Town Entry Sign Information

Consideration of this matter be deferred and a further report be considered detailing more information including a concept plan.

Moved Cr Murray
Seconded Cr Olive

Carried 26.111116 4/0

FILE NO: BCS/Road/Signage/ES

Declaration: Material Personal Interest

Cr Forshaw declared a material personal interest in report 13.06 and left the meeting at 4.24pm.

Consideration of this matter

That the report '13.06 Gregory Lawn Hill Road Flood Damage and TIDS Select Fill and Gravel Resheeting Project' and '13.05 Tender 11-20 Aerodrome Lighting Restoration' be deferred to Closed Committee segment of Council.

Attendance

Cr Forshaw entered the meeting at 4.39pm.
Deborah Prosperus entered the meeting at 4.39pm
Dennis Kerr left the meeting at 4.41pm.

13.02 Regional Partnership Officer Monthly Report

- 1) That Council notes the contents of the Regional Partnership Officers November Report update.
- 2) That Council adjusts the Community Plan scheduled timelines to dates shown below to enable sufficient time to re-engage with the community with the Draft Community Plan, and to enable sufficient time to come back to Council for adoption
 - a) 17 Nov to 8 Dec Re-engage community with Draft Community Plan
 - b) 14 Dec Council Meeting adoption of Community Plan

Moved Cr Clarke
Seconded Cr Murray

Carried 27.111116 4/0

FILE NO: BCS/G/CM/R/RPO

Attendance

Jenny Williams left the meeting from 4.47pm to 4.50pm.

Attendance

John Page left the meeting from 4.59pm.

Declaration: Conflict of Interest

Cr Forshaw declared a conflict of interest, as she is a member of the RDA and left the meeting at 5.02pm.

Attendance

John Page entered the meeting at 5.08pm.
Cr Forshaw entered the meeting at 5.12pm.
Deborah Prosperus left the meeting at 5.18pm.

Adjournment

That Council adjourn the proceedings of standing orders at 5.20pm for Break.

Resume Proceedings

That Council resume proceedings of standing orders at 5.43pm.

14 Closed session reports

That Council move into closed session to discuss confidential items as stated in the *Local Government (Operations) Regulation 2010* in Chapter 5 Administration, Part 2 Local government meetings and committees, under *Sections 72 (1) (a, e, and h)*.

Council moved into closed session at 5.43pm.

Moved Cr Murray
Seconded Cr Olive

Carried 28.110520 4/0

Move into Open Session

That the meeting resume in open session to consider recommendations arising out of the closed session.

Council resumed open session at 8.06pm.

Moved Cr Murray
Seconded Cr Olive

Carried 29.110520 4/0

13.06 Gregory Lawn Hill Road Flood Damage and TIDS Select Fill and Gravel Resheeting Project

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. Due to concerns about the design of this road, Council requires all work to cease forthwith pending advice from consulting engineers. Contractors are required to make the road safe prior to ceasing construction work.

Moved Cr Olive
Seconded Cr Clarke

Carried 33.111116 3/0 FILE NO: BCS/Road/TIDS/2010 and BCS/Road/FD/ShireR/RSR

14.01 Contractors

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. That all contractors' arrangements be renegotiated with full documentation of the various terms and conditions being agreed between both parties with these formal agreements being dated and ratified.
3. Further these contractual arrangements should be for limited periods with new contracts being negotiated each year so that all parties have an understanding of their duties and obligations to each party and performance indicators having to be adhered to.

Moved Cr Clarke
Seconded Cr Murray

Carried 34.111116 3/0 FILE NO: BCS/Per/C

14.01 Contractors

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. That council dispenses with the consultant services of Mr Phil Seeley and Mr Garry Jeffries immediately.

Moved Cr Clarke
Seconded Cr Olive

Carried 35.111116 3/0 FILE NO: BCS/Per/C

Attendance

Cr Forshaw entered the meeting at 8.14pm.

14.02 ADECCO Contract Staff

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1) and that the document remain confidential unless council decides otherwise by resolution; and
2. That the use of ADECCO contractors cease unless they are employed on the same terms and conditions as LOGO staff that are paid an hourly rate and provided with flights to and from the project only at start and completion of the contract with no other benefits being paid by Council.
3. That Council only employs contract staff with the relevant qualifications/tickets and that Council does not use its own training budget to benefit contractors.

Moved Cr Forshaw
 Seconded Cr Murray

Carried 36.111116 4/0

FILE NO: BCS/Per/C

14.03 Workplace Health and Safety Officers Monthly Status Report

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. That Council notes the contents of the Ranger/WHSO Officer November 2011 Monthly Update Report.

Moved Cr Olive
 Seconded Cr Clarke

Carried 37.111116 4/0

FILE NO: BCS/G/CM/R/RWHSO

14.04 Native Title Update

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. Noting that there are no objections to the compulsory acquisition, and being of the opinion that the land situated at Gregory and being Lot 17 on SP240911 is required for the purposes for which any native title rights and interests are proposed to be taken, Council resolves to:
 - a. Proceed with the proposed compulsory acquisition without change over the land described in the Notice of Intention to Acquire Native Title Rights and Interests which was authorised at Council's meeting on 21 September 2011; and
 - b. Authorise the Chief Executive Officer to make application to the Minister for Finance, Natural Resources and The Arts under the Acquisition of Land Act, 1967".

Moved Cr Clarke
 Seconded Cr Forshaw

Carried 38.111116 4/0

FILE NO: BCS/CP/R/AP11667

14.04 Termination of Employment - Director of Engineering Services

1. That the report/attachment be deemed a confidential document and be treated as such in accordance with *Local Government (Operations) Regulation 2010 in Chapter 5 Administration, Part 2 Local government meetings and committees, under Sections 72 (1)* and that the document remain confidential unless council decides otherwise by resolution; and
2. That council instruct the Acting CEO to terminate the services of Mr Dennis Kerr as Director of Engineering Services effective immediately on the grounds of Clauses 10.1.4 a, b, c, d; as per contract entered into on the 05/06/09 and authorise the payment of 1 month salary in lieu of notice with all council property to be returned to the Acting CEO.

Moved Cr Olive
Seconded Cr Clarke

Carried 39.111116 4/0

FILE NO: HR/CE/KD

Attendance

Tony Jarvis left the meeting at 8.21pm.

15 New business of an urgent nature admitted by Council

15.01 Barramundi Re-stocking Association - Karumba

That council nominates the Acting CEO for the executive of the Barramundi Re-stocking Association.

Moved: Cr Forshaw
Seconded: Cr Murray

Carried 40.110520 4/0

FILE NO: BCS/ComS/CO/BSBGF

Attendance

Tony Jarvis entered the meeting at 8.23pm.

15.02 Public Holiday – Burke Shire

That council nominate the first Tuesday in November 2012 as a holiday under the *Holidays Act 1983* for the purpose of Melbourne Cup day festivities.

Moved: Cr Clarke
Seconded: Cr Forshaw

Carried 41.110520 4/0

FILE NO: BCS/Gov/Legis/PH

15.03 Memorial Stone

That the Acting CEO forwards the rock from the Waanyi People and Burke Shire following Palm Island Regional Council request for the supply of a stone for the proposed memorial.

Moved: Cr Murray
Seconded: Cr Olive

Carried 42.110520 4/0

FILE NO: BCS/CR/CI

15.04 Century Mine Visit

1. That a letter is written to MMG Century Mine thanking them for the donation of silver and the making of the mayoral and deputy mayor chain and that council asks them for their recommendations of how they would like to be reflected in the chains.
2. That council appoint Cr Murray to liaise with MMG Century Mine for the supply of rocks and a donga.

Moved: Cr Forshaw
Seconded: Cr Olive

Carried 43.110520 4/0

FILE NO: BCS/CR/CI/MC and BCS/CS/Arts/SMMG

16. Deputations and presentation scheduled for meeting

No deputation/s or presentation/s was scheduled in this meeting.

17. Closure of Meeting

The Chair declared the Meeting closed at 8.36pm.
