



***COOLOOLA SHIRE COUNCIL***

**AGENDA**

*of the*

**GENERAL MEETING**

**CHAIRMAN: Cr M Venardos OAM (Mayor)**

**Held in the Boardroom  
Old Bank Building  
Cnr Nash & Channon Streets,  
Gympie Qld 4570**

**On Tuesday 5<sup>th</sup> February 2008  
at 9.00 am**



Cooloolala Shire Council

**GENERAL AGENDA**

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*Mayor MJ Venardos OAM (Chairman),  
 Crs. CR Chapman OAM, FG Nissen AM, NR Ellis, LJ  
 Friske, R. Owen, SS Jocumsen, DR Neilson, IT  
 Petersen, WJ McIntyre, WW Sachs, J Watt and M.  
 Prior.*

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**SECTION 1: OPEN WITH PRAYER**

ONE MINUTES SILENCE TO BE OBSERVED FOR DECEASED  
COOLOOLA SHIRE RESIDENTS

**SECTION 2: APOLOGIES**

Cr J. Watt has been granted Leave of Absence from today's meeting (Minute  
G69/01/08 refers)

**SECTION 3 : CONFIRMATION OF MINUTES OF  
PREVIOUS GENERAL MEETING**

**(MOTION: That the Minutes of the General Meeting held on 29 January  
2008 be taken as read and confirmed.)**

**SECTION 4 : PETITIONS**

**SECTION 5 : ADOPTION OF PLANNING AND  
DEVELOPMENT COMMITTEE  
RECOMMENDATIONS**

**(MOTION: That the Recommendations of the Planning and Development  
Committee Meeting held on 29 January 2008 as presented, be received.)**

**(MOTION: That the Recommendations of the Planning and Development  
Committee Meeting held on 29 January 2008 (as amended), be adopted.)**

**SECTION 6: REPORT BY PLANNING & DEVELOPMENT  
CHAIRMAN (Cr D.R Neilson)**

<b>SECTION 7: CORPORATE SERVICES MATTERS (Cr M.J Venardos OAM, C. Manson, B. Hayes)</b>
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7/1	Local Government Act 1993 – Caretaker Arrangements
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Re: Local Government Act 1993 – Caretaker Arrangements  
From: Warren Pitt MP, Minister for Main Roads and Local Government,  
PO Box 15031, City East, QLD 4002  
File: AG01/00558 DOC ID 872828  
Date: 29 January 2008

*“I would like to remind councils of the new provisions inserted in the Local government Act 1993 (LGA) relating to the introduction of caretaker arrangements for the period leading up to the local government elections to be held on 15 March 2008.*

*The establishment of a statutory caretaker period was a key outcome of the Department of Local Government, sport and Recreation’s electoral review and its introduction will align State and local government electoral practices. These arrangements are designed to enhance public confidence in the council electoral process and diminish the potential for the perceptions about councillors’ abuse of decision-making in the lead up to elections.*

*Under section 441D of the LGA, local governments are prohibited from making a major policy decision during the caretaker period for elections.*

*The caretaker period is defined in section 441C of the LGA as being:-*

- *For the Brisbane elections – the period under the Electoral Act 1992; and for*
- *Other local governments – the election period under the Act.*

*The election period starts on nomination day and ends on the close of poll. The Electoral Commissioner of Queensland (ECQ) has confirmed with the Department that the calling of nominations for elections will be published across Queensland in the Courier-Mail on 2 February 2008. Therefore the caretaker period for the 2008 elections will run from 2 February 2008 until close of poll on 15 March 2008.*

*Should a local government genuinely consider that exceptional circumstances exist and it is necessary to make a major policy decision in the public interest during the caretaker period, it will be necessary to seek my approval to proceed before making the decision.*

*A major policy decision is defined in Section 441C of the LGA as being:*

- *A decision to appoint a CEO; or*

- *A decision about the remuneration of a CEO; or*
- *A decision to terminate the employment of the CEO; or*
- *A decision to enter into a contract that has a total value the greater of-*
  - *\$150,000 or*
  - *1% of net rates and utility charges.*

*The LGA (s441E) further provides that any major policy decision made by a local government in the caretaker period is invalid unless my approval has been obtained prior to the decision.*

*I wish to advise local governments that in the above circumstances, I will only consider applications for approval to enter into a major policy decision during the caretaker period which are based on genuine emergent situations and which are supported with advice on the exceptional circumstances warranting a decision in the public interest.*

*It is important councils elected on 15 March 2008 and their ratepayers are not burdened with unreasonable decisions that are made by an outgoing council during the caretaker period.*

*In order that any applications received are dealt with expeditiously, I strongly suggest that applications be addressed to me using the application form on the Stronger Councils website [www.strongercouncils.qld.gov.au](http://www.strongercouncils.qld.gov.au) The application form will be available on the website from 2 February 2008.*

*Any applications received by email and correspondence will be considered by this may cause a delay in the assessment and decision making process for the application.*

*Should you require any further advice on the information contained in this letter please contact Mr Peter Carman of Local Government Collaboration Division on telephone number 3237 1731.*

**Recommendation: (Acting Chief Executive Officer – C. Manson)**

**For Council's information.**

## **SECTION 8: LATE ITEMS**

## **SECTION 9: GENERAL BUSINESS**

**SECTION 10: IN COMMITTEE MATTERS**