



**REGIONAL COUNCIL**

# **ORDINARY MEETING OF COUNCIL**

## **MINUTES**

**11 MAY 2016**



**ORDINARY COUNCIL  
MEETING MINUTES  
11 MAY 2016**

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**ATTENDANCE:**

**Councillors Present**

- Cr Tanya Milligan (Mayor) (Chairperson)
- Cr Jason Cook
- Cr Jim McDonald
- Cr Kathy McLean
- Cr Chris Wilson
- Cr Michael Hagan

**Officers Present**

- Ian Flint, Chief Executive Officer
- David Lewis, Executive Manager Corporate & Community Services
- Myles Fairbairn, Executive Manager Infrastructure Works & Services
- Jason Cubit, Manager Marketing, Communication & Engagement
- Stephen Hart, Manager Executive & Business Services
- Susan Boland, Council Business Support Officer
- Jason Harm, Manager Regional Development (part of meeting)
- Caitlan Natalier, Legal Services Coordinator (part of meeting)
- Corrin Bischoff, Major Projects Officer (part of meeting)
- Craig Drew, Coordinator People Engagement & Culture (part of meeting)
- Paul Cranch, Special Projects – Trade & Investment (part of meeting)

**Guests Present**

- Peter Smith, Cardno

**Media Present**

- Francis Witsenhuysen, Gatton Star

**Apologies**

- Cr Janice Holstein
- Dan McPherson, Executive Manager Organisational Development & Planning





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#### **4.0 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST BY COUNCILLORS AND SENIOR COUNCIL OFFICERS**

##### **4.1 Declaration of Material Personal Interest on any Item of Business**

Pursuant to Section 172 of the *Local Government Act 2009*, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

##### **4.2 Declaration of Conflict of Interest on any Item of Business**

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest 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.

*No declarations were made at this juncture of the meeting*

*Cr McDonald arrived at the meeting, the time being 10:08am*

#### **5.0 MAYORAL MINUTE**

##### **5.1 Mayoral Minute**

**Date:** 06 May 2016  
**Author:** Tanya Milligan, Acting Mayor  
**Responsible Officer:** Ian Flint, Chief Executive Officer

*Council of Mayors SEQ (CoMSEQ) Board of Directors Meeting, – Friday, 6 - Saturday, 7 May 2016*

The Mayor advised she had attended the first Board Meeting and Annual Strategy Workshop of the Council of Mayors SEQ Board of Directors. This meeting was hosted by Sunshine Coast Regional Council from Friday, 6 May until Saturday, 7 May 2016. Mayor Paul Antonio, Toowoomba Regional Council was elected Deputy Chair of the Council of Mayors SEQ Board of Directors.

The Mayor further advised that positive discussions took place during the annual workshop on priorities for regions with a genuine "no borders" regional approach including discussion on:

- Public Transport
- Freight



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- Roads
- Long Term Funding
- SEQ Regional Plan

A full report on the Council of Mayors SEQ (CoMSEQ) Board of Directors Meeting and Annual Strategy Workshop will be provided to a future meeting of Council.

*Member for Lockyer, Ian Rickuss MP - Breakfast Meeting – Qld Auditor General Report – Flood Resilience of River Catchments – Thursday, 5 May 2016.*

The Mayor attended a breakfast meeting, 5 May 2016 with a number of local governments including Scenic Rim Regional Council, Somerset Regional Council and Ipswich City Council. Discussions related to the Flood Resilience of River Catchments Report and the need for a more catchment based approach to flood mitigation. This would be preferable to local governments developing flood mitigation at an individual local government level. Councils need to lobby the state government to seek more assistance in regard to flood mitigation of river catchments.

A full report will be provided to a future meeting of Council on flood resilience of river catchments.

**RESOLUTION**

**THAT the Mayoral Minute be received and noted.**

**Moved By: Cr Wilson**

**Seconded By: Cr McLean**

**Resolution Number: 16-20/0010**

**CARRIED**

**6/0**



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**6.0 CONFIRMATION OF MINUTES**

*No Confirmation of Minutes, the minutes of the 13 April 2016 and 4 May 2016 meetings will be confirmed at the next Ordinary Meeting.*

**7.0 BUSINESS ARISING FROM MINUTES**

*No Business Arising from Minutes*

**8.0 COMMITTEE REPORTS**

*No Receival of Committee Reports as Minutes*

**9.0 DEPUTATIONS/PRESENTATIONS**

*No Deputations/Presentations*







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**CLOSED SESSION**  
 THAT Council move into Closed Session at 10.25 am to the exclusion of the press and public, in accordance with Section 275 (1) (h) of the Local Government Regulation, 2012.

**Moved By:     Cr McDonald                             Seconded By:     Cr Hagan**  
**Resolution Number: 16-20/0012**

**CARRIED**  
6/0

**OPEN SESSION**  
 THAT Council move into Open Session, the time being 11.20 am.

**Moved By:     Cr Cook                                             Seconded By:     Cr Hagan**  
**Resolution Number: 13**

**CARRIED**  
6/0

*Council noted the confidential information briefing facilitated by Mr Peter Smith of Cardno and the respective Council Officers.*

**RESOLUTION**  
 THAT Council endorse the Gatton West Industrial Zone project submitted in Round Three of the National Stronger Regions Fund in March 2016.  
 Further;  
 THAT the Gatton West Industrial Zone project be submitted in Round Two of the Building Our Regions program.  
 And further;  
 THAT Council include the entrance and exit works to the GWIZ site as part of the Building Our Regions Program Round Two (2) Project application.  
 And further;  
 THAT any commitment of future funding of the project by Council is subject to a review of a full business case including a cost benefit and feasibility analysis.

**Moved By:     Cr McDonald                             Seconded By:     Cr Hagan**  
**Resolution Number: 16-20/0014**

**CARRIED**  
6/0



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### **Report**

#### **1. Introduction**

This report provides an overview of the National Stronger Regions Fund and the Building Our Regions Program. The report seeks endorsement by the incoming Council of the National Stronger Regions Fund application for the GWIZ Road Network Construction project submitted in March 2016. The report also seeks approval from Council for the submission of an Expression of Interest for the Gatton West Industrial Zone project and the Lockyer Valley Animal Management Facility under Round Two of the Building Our Regions Program.

Submission of funding applications under these fund programs aligns with Council's Corporate Plan 2012 -17 and both projects are in the draft 2016/17 Operational Plan.

The key risk associated with these funding applications is Council's capacity to fund the required co-contribution of 50%.

#### **2. Background**

The Department of Infrastructure and Regional Development announced the National Stronger Regions Fund in September 2014 with a value of \$1 billion over five years.

The Fund seeks to support projects that:

- Improve the level of economic activity in regions
- Increase the productivity in the regions
- Increase the employment and a more skilled workforce in regions
- Increase the capacity and improve capability of regions to deliver major projects, and to secure and manage investment funding
- Improve the partnerships between local, state and territory governments, the private sector and community groups; and
- Provide more stable and viable communities, where people will choose to live.

In Round Three, Council submitted the GWIZ Road Network Construction project under the National Stronger Regions Fund. This Round is still under consideration by the federal government.

The Department of State Development administers the \$200 million Building our Regions Regional Infrastructure Fund (Building our Regions) which is a targeted infrastructure program for local government projects. The primary purpose of the Building our Regions program is to provide funding for critical infrastructure in regional areas of the state, while also supporting jobs, fostering economic development and improving the liveability of regional communities.

In Round One, Council submitted the following projects:

- Gatton West Industrial Zone
- Patrick Street Bridge
- Gatton Landfill – New Lined Cell and Sedimentation Pond.

Council was not successful in receiving funding for any of the above projects under this program in Round One. The Patrick Street Bridge project was deemed ineligible and feedback



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for the other two projects stated that the applications were well written and met the criteria, but were not funded on the basis that the fund was significantly over subscribed.

### **3. Report**

#### National Stronger Regions Fund (NSRF)

On 15 March 2016, Council submitted an application for funding under Round Three of the National Stronger Regions Fund for the GWIZ Road Network Construction project. The total cost of the project submitted is \$6,179,524.

To provide incoming Councils with an opportunity to consider indicative funding commitments of the previous Council to NSRF Round Three applications, the Department of Infrastructure and Regional Development determined that confirmation of incoming Council's commitments are required and will be accepted up to 16 May 2016.

Lockyer Valley Regional Council is a funding partner in the NSRF Round Three for the GWIZ Road Network Construction project. If Council's application is successful and Council decides to accept moving forward on the project Council's cash commitment is \$3,089,762.

Failure of the incoming Council to commit to this project will deem this project ineligible under the Programme Guidelines. The Department will not accept any changes to applications at this stage, including changes to the funding commitment.

The project submitted is focused on creating a 120ha industrial area, on Brooks Road and the Warrego Highway and pursuing a first stage of subdivision consisting of 6 lots on 33ha of land. The GWIZ site will be the gateway to the proposed new event centre/showgrounds and the cannery site which is upwards of an \$80 million development. The construction of the infrastructure for the GWIZ site will be a catalyst for attracting investors to begin investing in the sites which satisfies the economic stimulus criteria for the funding program. The component of the project submitted is for the road work required only.

Further work is being undertaken to develop a detailed cost benefit analysis of this project to determine the expected return on investment of developing the site taking into consideration a number of commercial factors and options as to how the project will proceed in a staged approach. It is anticipated that the outcome of the detailed cost benefit analysis will be provided to Council for consideration by the end of July 2016.

In terms of the Council contribution for this project of \$3,089,762, Council will need to consider the organisations capacity to provide this contribution. If Council is to fund this amount out of the capital program, other projects will need to be delayed. Council may need to consider a loan to fund the required matching contribution. Council has also sought funding via an interest free loan. This loan is a State Government initiative and is in stage two of the application process to secure an interest-free loan through the *Catalyst for Infrastructure Program* provided by the state government.

Council has until December 2019 to complete the project under the conditions of the National Stronger Regions Funding agreement.



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Building Our Regions

The first stage of the Building Our Regions Program application process is to submit an Expression of Interest. The following two projects are recommended for submission of an Expression of Interest.

*Gatton West Industrial Zone – GWIZ*

The Gatton West Industrial Zone (GWIZ) is to develop the internal road network and be the catalyst for private sector investors looking to relocate and establish on large scale blocks in one of Australia's major food producing regions. Attracting large scale investment would provide much needed jobs and would compliment the region's food production.

This project is to be delivered in a number of stages. Stage 1 of the project is for the construction of the on and off ramps to the site. This stage (\$500,000) is budgeted for in 2015/16 with a proposal to be rolled into the 2016/17 budget for completion. The funds sought under the Building Our Regions Program are for the additional stages to construct the road network to support the site and the connection to Brooks Road.

The total cost of the project for this application is \$5,691,240 with a Council contribution of \$2,845,620 (50%). The project is scheduled to commence in November 2016 and be completed by 30 June 2017. Again, to fund Council's contribution for this project of \$2,845,620, Council need to consider the organisations capacity to provide this funding. This may include allocation in the capital budget (and delay of other projects) or a loan to fund the required matching contribution or the seeking of an interest free loan under the *Catalyst Infrastructure Program*.

Council has also sought funding via an interest free loan. This loan is a State Government initiative and is in stage two of the application process to secure an interest-free loan through the *Catalyst for Infrastructure Program* provided by the state government.

It is anticipated that the outcome of the detailed cost benefit analysis will be provided to Council for consideration by the end of July 2016. Therefore, if Council's Expression of Interest for the GWIZ project is successful in progressing to the full application stage, the cost benefit analysis will be available to inform the full application. If the cost benefit analysis does not provide value for money for Council, there is no obligation for Council to proceed with the submission of a full application.

*Lockyer Valley Animal Management Facility*

The Lockyer Valley Animal Management Facility (LVAMF) is for the upgrade of Council's current Pound Facility. The current facility has limited capacity for the holding and care of animals (19 kennels and 8 cat cages) with no staff facilities on site.

The LVAMF will provide an increase of almost 100% in the number of dog kennels and a potential increase of up to 200% in the number of cat cages as well as providing improvements in animal welfare standards and the general keeping of impounded dogs and cats so as to meet community expectations in the care of impounded family pets and other animals. When completed, the LVAMF will have the capability to be managed and staffed daily by 2-3 people as compared to the current "staff in attendance as and when required only".



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It is considered that the LVAMF will be able to provide a source of employment to the Lockyer Valley community as well as contributing to the increased welfare of dogs and cats in the community. Council has previously sought external expressions of interest in the daily operation of its current facility and the LVAMF will be viewed as an attractor in securing such interest in the future.

The project will commence in November 2016 and is proposed to be completed by May 2017. The total cost of the project is \$650,000 with a 50% contribution by Council of \$325,000. Council's co-contribution of the funds necessary to complete the project have been included in the draft 2016/17 budget.

**4. Policy and Legal Implications**

The External Funding Policy will be adhered to in the submission of the agreed applications. All other policy and legal implications will be addressed in future on matters that arise before Council.

**5. Financial and Resource Implications**

Council is required to contribute a minimum of 50% of each project being submitted under both funding programs.

The required Council contributions for the GWIZ project of \$3,089,762 under the National Stronger Regions Fund and \$2,845,620 under the Building Our Regions Program will require consideration by Council of its capacity to pay. Provision in the capital program will need to be considered (delaying other projects); a loan sought to fund the required matching contribution or acceptance of an interest free loan if successful (*Catalyst Infrastructure Program*).

The Lockyer Valley Animal Management Facility requires a 50% contribution by Council of \$325,000. This amount has been included in the draft 2016/17 budget.

**6. Delegations/Authorisations**

Each funding application is to be certified by the Chief Executive Officer with evidence of Council endorsement. The Chief Executive Officer will manage further requirements in line with existing delegations.

**7. Communication and Engagement**

The following officers were engaged in the preparation of this report:

- Chief Executive Officer
- Executive Manager Corporate & Community Services
- Executive Manager Organisational Development & Planning
- Special Projects Officer – Trade and Investment
- Manager Regional Development
- Manager Health, Waste and Regulatory Services.



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**8. Conclusion**

Under the National Stronger Regions Fund, Round Three Council submitted an application for funding the Gatton West Industrial Zone. It is recommended that the incoming Council commit to provide partnership funding for this project once the application has been deemed successful.

In addition, based on the eligibility and assessment criteria for the Building Our Regions Program, it is recommended that Council submit an Expression of Interest to apply for funding for the following projects in priority order:

1. Gatton West Industrial Zone project
2. Lockyer Valley Animal Management Facility.

It should be noted that a detailed cost benefit analysis will be available prior to Council needing to agree to submit a full application for the GWIZ project if successful at the Expression of Interest stage of the Building Our Regions Program process.

**9. Action/s**

The Department of Infrastructure and Regional Development be advised by the CEO confirming the incoming Council's commitments to provide partnership funding for the GWIZ Road Network Construction project by 5pm 16 May 2016.

The projects approved by Council are submitted under the Building Our Region Program, Round 2 by the closing date of 13 May 2016.





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**CARRIED  
6/0**

## Report

### 1. Introduction

The purpose of this report is to seek Council's endorsement to appoint a recruitment panel for the purpose of making a recommendation to Council for the appointment of the Chief Executive Officer.

### 2. Background

The current Chief Executive Officer is retiring from Council effective from the 27 May 2016.

### 3. Report

At the Ordinary Meeting of Council on 23 March 2016 Council resolved to commence the recruitment process for the position of Chief Executive Officer. Council subsequently engaged the services of recruitment agency *Leading Roles* to manage the recruitment of a new Chief Executive Officer.

#### *Advertising:*

The advertising of this role commenced on the 21<sup>st</sup> April 2016 and applications close at 5pm Monday 16<sup>th</sup> May 2016.

#### *Panel*

A Panel will be appointed to conduct shortlisting and interviews. It is considered that the Panel should comprise the Mayor, Deputy Mayor and a suitably qualified independent party. Livingstones Australia are employment relationship advisors who provide employers with an extensive range of specialist services across the three areas of Industrial Relations, Human Resources and Organisational Development. Livingstones Australia has been a trusted advisor to Council for many years and will provide an independent view on the suitability of candidates.

#### *Interviews with Shortlisted Candidates:*

*Leading Roles* and the Panel will develop a shortlist of suitable candidates, and will be arranging interviews with the panel in late May (dates to be finalised).

#### *Acting Chief Executive Officer:*

Under s195 of the *Local Government Act 2009*, Council is able to appoint an Acting Chief Executive Officer during any vacancy in the position. Given the timeframes associated with the recruitment of the Chief Executive Officer, an Acting Chief Executive Officer will need to be appointed to undertake the role from the departure of the current Chief Executive Officer and the commencement of the successful candidate.



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The Executive Manager Organisational Development & Planning has undertaken this role in the past and is qualified to undertake the role of Acting Chief Executive Officer for the time required.

**4. Policy and Legal Implications**

*Leading Roles* has been engaged to provide independent evaluation and probity to Council. Council's statutory obligations under section 194 of the *Local Government Act 2009* will be discharged by Council considering the recommendation made by the recruitment panel and resolving the appointment to the position.

Section 195 of the *Local Government Act 2009*, provides that Council is able to appoint an Acting Chief Executive Officer during any vacancy in the position.

**5. Financial and Resource Implications**

There will be a financial cost in relation to the engagement of Livingstones Australia. A quotation will be sought for the provision of this service which will be costed under current budget provisions.

It is anticipated the Mayor and Deputy Mayor will be engaged in this process until early June 2016.

**6. Delegations/Authorisations**

The Chief Executive Officer, through the Coordinator People Engagement and Culture, will be authorised to take all necessary steps to give effect to Council's resolution.

**7. Communication and Engagement**

Leading Roles will facilitate the evaluation of candidates by the recruitment panel.

The Mayor and Deputy Mayor through the Coordinator People Engagement & Culture will be responsible for reporting back to Council on the evaluation and recommendation for appointment.

**8. Conclusion**

Council approve the appointment of a recruitment panel comprising the Mayor, Deputy Mayor and a Director of Livingstones for the purpose of evaluating the suitability of candidates for the position of Chief Executive Officer and making a recommendation to Council in addition to appointing an Acting Chief Executive Officer to fill the vacancy of the CEO position for the required timeframe.

**9. Action/s**

1. Engagement of Livingstones Director
2. Evaluation of candidates by panel
3. Report back to Council
4. Appoint Acting Chief Executive Officer.



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**11.0 Organisational Development and Planning Reports**

*No Organisational Development and Planning Reports*

**12.0 CORPORATE AND COMMUNITY SERVICES REPORTS**

**12.1 Superannuation for Councillors**

**Date:** 04 May 2016

**Author:** Madonna Brennan, Business Improvement Officer

**Responsible Officer:** David Lewis, Executive Manager Corporate & Community Services

**Summary:**

As identified in *Section 226* of the *Local Government Act 2009* the provision of superannuation for Councillors is voluntary.

This report recommends that Council, in accordance with *Section 226* of the *Local Government Act 2009*, participate in a superannuation scheme for its Councillors and that Council make a contribution of 12% of ordinary earnings for all councillors to a compliant scheme of the Councillors.

**Officer's Recommendation:**

**THAT Council, in accordance with *Section 226* of the *Local Government Act 2009*, participate in a superannuation scheme for its Councillors;**

**And further;**

**THAT Council make a contribution of 12% of ordinary earnings for all councillors to a compliant scheme of the Councillor's choosing.**

**RESOLUTION**

**THAT Council, in accordance with *Section 226* of the *Local Government Act 2009*, participate in a superannuation scheme for its Councillors;**

**And further;**

**THAT Council make a contribution of 12% of ordinary earnings for all councillors to a compliant scheme of the Councillor's choosing.**

**Moved By: Cr McDonald**

**Seconded By: Cr Hagan**

**Resolution Number: 16-20/0017**

**CARRIED**

**6/0**

**Report**

**1. Introduction**



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Under Section 226 of the Local Government Act 2009 (the Act), Council may take part in a superannuation scheme for its councillors. However, Council must not make contributions more than the proportion of salary that is payable by Council for its standard permanent employees under the LG scheme. The maximum benefit that can be contributed by Council is 12% which is in line with the benefit paid to permanent employees of Council.

This report outlines the provisions of superannuation for Councillors and recommends that Council take part in a superannuation scheme for Councillors in accordance with *Section 226* of the *Local Government Act 2009*.

**2. Background**

At the time of amalgamation in 2008, Council adopted to contribute superannuation based on the Councillor’s remuneration at the discretion of each individual Councillor to either the LGIA Super (known at the time as Qld Local Government Superannuation Scheme) or another compliant Scheme of the members choosing, in proportion as set out the table below:

<b>Members</b>	<b>6%</b>	<b>5%</b>	<b>4%</b>	<b>3%</b>	<b>2%</b>	<b>1%</b>	<b>0%</b>
<b>Council</b>	<b>12%</b>	<b>10%</b>	<b>8%</b>	<b>6%</b>	<b>4%</b>	<b>2%</b>	<b>0%</b>

The current act at the time being the *Local Government Act 1993* stated that a co-contribution was required.

**3. Report**

Councillors are not generally regarded as employees for taxation and superannuation purposes. This means that Council is not obliged to pay superannuation contributions for Councillors.

However, if Council unanimously resolves to be an eligible governing body under the *Taxation Administration Act 1953 (Commonwealth)* councillors are taken to be employees for the purpose of superannuation and superannuation guarantee contributions must be paid by Council. If Council chooses to elect this option individual councillors will not be able to claim any taxation deductions in respect of their personal superannuation contributions (provided their Council income is less than 10% of their total income).

The Act *also* provides Council with a range of options for providing superannuation support. Council can establish their own superannuation scheme, join with other local governments in establishing a joint scheme or simply take part as a contributing employer in an existing scheme. It is compulsory for Council to contribute to LGIA Super for permanent Council employees. However, Council can contribute freely to other schemes on behalf of Councillors.

It is also clearly outlined in the Act that the maximum level and basis of “employer” superannuation contributions for councillors is identical to that which applies to permanent employees. However, councillors who receive this level of support are not required to make a contribution from their own after-tax income but may choose to do so.

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**4. Policy and Legal Implications**

*Section 226 of the Local Government Act 2009* outlines the statutory requirements for the Super schemes for councillors.

It is recommended that Councillors seek independent financial advice to identify these superannuation arrangements and a compliant scheme that best meets their circumstances.

**5. Financial and Resource Implications**

Budget implications will continue to be addressed through existing allocations.

**6. Delegations/Authorisations**

No further delegations are required to manage the matters raised in this report. The Chief Executive Officer will manage the requirements in line with existing delegations.

**7. Communication and Engagement**

The matters arising from this report that require further communication will be addressed through existing communication channels.

**8. Conclusion**

That Council acknowledge the options available in relation to superannuation schemes and contributions and accept the recommendation to take part in a superannuation scheme for councillors.

**9. Action/s**

1. That arrangements be made for a superannuation scheme for councillors and that contributions be made by Council to a scheme of the councillor's choosing to a maximum of 12% of their respective earnings.
- 2.



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**13.0 INFRASTRUCTURE WORKS AND SERVICES REPORTS**

*No Infrastructure Works & Services Reports*

**14.0 ITEMS FOR INFORMATION**

*No Information Items*

**15.0 CONFIDENTIAL ITEMS**

*No Confidential Items*

**16.0 MEETING CLOSED**

*There being no further business the meeting closed at 11.40 am.*