



COUNCIL OF THE SHIRE OF MURGON

Special Meeting

Held on Friday 21st September 2007

Purpose of Meeting

- a. To consider holding a Plebiscite
- b. To consider progress on the sale of the Murgon Saleyards
- c. To consider the electoral arrangements for divided Councils.

Meeting held in the Council Chambers
42 Stephens Street West
Murgon

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COUNCIL OF THE SHIRE OF MURGON**SPECIAL MEETING**

21 September 2007

MINUTES

OPENING OF MEETING

The Mayor declared the meeting open at 11:07 am

ATTENDANCE***Councillors***

PW Angel, Mayor
RJ Dennis, Deputy Mayor
CL Hatchett
GL Burgess
BD Mobbs
RQ O'Neill
RJ Eisenmenger

Officers

Chief Executive Officer, Peter Hackshaw
Manager Corporate and Financial Services, Andrew McKenzie
Manager Works and Services, Steve Turner

1. Local Government Reform Plebiscite (LG 2/2)

LGAQ and King & Company, following negotiations with AEC, have drafted a resolution that will have to be passed urgently by Councils wishing to have AEC conduct a plebiscite.

Negotiations are proceeding between LGAQ and AEC on the "rules and procedures" to apply to any plebiscite conducted by AEC for Councils in Queensland on the Local Government Reform forced amalgamation issue.

AEC are looking for a firm commitment from participating Councils in the form of a detailed resolution passed at an Ordinary or Special Meeting of Council.

Whilst the finalisation of the "rules and procedures" is imminent, LGAQ and King & Company believe that those Councils that wish to participate should proceed to pass the appropriate resolution as soon as possible, but by Friday 21 September if possible.

Following are draft resolutions, which are generic for most Councils affected by forced amalgamation.

It is recommended that participating Councils pass the resolution "as is", so that a standard response can be provided to AEC.

Participating Councils are requested to provide a copy of the Minute of the meeting relating to the passing of the resolution to the Association by e-mail to mark_leyland@lgaq.asn.au or by fax to 3252 4473.

7958 Moved Cr Dennis seconded Cr Burgess: THAT

- 1. As a consequence of the Local Government Reform Implementation Act 2007, Murgon Shire Council will be amalgamated with other Council areas following the conclusion of the 15th March 2008 local government elections.**
- 2. Whilst Murgon Shire Council would like to conduct a poll on the important public question of whether it should be amalgamated with other Council areas, it acknowledges that it is currently prevented from doing so by the inclusion of section 159ZY into the Local Government Act 1993.**
- 3. However, Council notes and welcomes the intervention of the Federal government in relation to this important issue by way of:-**
 - a. Offering to fund the cost of the AEC conducting plebiscites; and**
 - b. Amending the Commonwealth Electoral Act 1918 to facilitate same.**
- 4. Murgon Shire Council accordingly appoints the LGAQ as its agent for all purposes relating to arranging a plebiscite, to be conducted by the AEC under the Commonwealth Electoral Act 1918, on the important public question of whether the electors of Murgon Shire Council support the amalgamation of Murgon Shire Council with other Council area, on the following terms and conditions:-**
 - a. The question to be put to the electors of Murgon Shire Council is:-**

“Do you support the Queensland Government’s decision to amalgamate your Council with other Council areas?”
 - b. If an elector approves of the question, the elector may –**
 - i. Place a tick in the space provided opposite the word ‘YES’ in the space provided on the ballot paper; or**
 - ii. Write the word ‘YES’ in the square opposite the word ‘YES’ on the ballot paper; or**
 - iii. Otherwise mark the ballot paper in a way that clearly and unambiguously indicates the elector approved of the question.**
 - c. If an elector does not approve of the question, the elector may –**
 - i. Place a tick in the space provided opposite the word ‘NO’ in the space provided on the ballot paper; or**
 - ii. Write the word ‘NO’ in the square opposite the word ‘NO’ on the ballot paper; or**
 - iii. Otherwise mark the ballot paper in a way that clearly and unambiguously indicates the elector does not approve of the**

question.

- d. The plebiscite is to be conducted by the AEC generally in accordance with the AEC's minimum standards, namely:-**
- i. Electors will be informed of the event concerned;**
 - ii. Each elector will have one vote;**
 - iii. Electors will be provided with a reasonable opportunity to vote;**
 - iv. The ballot will be secret;**
 - v. There will be provision for the appointment of scrutineers;**
 - vi. The (electors) roll will be available to scrutineers;**
 - vii. The ballot material will be retained by the AEC until the close of the period of challenge;**
 - viii. The plebiscite will not be partially conducted.**
- e. The rules of the plebiscite are to incorporate the AEC's minimum standards mentioned above and are to be as otherwise finally agreed between the AEC and LGAQ, generally in accordance with the following framework:-**
- i. The plebiscite is to be conducted by full postal ballot;**
 - ii. The initiating step for the plebiscite will be the AEC giving public notice (in the Courier Mail and, possibly, in a newspaper circulating in Council's immediate locality) of its intention to close the electors roll (for the purposes of conducting the plebiscite).**
 - iii. Approximately 6 days later, the AEC will give public notice (in the Courier Mail and, possibly, in a newspaper circulating in Council's immediate locality) of the nature of the plebiscite;**
 - iv. Approximately 4 days later the roll will be closed;**
 - v. Over the next 7 – 10 days thereafter, the roll will be compiled and all material relative to the conducting of a full postal ballot will be prepared;**
 - vi. Immediately thereafter, a mail out of the full postal ballot will occur, with the electors being required to complete and return the relevant postal ballot material not sooner than 10 working days after the date of the mail-out;**
 - vii. Counting of the ballots will commence as soon as practically possible after the closing date for the ballot with daily progressive tallies to be provided by the AEC to the LGAQ Council and any scrutineers;**
 - viii. Counting of the ballots is to be finalized on the day that is 10 days**

after the closing date of the ballot, with the final results of the count to be provide to the LGAQ, Council and any scrutineers;

5. *Murgon Shire Council records by this resolution its total commitment to the conduct of the plebiscite and to ensure the plebiscite is completed without delay, delegates to the Mayor the power to accept and adopt on Council's behalf, the rules of the plebiscite as finally agreed between the LGAQ and the AEC.*

CARRIED

2. Sale of Murgon Saleyards – Advice from James Neilson, King and Company (SA 1/7)

Having studied all the correspondence between Council and Regional Infrastructure, James Neilson proposes:

- a. He will send a letter to Council outlining his recommendations with regard to how we respond, but is unable to do this immediately;
- b. Disregard “heads of agreement” as this is only “in principle” and instead we should look towards an actual contract.
- c. Transfer of the property to Perpetual Regional Infrastructure Fund (PRIF) will be a given;
- d. The Perpetual approval will either happen immediately or it won't happen at all. This should not become a delaying factor;
- e. Closing Hiscock Street is the major hurdle, preferable to pass this to Regional Infrastructure, however they want us to try hard to get DNR to “fast track” the process;
- f. Right of way access by Council is not a problem;
- g. “Material Change of Use” could be a problem if the planning scheme deems that “road” and the corresponding use is to become “saleyards” with a different use.

Recommendation by James Nielsen

7959 **Moved Cr O'Neill seconded Cr Dennis: *THAT Council agree to accept the offer from Regional Infrastructure to purchase the Murgon Saleyards for \$300,000 (GST excluded) subject to the conclusion of successful negotiations for a contract acceptable to both parties, and which the Chief Executive Officer and Mayor are authorised to sign on behalf of Council.***

CARRIED

3. Electoral Arrangements for Divided Councils (EL 1/1)

Council has been approached by Wondai Shire to consider the attached advice and whether Murgon Shire still wishes to be divided or now prefers to be undivided.

7960 **Moved Cr Eisenmenger seconded Cr Dennis: *THAT Council agree to remain committed to internal electoral divisions as advised by the Queensland Electoral Commission.***

CARRIED

Closure

There being no further business, the Mayor declared the meeting closed at 11:35 pm

Peter Angel
Mayor