



**MINUTES
ORDINARY COUNCIL MEETING
THURSDAY 21 FEBRUARY 2019**

Councillors Present: Mayor Cheyne Wilkie
Cr Laurence Weazel
Cr Phillip Alberts
Cr Archie Williams

Officers Present: Emil Moul - Chief Executive Officer
Jim Evans – Manager Northern Region - DLGRMA
Denise – Principal Advisor Northern Region - DLGRMA

Meeting Open: The Mayor declared the meeting open at 10h06.

Welcome to Country: The Mayor performed the welcome to country ritual.

Apologies: There were no apologies tendered or recorded.

Councillor Matters: **Process - Office of the Deputy Mayor Vacant, Nominations for Councillor, Appoint New Deputy Mayor**

CEO explained that the office of the Deputy Mayor had become vacant by operation of law in terms of S162(1)(e) of the Local Government Act 2009.

Resolution: 21022019 -001

MOVED: Cr Williams

SECOND: Cr Weazel

"COUNCIL RESOLVES to declare the office of the Deputy Mayor vacant pursuant to section 165(3) of the Local Government Act 2009."

Motion Carried 4/0

CEO presented a notice pursuant to S165(4) of the Local Government Act 2009 dated 14 February 2019 regarding the resolutions required to declare the office the Deputy Mayor vacant S165(3) LGA 2009 and appoint a new Deputy Mayor S165(5) LGA 2009.

CEO called for nominations for Deputy Mayor. The nominations were Cr Weazel and Councillor Alberts. CEO called for a show of hands to vote on the two nominations for Deputy Mayor.

Resolution: 21022019 - 002

MOVED: Cr Weazel

SECOND: Cr Williams

"COUNCIL RESOLVES to appoint Councillor Philip Alberts as Deputy Mayor pursuant to section 165(5) of the Local Government Act 2009."

Motion Carried 4/0

CEO noted that a notice had been published calling for expressions of interest to fill the Councillor vacancy. The notice expires on 28 February 2019. Council has 12 weeks from the date that the office was vacated to fill the vacant office which is on or before 16 April 2019.

Register of Interests: There were no declarations of any conflicts of or updates to interests from Councillors.

Item 1: Confirmation of previous Council Meeting Minutes

1.1 Ordinary Council Meeting – 23 January 2019

Resolution: 21022019 - 003

MOVED: Cr Williams

SECOND: Cr Weazel

"COUNCIL RESOLVES that the minutes of the Ordinary Council Meeting held on 23 January 2019 be received and adopted as a correct record of proceedings at that meeting."

Motion Carried 3/1

Mayor Wilkie abstained subject to a correction to the minutes in Item 3.2 to read *"Council agreed to pay the public liability insurance premium for Yoonthalla Services Woorabinda for a period of one year as financial support."*

After discussion it was agreed that the minutes of the previous meeting held on 23 January 2019 were not confirmed subject to clarification over the matter of Council paying the premium for public liability insurance for Yoonthalla Services Woorabinda.

Item 2: Business arising from previous Council Meeting Minutes

2.1 Discuss any matters arising from previous Council Meeting Minutes

The Mayor declared a conflict of interest on discussions about Yoonthalla Services Woorabinda as his spouse was a member of the board of the company.

On the matter of the Mayor staying in the meeting it was agreed that Mayor Wilkie would leave the meeting by Cr Weazel and Cr Williams. Cr Alberts abstained. The Mayor left the meeting at 11h03. In terms of S165(1)(a) of the Local Government Act 2009, Cr Alberts as Deputy Mayor, took over as Chair of the meeting in the absence of the Mayor.

After discussion the following resolutions were passed in respect of Council's relationship with Yoonthalla Services Woorabinda:

Resolution: 21022019 - 004

Background: *Councillors discussed a previous agreement made on 23 January 2019 which authorised Council to pay the public liability insurance premiums on behalf of Yoonthalla Services Woorabinda for a period of one year as financial support. This agreement was subsequently revoked.*

MOVED: Cr Williams

SECOND: Cr Weazel

"COUNCIL RESOLVES not to pay the public liability insurance premiums on behalf of Yoonthalla Services Woorabinda."

Motion Carried 3/0

Resolution: 21022019 - 005

Background: *Councillors discussed a previous resolution passed on 28 November 2018 that endorsed the CEO to develop a Divestment Strategy for Yoonthalla Services Woorabinda to take over the management of Social Programs. This resolution was subsequently revoked pending further investigation.*

MOVED: Cr Williams

SECOND: Cr Weazel

"COUNCIL RESOLVES not to divest social services programs to Yoonthalla Services Woorabinda at this point in time pending further investigation by the CEO."

Motion Carried 3/0

Cr Williams left the meeting at 11h18 and returned at 11h20. Mayor Wilkie returned to the meeting at 11h37.

Item 3:

Invited Speakers

3.1 Jim Evans – Manager Northern Region DLGRMA

Jim Evans presented several guides for Councillors that had recently been released by the Independent Assessor and the Queensland Integrity Commissioner to help Councillors make transparent decisions in the best interests of their communities.

3.2 Sharon Kinchela – Consultant Yoonthalla Services Woorabinda

Sharon Kinchela entered the meeting at 11h40 and presented an update to Council on Yoonthalla Services Woorabinda. She left the meeting at 12h24.

The Mayor left the meeting at 11h40 and returned at 12h25. Lunch was called for 12h30 and the meeting reconvened again at 13h00.

Item 4:

Reports

4.1 CEO's Monthly Report

- Woorabinda Post office Sale

CEO presented a proposed valuation for the purchase of the Post Office received from Post Office Brokers (QLD). The value was significantly lower than the expectations of the Licence holder.

Resolution: 21022019 - 006

MOVED: Cr Weazel

SECOND: Cr Alberts

"COUNCIL RESOLVES that the CEO secures two more valuations to ensure a fair price is negotiated for the purchase of the Woorabinda Post Office."

Motion Carried 4/0

- Woorabinda Café Takeover

The Lease for Woorabinda Café expires on 21 May 2019. Council has indicated its interest in purchasing the Café's fittings and equipment and has met with the current Café managers. CEO presented an *Agreement for Sale and Purchase of Plant and Equipment* that is situated in the Café which amounts to \$121,200 plus GST (excluding stock on hand and goodwill). An additional amount of \$8,000 plus GST is claimed for screens and flooring at the Café house. The maintenance arrangement agreed previously with the Café house requires further investigation.

CEO will recruit a Café Manager to manage the enterprise for Council.

Resolution: 21022019 - 007

MOVED: Cr Williams

SECOND: Cr Alberts

"COUNCIL RESOLVES to accept the value of the plant and equipment in the Woorabinda Café at \$121,200 plus GST (excluding stock and goodwill)."

Motion Carried 4/0

- Draft ILUA - Proposed Wadja Wadja High School Relocation

Cr Weazel disclosed his interest in the matter as a Director of Wadja Wadja High School and left the meeting at 13h48.

CEO presented a draft Indigenous Land Use Agreement (ILUA) prepared by Preston Law. The ILUA is a preliminary draft document which meets the technical registration requirements of the Native Title Act 1993 and provides consent to the grant of an Aboriginal Trustee Lease by Woorabinda Aboriginal Shire Council over the proposed School site and also provides for construction of the School.

Preston Law recommended that Council provide them with instructions to liaise with the legal representative for the Gaangalu Nation People in relation to the terms of the ILUA and whether or not in-principle they are prepared to enter into ILUA negotiations with Council in relation to the grant of a Lease over the proposed School area.

Resolution: 21022019 - 008

MOVED: Cr Williams

SECOND: Cr Alberts

"COUNCIL RESOLVES that the CEO meets with Wadja Wadja High School to discuss the ILUA and Preston Law to meet with The Gaangalu Nation People thereafter."

Motion Carried 3/0

- Works for Queensland (W4Q) Funding 2019-21

CEO proposed the following 3 projects for the \$1,090,000 W4Q 2019-21 infrastructure funding:

Public Toilet Block	\$260,000
Council Building Infrastructure Upgrades	\$430,000
Erect and Service Cabins (TMR Donations)	\$400,000

Resolution: 21022019 - 009

MOVED: Cr Alberts

SECOND: Cr Williams

"COUNCIL RESOLVES that the CEO submit a list of projects for the W4Q 2019-21 infrastructure projects for \$1,090,000 as listed below:

• Public Toilet Block	\$260,000
• Council Building Infrastructure Upgrades	\$430,000
• Erect and Service Cabins (Donated by TMR)	\$400,000

Motion Carried 4/0

- Repeal Local Law No 2 - Law and Order

Resolution: 21022019 - 010

Background: *Section 29(5) of the Local Government Act 2009 provides that a local government must ensure its local laws are drafted in compliance with the guidelines issued by the Parliamentary Counsel under the Legislative Standards Act 1992, Section 9 for local laws and subordinate local laws.*

MOVED: Cr Weazel

SECOND: Cr Williams

"COUNCIL RESOLVES that Local Law No 2 (Law and Order) is hereby repealed in terms of Local Law (Repealing) Local Law (No 1) 2018."

Motion Carried 4/0

- NDRRA/BETTERMENT – Mimosa Creek Crossing, Lily Creek and Bore 3 Access Culvert Upgrades

The progress report and photographs were tabled and noted.

- SQW Woorabinda Memorial Walk and Lagoon Beautification Project Update

The progress report and photographs were tabled and noted.

- LGAQ Elected Member Update Session - Cairns 12 March 2019

Resolution: 21022019 - 011

MOVED: Cr Weazel

SECOND: Cr Williams

"COUNCIL RESOLVES to authorise travel arrangements for CEO and Elected Members to attend the LGAQ Elected Members Update (EMU) on 12 March 2019 in Cairns."

Motion Carried 4/0

- Township Street Lights - Ergon Lighting Protection Guards

It was noted that Ergon Energy Rockhampton is currently working on installing lighting protection on the street lighting within the township of Woorabinda.

- Upgrade Lighting System - Woorabinda Football Ground

A letter of appeal to the Honourable Minister Michael de Brenni, supported by Council's Ministerial and Government Champion, was tabled. The appeal was for assistance to upgrade the lighting system at Woorabinda Football Grounds. This request follows Woorabinda being considered as a game venue for Round 9 of the Intrust Super Cup on 4 May 2019. Council awaits a response.

- Draft Woorabinda Township Master Plan

The final Draft Woorabinda Township Master Plan was tabled and discussed at our Technical Working Group (TWG) Meeting held on 13 February 2019. The plan includes indicative costs for further development and infrastructure to support the projects. The final Master Plan requires adoption by Council through Ordinary Resolution at the next Council Meeting.

Resolution: 21022019 - 012

Background: *On 10 October 2018 the Queensland Government committed \$40 million to an interim capital housing program to sustain a modest level of construction and employment in discrete Aboriginal and Torres Strait Islander communities. The intent of this funding is to support all 17 Indigenous Councils and their communities during the 2019 calendar year.*

MOVED: Cr Weazel

SECOND: Cr Williams

"COUNCIL RESOLVES to distribute the \$40 million in new housing funding over 17 Indigenous Councils and that the funding for BAS maintenance and vacates be funded directly to Councils and not through BAS."

Motion Carried 4/0

- Woorabinda Domestic Violence Facility - Preliminary Schematic Design Drawings

Council has now been presented with the Woorabinda DVF Facility Preliminary Schematic Design Drawings. DHPW has indicated that the value of the construction is circa \$2,000,000. The plans were tabled and noted.

- Queensland Integrity Commissioner - New Integrity Guidelines

The Independent Assessor and the Queensland Integrity Commissioner today released several guides for councillors to help them make transparent decisions in the best interests of their communities:

- Meeting Aid for Councillors – Conflict of Interest
- Personal Interests & Official Responsibilities: A Guide for Local Government
- Aid for Councillors: Material Personal Interest
- Councillor Aid – Duty to Report

- Proposed Divestment Strategy – WASC Community Services to Yoonthalla Services

It was noted that at the Ordinary Council Meeting held on 28 November 2018 Council resolved to "endorse the CEO to develop a Disinvestment Strategy for Yoonthalla Services Woorabinda to take over the management of Social Programs from Woorabinda Aboriginal Shire Council."

See Resolution 21022019 – 005 above.

- Public Notice - Wadja Tribal Governing Council (WTGC)

CEO reported that Wagan Guburu (Minister for Foreign Affairs, Development and Trade) representing *Wadja Tribal Governing Council* has been agitating in the Community and making certain threats. CEO sought legal advice in 2018 which sets out Council's position in respect to WTGC's advances.

Council agreed that WTGC work out their representation with the Gaangalu people and then come back and talk to Council.

- HPW Resource Allocation - Data Sets

ATSI Housing Unit presented Council with the Community Profile that was provided at the Indigenous Leaders Forum on 29 October 2018. The profiles are

used to inform how we determine "need" and allocate resources to communities.
The Data Sets were tabled and discussed.

Item 5:

General Business

5.1 Gaangalu Nation Party – Section 24JAA Notification - Council Staff Housing QUD 400/2012

The CEO to attend the consultation with Crown Law and resolve the matter.

5.2 Development Application – Reconfiguring of Lot (1 into 2) over Lot135 on SP268500 in Woorabinda for GEH Housing

A resolution was passed at the Council Meeting of 23 January 2019. See resolution number 23012019 – 008.

5.3 Woorabinda Government Champion Program – Minutes of Meeting 18 January 2019

The minutes of the meeting were tabled and noted.

5.4 Formal Motion - Restoration of FAGS Value through Federal Taxation Revenue

Resolution: 21022019 - 013

MOVED: Cr Wilkie

SECOND: Cr Weazel

"COUNCIL RESOLVES to formally endorse an LGAQ motion to ask the Federal Government to restore the value of the Financial Assistance Grants to at least one percent of Commonwealth taxation revenue."

Motion Carried 4/0

5.5 Renewal of Access and Consent Agreement for Rookwood Weir Project

It was noted that the CEO signed the renewal of the Access and Consent Deed for the Rookwood Weir Project on 6 February 2019.

5.6 Release of Updated Agricultural Land Classification (ALC) Mapping

Tabled and noted.

5.7 Introduction - Indigenous Solutions Australia Indigenous Corporation

Tabled and noted.

5.8 Council Endorsement of the Reef Councils' Major Integrated Projects

It was noted that the CEO signed the request for Council Endorsement of the Reef Councils' Major Integrated Projects (MIP) Proposal LGAQ: 0024107 on 31 January 2019.

5.9 DATSIP Social Reinvestment Proposal

Resolution: 21022019 - 014

MOVED: Cr Wilkie

SECOND: Cr Alberts

"COUNCIL RESOLVES that the CEO finalises the DATSIP Social Reinvestment Proposal funding for the proposed Woorabinda Youth Space for \$200,000."

Motion Carried 4/0

5.10 Request for Financial Support – QLD Rugby League

An email from Reggie Cressbrook was tabled requesting Council financial support of \$15,000 – \$20,000 for QLD Rugby League game (Round 9 of the Intrust Super Cup) to be held in Woorabinda on 4 May 2019. The CEO to request a proposed budget by Friday 1 March 2019 to assess the level of contribution from Council.

Item 6: General Correspondence

6.1 Relevant general correspondence was tabled and noted.

Item 7: Meeting Closure

7.1 Mayor declared the meeting closed at 17h05.

Confirmed a true record of the proceedings at the Ordinary Council Meeting:


Cr Cheyne Wilkie (Mayor)

Date: 