



**Record of
Attendance:**

Councillors

Cr Cheyne Wilkie Mayor
Cr Phillip Alberts Deputy Mayor
Cr Laurence Weazel
Cr Archie Williams

Staff

Emil Moul Chief Executive Officer

Observers

Jim Evans Department Local Government, Racing & Multicultural Affairs

**Welcome to
Country:**

The Mayor, Cr Wilkie, acknowledged the traditional custodians of the land on which this meeting takes place and paid respect to Elders both past and present.

Meeting Open:

The Mayor welcomed all elected members and staff and declared the meeting open at 10:36 am.

Apologies:

Nil

**Declaration of
Interests:**

Cr Weazel declared a Conflict of Interest in Item 4.1.3 (Wadja Wadja High School Relocation).

Cr Wilkie advised that his wife and daughter have both resigned their positions with Yoonthalla Services Woorabinda and subsequently he no longer has a Material Personal Interest in relation to Yoonthalla Services under Section 175B (1) (b) and 175 (1) (c) of the Local Government Act 2009.

Item 1:

Confirmation of Minutes

Item 1.1

Ordinary Meeting of Council – 21 February 2019

The Mayor advised that Resolution 21022019-012 of the unconfirmed minutes did not accurately reflect council's discussions on the matter and requested that the resolution be amended to indicate that the funding is to be distributed equally over the 17 Indigenous Councils.

Resolution: 27032019-001

Moved: Cr Wilkie

Second: Cr Alberts

COUNCIL RESOLVES that Resolution 21022019-12 of the unconfirmed minutes of the Ordinary Council Meeting held on 21 February 2019 be amended by inserting the word "equally" immediately following the phrase "funding over 17 Indigenous Councils" viz.,

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

Carried 4/0

Resolution: 27032019-002

Moved: Cr Alberts

Second: Cr Weazel

COUNCIL RESOLVES that the Minutes of the Ordinary Meeting of Council held on 21 February 2019, as amended, be confirmed.

Carried 4/0



Item 2:: BUSINESS ARISING FROM THE PREVIOUS MEETING

Works for Queensland (W4Q) Funding 2019-21

Council discussed where the most appropriate location should be for the construction of the proposed W4Q Public Toilet Block Project.

Resolution: 27032019-003

Moved: Cr Weazel

Second: Cr Williams

Council Resolves:

1. That the Works Manager investigate suitable locations for siting of the proposed Public Toilets; and
2. That a report identifying suitable locations be presented to the April 2019 Ordinary Meeting.

Carried 4/0

Action:

WM – Prepare a report providing details of proposed sites for the W4Q Public Toilet Project including a plan identifying the location of existing sewerage infrastructure.

Wadja Tribal Governing Council (WTGC)

Council discussed the outcomes of a recent visit to the community by representatives from Wadja Tribal Governing Council and enquired if WTGC had been made aware of Councils position that WTGC should first work out their representation with the Gaangalu Nation people and then come back and talk to Council.

Resolution: 27032019-004

Moved: Cr Weazel

Second: Cr Williams

COUNCIL RESOLVES that a letter be written to Wadja Tribal Governing Council (WTGC) and enquire:

1. How WTGC will implement their lore;
2. How the sovereign claim will be implemented and what the process will be; and
3. Requesting that WTGC representative visit Woorabinda to address the community on their claim.

Action:

CEO – advise WTGC of council concerns and request WTGC representatives visit Woorabinda to address community members.

Request for Financial Support – Intrust Super Cup

Council enquired if a budget had been received to assess the level of contribution expected from Council in support of the Intrust Super Cup football match to be held in Woorabinda on 4 May 2019.

The CEO advised that a revised budget has been received and the matter was listed in the agenda for further consideration under the CEO's report.

Council discussed reports of recent unacceptable behaviours by some members of the Woorabinda Warriors Football Club and gave consideration to the current level of financial support provided by Council to the Football Club.



Resolution: 27032019-005

Moved: Cr Weazel

Second: Cr Alberts

COUNCIL RESOLVES that

1. A letter be written to Woorabinda Warriors Football Club requesting the Club President and committee members attend a meeting with Council to discuss club financials and discipline; and
2. That the Woorabinda Warriors Football Club be further advised that failure to meet will result in Council implementing financial sanctions.

Action: CEO – advise WWFC of Council decision and invite President and Committee to attend a meeting with Council.

Item 3: INVITED SPEAKERS

Attendance: Sharon Kinchela (Consultant – Yoonthalla Services Woorabinda) entered the meeting at 12:00pm

Item 3.3: Yoonthalla Services Woorabinda Update

Sharon Kinchela addressed Council and provided an update on activities and programs currently being undertaken by Yoonthalla Services Woorabinda.

Attendance: Sharon Kinchela left the meeting at 12:35pm
Michele Leisha, Milton Lawton, Steve Kemp and John Kemp representing the Gaangalu Nation People (Traditional Owners) entered the meeting at 12:35pm

Item 3.2: Tree Clearing – Spooky Gully

Gaangalu Nation People representatives addressed Council and raised concerns regarding the recent tree felling operations undertaken by the Woorabinda Pastoral Company (WPC) on land located behind the Woorabinda Airport and known locally as Spooky Gully.

Ms Leisha advised that the area contains land that has important cultural significance for the Gaangalu people.

Ms Leisha also questioned what steps had been taken by WPC to prevent harm to the cultural heritage as well as the environmental impact that the tree felling operations are having on the local fauna and flora.

The Mayor advised that Council will raise the matter with the Woorabinda Pastoral Company to ensure that representatives of the Gaangalu Nation People are consulted prior to any future operations in Gaangalu Nation People claim area.

Action: Mayor – Advise WPC Board of the Gaangalu Nation Peoples concerns regarding cultural heritage and environmental issues arising from tree felling operations.

Attendance: Michele Leisha, Milton Lawton, Steve Kemp and John Kemp left at 1:23pm

Lunch: The meeting adjourned for lunch at 1:25pm and recommenced at 1:50pm



Item 3.1: Local Government Reforms

Jim Evan addressed the meeting and gave an update on proposed Local Government Reforms.

Key amendments currently under consideration include:

- Candidate training
- Register of interest for Candidates
- Real time financial disclosures
- Election expenditure caps
- Councillor access to information and Mayoral Powers.

Attendance: Cr Williams left the meeting 2:15pm and returned at 2:18 pm

Item: 4 REPORTS

Item: 4.1 CEO Report

Item 4.1.1 Woorabinda Post Office

Background: CEO received an assessment of the selling price of Woorabinda Post Office from Post office Brokers (QLD) of \$185,000 plus stock at valuation (SAV) of \$21,000 giving a total of \$206,000 as a going concern.

At a meeting with the Licence holder it was established that the valuation obtained from Post office Brokers (QLD) was significantly lower than the expectations of the Licence holder. It was agreed at a Council Meeting held on 21 February 2019 that CEO would obtain further selling price valuations to ensure that a fair price was negotiated for the purchase of the Woorabinda Post Office Licence.

Wollermann Business Brokers, qualified business brokers who specialise in regional areas, has now been approached to provide a further presale opinion of market worth of the business. They provided a market worth in the range of \$240,000 to \$280,000.

Resolution: 27032019-006

Moved: Cr Williams

Second: Cr Alberts

COUNCIL RESOLVES that

1. The CEO obtain a third quotation for the purchase of the Woorabinda Post Office; and
2. That a purchase price for the Woorabinda Post Office be determined by calculation of the average purchase price of all three (3) quotations received.

Motion Carried: 4/0

Action: CEO – obtain 3rd quotation for purchase of Woorabinda Post Office and provide report to April meeting.

Item 4.1.2 Woorabinda Café

Background: Council accepted the Agreement for Sale and Purchase of Plant and Equipment that is situated in the Café and amounts to \$121,200 plus GST (excluding stock on hand and goodwill). CEO has personally inspected the equipment in question and been given an assurance that the equipment is all in working condition and inspected annually. CEO has now signed the agreement. In addition, a recruitment advertisement has been published for a Café Manager.

Noted



Declaration of Interest

Cr Weazel made the following declaration -

"I declare that I have a conflict of interest in the following matter (as defined by section 175D of the Local Government Act 2009) as follows: -

(a) My wife is a member of the Wadja Wadja School Board

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on."

Attendance: Cr Weazel left the meeting at 2:27pm

Item 4.1.3: ILUA - Wadja Wadja High School Relocation

Background: A draft Indigenous Land Use Agreement (ILUA) has been drafted by Preston Law. The ILUA is a very 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. The draft ILUA does not contain any provisions relating to compensation to be sought by the Gaangalu Nation People. A search has been conducted with the National Native Title Tribunal which confirms that Lot 135 on SP268500 is within the registered native title determination application lodged by the Gaangalu Nation People.

Wadja Wadja High School Principal has been provided with a copy of the draft ILUA. The document will be tabled at the next Board Meeting and revert to CEO thereafter.

Noted

Attendance: Cr Weazel returned to the meeting at 2:30pm

Item 4.1.4: Blackboy Licence Agreement

Background: The Licence Agreement between Woorabinda Aboriginal Shire Council and Woorabinda Pastoral Company Pty Ltd was signed on 20 March 2019 by both parties. The annual rental is \$15,000 excluding electricity and other services. The Licence Agreement is effective from 1 March 2019.

Noted

Item 4.1.5 Proposed Waste Levy Legislation

Background: The Waste Reduction and Recycling (Waste Levy) Amendment Act 2019 passed on 21 February 2019, and will come into force on 1 July 2019.

The Act amends the Waste Reduction and Recycling Act 2011 with the objective of introducing a waste levy intended to disincentivise the practice of long-distance transport of interstate waste for disposal in Queensland. The Act seeks to achieve that objective by imposing a levy on 39 of the 77 Queensland local government areas – covering the locations where the majority of waste is generated and disposed.

Noted

Item 4.1.6: NDRRA – Mimosa Creek, Lilly Creek & Bore 3 Access Culvert Upgrades

Background: Project works will commence on the Mimosa Creek Crossing this week. Initially, the water will be turned off, after ensuring that the water reservoirs are full, and the pipeline will be dropped and buried. This affects water from the bores only and not the Baralaba Weir. The works will take up to 6 six and residents will have to use the alternative route to Blackboy, Bore 3 and Bore 4. The existing 3 sections will be cut out and 5 new sections (culverts) inserted and new guard rails fitted. The program allows for 60 spare days to allow for rain. Bore 3 and Lilly Creek upgrades will be finished by 5 April 2019.

Resolution: 27032019-007

Moved: Cr Williams

Second: Cr Alberts

COUNCIL RESOLVES that location signs be purchased and install for Mimosa Creek, Lilly Creek and Bore 3 causeway.

Motion Carried: 4/0

Action: WM – order and install location signs for Mimosa Creek, Lilly Creek & Bore 3 Causeway

Item 4.1.7: Skilling Queenslanders for Work

Background: Council has secured funding for Skilling Queenslanders for Work (SQW) of \$557,040 (including GST) for the training of 20 Community members in Conservation and Land Management (CALM 1) during 2019. In addition, Yoonthalla Services Woorabinda has secured \$51,240 from PM&C for materials for the Taroom Memorial Walk Project.

The SQW Supervisor and Coordinator have both resigned. The next steps to get the project back on track include:

- Council has re-advertised for a SQW Supervisor;
- Council is trying to establish CQU's progress towards being ready as an RTO for CALM 1 training;
- Council will meet with department of Education to seek a variation to cover an increase in wages as this action will exceed the funding budget.

Discussion: Discussion was held regarding the progress of the program and advice received by the Mayor that consideration was been given by the SWQ to withdrawing the funding due to an apparent failure to meet program guidelines.

The Mayor advised that he had requested that funding not be withdrawn from the community and if necessary to have the funding transferred to another organisation such as the Woorabinda Pastoral Company to ensure that the program continued and the funding remained within the community. The Mayor further advised that he had requested that SWQ provide a written explanation outlining the reasons as to why consideration was given to withdrawing the funding.

Noted

Action: CEO – follow up request for a written explanation from SWQ regarding reasons for considering withdrawing program funding.

Item 4.1.8 LGAQ General Meeting – Brisbane 2 April 2019

Background: LGAQ have called a General meeting of councils to discuss and debate the potential impact the proposed local government reforms and changes to the voting arrangements for 2020 council elections will have on local government.

Discussion: **Resolution: 27032019-008**

Moved: Cr Williams

Second: Cr Alberts

COUNCIL RESOLVES that the Mayor and CEO be authorised to attend the LGAQ General Meeting to be held in Brisbane on 2 April 2019

Motion Carried: 4/0

Action: CEO – Register attendance at LGAQ Meeting and arrange necessary travel and accommodation.



Item 4.1.9: Development Application for Reconfiguring a Lot (1 into 2)

Background: In January 2019 Council received an application from Cardno (Qld) Pty Ltd on behalf of Department of Aboriginal and Torres Strait Islander Partnerships seeking a Development Permit for Reconfiguring a Lot (1 into 2) over part of the site described as Lot 135 on SP268500.

Resolution: 27032019-009

Moved: Cr Williams

Second: Cr Alberts

COUNCIL RESOLVES that the Council is the Local Government Authority for the Woorabinda Aboriginal Shire and the Trustee of the Woorabinda Deed of Grant in Trust (DOGIT). As the Local Government Authority and Trustee for the DOGIT the Council has the responsibility of deciding what is in the best interest of the community and we consider that approving (with conditions) the reconfiguring a lot development application will facilitate improved land administration and create opportunities for future development within the Woorabinda community for the benefit of all community members.

1. Council as the Local Government Authority and Trustee of the DOGIT resolves to approve the development application lodged on Councils behalf by Cardno and the Remote Indigenous Land and Infrastructure Program Office (RILIPO).
2. The development application is to reconfigure one (1) lot into two (2) for future uses within the Woorabinda DOGIT.

Motion Carried: 4/0

Action: CEO - forward copy of resolution to DATSIP

Resolution: 27032019-010

Moved: Cr Williams

Second: Cr Alberts

COUNCIL RESOLVES that in accordance with the Planning Act 2016 as amended, the Application for Reconfiguring a lot (1 into 2) proposed on part of land described as Lot 135 on SP268500 and located at the corner of Blackboy Road and Munns Drive, Woorabinda be approved subject to the conditions detailed below:

Drawing or Document	Reference	Date
Proposal Plan Q184156-PP01A	Q184156-PP01A	27.11.2018

Motion Carried: 4/0

Action: CEO – forward Development Approval to DATSIP

Item 4.1.10: Upgrade Lighting System – Woorabinda Football Grounds

Background: Council has written a letter of appeal to the Honourable Minister Michael de Brenni, Minister for Housing and Public Works, supported by Council's Ministerial and Government Champion, 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.

A response to the request was received from Mick de Brenni MP on 13 March 2019 approving the request for the lighting project to proceed and be delivered through an extension of the works already underway via the Remote Facilities Sports Maintenance Program.

Noted

Item 4.1.11: Intrust Super Cup Event

Background: At the ordinary meeting of Council held on 21 February 2018, Council gave consideration to a request for financial support towards hosting a Queensland Rugby League game (Round 9 of the Intrust Super Cup) to be held in Woorabinda on 4 May 2019. Council resolved to defer a decision on the matter pending further information including a proposed budget for the event.

Several meetings of stakeholders have been held during the month to discuss the costs of hosting the event.

Discussion: The CEO advised that a revised budget had been received detailing Council agreed
Meeting to be held with Warriors and advise what could will be responsible for
Further discussion at April meeting

Noted

Action CEO – arrange meeting with WWFC to discuss co-ordination of Intrust game.

Item 4.1.12: Woorabinda Domestic Violence Facility

Background: Remote Indigenous Capital Delivery ATSI Housing has presented Council with a draft lease for Lot 166 Munns Drive which is the site for the new Woorabinda Domestic Violence Facility (Women's Shelter).

The new facility is a high priority and on agreement of the lease the Department plans to commence soil testing so that the final documentation for the facility can be provided to Council for pricing.

Discussion **Resolution: 27032019-011**

Moved: Cr Wilkie

Second: Cr Alberts

COUNCIL RESOLVES to agree to the draft lease as presented subject to the following amendments:

1. Term of Lease - 10 years with the option of a 10 year renewal; and
2. Rent - \$20,000 (plus GST) per annum

Motion Carried: 4/0

Action: CEO – Liaise with DATSIP to amend draft lease in accordance with Council resolution.

Closed Meeting: **Resolution: 27032019-012**

Moved: Cr Wilkie

Second: Cr Alberts

COUNCIL RESOLVES:

That Council adjourn into Closed Session to discuss the Mediation Settlement (Ronald Smith vs Woorabinda Aboriginal Shire Council) and that members of the public be excluded from the meeting of the Closed Session

This action is taken in accordance with clause 275 (1) (f) of the Local Government Regulation 2012 which permits the meeting to be closed to the public for business relating to starting or defending legal proceedings involving the local government.

Motion Carried: 4/0

The meeting was closed to the public at 3:20pm



Open Meeting: Resolution: 27032019-013

Moved: Cr Wilkie
Second: Cr Alberts

COUNCIL RESOLVES that Council move out of Closed Session and the meeting be reopened to the public.

Motion Carried: 4/0

The meeting was reopened to the public at 3:34pm

Item 4.1.13: Mediation Settlement – WASC vs Ronald Smith

Background: The CEO and Councils legal representatives attended mediation in Brisbane on 11 March 2019 on the matter of Ronald Smith vs Woorabinda Aboriginal Shire Council.
The matter was resolved by way of a damages and costs settlement. A deed of Settlement has been sign by all parties concerned.

Resolution: 27032019-014

Moved: Cr Weasel
Second: Cr Alberts

COUNCIL RESOLVES:

1. To endorse the CEO's actions in negotiating the Deed of Settlement between Ronald Smith and Woorabinda Aboriginal Shire Council; and
2. Agree to pay the amount of settlement as negotiated and set out in the Deed of Settlement dated 11th day of March 2019.

Motion Carried: 4/0

Action: MCS – Arrange payment in accordance with Deed of Settlement

Attendance: Jim Evans (DLGRMA) left the meeting at 3:40pm

Item 4.1.14: Public Notice – Wadja Social and Spiritual Justice Act of 12 January 2019

Background: Council has received a copy of correspondence sent to the Qld Premier, Ms Anastacia Palaszczuk MP, from Wadja Tribal Governing Council, regarding Wadja Social and Spiritual Justice Act of 12 January 2019.
The correspondence has been provided for Councillors information as it was agreed at the Council Meeting held on 22 February 2019 that WTGC must work out their representation with the Gaangalu people and then come back and talk to Council.

Noted

Item 4.1.15: Woorabinda Social Reinvestment Funding – Youth Centre

Background: CEO met with DATSIP to rework the Woorabinda Social Reinvestment funding budget of \$200,000 from DATSIP as a result of using containers instead of refurbishing the Opal Hall. DATSIP's funding is split between \$70,000 for capital and \$130,000 for program delivery and wages.
In addition, Council is expected to make a contribution, both financially and 'in-kind' of an equal amount. This contribution will include container establishment costs, set-up costs, services, maintenance, township services, electricity, internet access, computers and management input.

Noted



Item 4.1.16 Finance Report

CEO presented a statement of financial position for the year to date to 31 January 2019

Noted

Item 4.1.17 Managers Reports

CEO presented a report on operational matters for the month of February 2019.

Noted

Resolution: 27032019-015

Moved: Cr Williams

Second: Cr Albert

COUNCIL RESOLVES that the Chief Executive Officers Report be received.

Motion Carried: 4/0

Item 5. GENERAL BUSINESS

Item 5.1 Native Title Determination Application QUD33/2019 (Gaangalu Nation People)

Background: Correspondence from Preston Law forwarding a copy of a recent Judgement by Justice Rangiah of the Federal Court relating to an Interlocutory Application in relation to QUD33/2019

Noted

Item 5.2 GRC CQROC Meeting Minutes

Background: Correspondence from Livingstone Shire Council forwarding a copy of minutes and actions from the CQROC meeting held on Tuesday 26/02/19 to discuss the forming of a Central Queensland Alliance of Councils

Noted

Item 5.3 Bowen Basin RRTG Meeting Minutes No 2019/1

Background: Email from Gerard Read (BBRRTG) forwarding copy of Agenda of Bowen Basin RRTG meeting to be held at Woorabinda Aboriginal Shire Council on Friday 15 March 2019.

Noted

Item 5.4 New Fund to help protect Queenslanders from Disasters

Background: Media Release from Hon Anastacia Palaszczuk and Hon Cameron Dick announcing that the first round of a new \$38 million fund to better protect Queensland communities from natural disaster was now open.

Noted

Item 5.5 Commencement of New Public Interest Disclosure Standards

Background: Correspondence from Queensland Ombudsman advising of the gazettal of new Public Interest Disclosure Standards.

Noted



Item 5.6 Changes to the Crime and Corruption Act 2001

Background: Email from Crime and Corruption Commission advising changes to the Crime and Corruption Act 2001

Noted

Item 5.7 Census of Population and Housing: Characteristics of ATSI Australians

Background: Australian Bureau of Statistics forwarding a copy of the latest Census of Population and Housing: Characteristics of Aboriginal and Torres Strait Islander Australians, 2016

Noted

Item 5.8 QPC - Inquiry into Imprisonment and Recidivism

Background: Queensland Productivity Commission forwarding a copy of the Summary Report regarding the Inquiry into Imprisonment and Recidivism

Noted

Item 5.9 Creating Queensland's Future: 10-Year Roadmap

Background: Correspondence from Leeanne Enoch MP regarding the Palaszczuk Governments 10-Year Roadmap to better position the role of arts, culture and creativity in Queensland.

Noted

Item 5.10 Organisational Structure

Background: Council discussed the need to ensure that staffing levels are sufficient to ensure that Council's statutory obligations are met and to provide pathways for engagement of local indigenous community members within the Executive Level of the organisation.

Noted

Item 5.11 Councillor Representation on Woorabinda Pastoral Company Board

Background: Council discussed the need to have all elected members on the WPC board and to ensure that the WPC operations are carried out in a manner that aligns with council's goals and objectives.

Resolution: 27032019-016

Moved: Cr Williams

Second: Cr Weazel

COUNCIL RESOLVES to recommend to WPC Board to amend the constitution to allow for all 5 WASC councillors to be appointed as directors of WPC

Motion Carried: 4/0

Action: Mayor to advise WPC Board of Council decision and report back to Council

Item 5.12 Chief Executive Officer – Contract of Employment

The Mayor requested that the Chief Executive Officer leave the meeting to allow Council to discuss the CEO's Contract of employment.

Attendance: Emil Moul left the meeting at 4:36pm



Closed Meeting Resolution: 27032019-017

Moved: Cr Wilkie
Second: Cr Alberts

COUNCIL RESOLVES that Council adjourn into Closed Session to discuss the Chief Executive Officers Employment Contract and that members of the public be excluded from the meeting of the Closed Session

This action is taken in accordance with clause 275 (1) (a) of the Local Government Regulation 2012 which permits the meeting to be closed to the public for business relating to the appointment, dismissal or discipline of employees.

Motion Carried: 4/0

The meeting was closed to the public at 4:38pm

Open Meeting: Resolution: 27032019-018

Moved: Cr Wilkie
Second: Cr Alberts

COUNCIL RESOLVES that Council move out of Closed Session and the meeting be reopened to the public.

Motion Carried: 4/0

The meeting was reopened to the public at 4:55pm

Termination of CEO Contract: Resolution: 27032019-019

Moved: Cr Alberts
Second: Cr Weazel

COUNCIL RESOLVES to terminate the Chief Executive Officer's employment, in accordance with clause 16.1(e) of the contract of employment dated 15 August 2016, with effective from 29 March 2019.


Motion Carried: 3/1

The Mayor abstained from voting on the matter

Closure: There being no further business, the Mayor declared the meeting closed at 5:00pm

**Minutes
Certificate:**

These Minutes are confirmed as a true and correct record of proceedings of the Ordinary Meeting of Council held on 28 March 2019.


Cr Cheyne Wilkie (Mayor)


Date