



Ordinary Meeting of Council

MINUTES

Tuesday 12 December 2023

Quilpie Shire Council Boardroom
50 Broлга Street, Quilpie



**MINUTES OF QUILPIE SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE QUILPIE SHIRE COUNCIL BOARDROOM, 50 BROLGA STREET, QUILPIE
ON TUESDAY, 12 DECEMBER 2023 AT 09:30AM**

1 OPENING OF MEETING

The Mayor declared the meeting open at 9:33am.

2 ATTENDANCE

Cr Stuart Mackenzie (Mayor), Cr Jenny Hewson (Deputy Mayor), Cr Lyn Barnes, Cr Bruce Paulsen, Cr Roger Volz

In Attendance: Mr Justin Hancock (Chief Executive Officer), Ms Lisa Hamlyn (Director Corporate and Community Services), Mr Peter See (Director Engineering Services) and Wanda Loveday (Secretariat)

3 APOLOGIES

Nil

4 CONDOLENCES

Condolences to the family of Allison Nowland and Sylvia Cavanagh.

5 DECLARATIONS OF INTEREST

Chapter 5B of the Local Government Act 2009 (the Act) requires Councillors to declare a Prescribed or Declarable Conflict of Interest. The Declaration is to be made in writing to the Chief Executive Officer, before the Ordinary Meeting of Council.

Cr Barnes declared a Prescribed Conflict of Interest in Items 14.2 and 15.1

Cr Mackenzie declared a Declarable Conflict of Interest in Item 15.4

6 RECEIVING AND CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF QUILPIE SHIRE COUNCIL HELD ON TUESDAY 21 NOVEMBER 2023

RESOLUTION NO: (QSC234-12-23)

Moved: Cr Jenny Hewson

Seconded: Cr Roger Volz

That the Minutes of the Council Meeting held on 21 November 2023 be received and the recommendations therein be adopted.

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7 ITEMS ARISING FROM PREVIOUS MEETINGS

Nil

8 MAYORAL REPORT

- 22/11/23 - Government House Dinner (Brisbane)
- 28/11/23 - Eromanga School Awards (Eromanga)
- 29/11/23 - St Finbarrs Awards (Quilpie)
- 29/11/23 - SWQROC DAF Meeting (Zoom)
- 30/11/23 - Quilpie State College Awards (Quilpie)
- 04/12/23 - EDCA Meeting (Eromanga)
- 05/12/23 - Council Workshop (Quilpie)
- 07/12/23 - SWQROC Meeting (Roma)
- 08/12/23 - SWRRTG Meeting (Roma)
- 08/12/23 - SWQWSA Meeting (Roma)

9 COUNCILLOR PORTFOLIO REPORTS

Details	Date of Meeting	Location	Mackenzie	Hewson	Paulsen	Volz	Barnes
Ordinary Meeting of Council	21-Nov-23	Quilpie	1	1	1	1	1
Year 6 Graduation presentations - QSCollege	22-Nov-23	Quilpie				1	
Government House Dinner	22-Nov-23	Brisbane	1				
Quilpie & District Swimming Carnival	24-Nov-23	Quilpie				Opened	1
Eromanga State School Awards	28-Nov-23	Eromanga	1			1	1
St Finbarrs School Awards	29-Nov-23	Quilpie	1	1	1	1	1
SWQROC DAF Meeting	29-Nov-23	Zoom	1				
Santa for Under 5s Library Christmas Party	30-Nov-23	Quilpie				1	
Quilpie State College Awards	30-Nov-23	Quilpie	1		1	1	1
EDCA Meeting	4-Dec-23	Eromanga	1	1		1	1
Councillor Workshop	5-Dec-23	Quilpie	1	1	1	1	1
SWQROC Meeting	7-Dec-23	Roma	1				
SWRRTG Meeting	8-Dec-23	Roma	1				
SWQWSA Meeting	8-Dec-23	Roma	1				
Quilpie Shire Christmas Party	8-Dec-23	Quilpie	1	1	1	1	1

Meeting paused at 10:12pm for GP's 4 Rural Doctors presentation by Rural Doctors Foundation.

Meeting resumed at 10:47am.

10 OPERATIONAL STATUS REPORTS**10.1 ENGINEERING SERVICES STATUS REPORTS****10.1.1 MONTHLY STATUS REPORT FOR ENGINEERING SERVICES NOVEMBER 2023****EXECUTIVE SUMMARY**

This report is about works carried by Engineering Services during November 2023.

Noted

10.2 CORPORATE AND COMMUNITY SERVICES STATUS REPORTS**10.2.1 PEST AND LIVESTOCK MANAGEMENT COORDINATOR REPORT****EXECUTIVE SUMMARY**

This report provides information and updates to Council on various activities and programs that are facilitated within the Pest and Livestock Management Coordinator's portfolio.

Noted

10.2.2 CORPORATE AND COMMUNITY SERVICES STATUS REPORT**EXECUTIVE SUMMARY**

This report provides information and updates to Council on various activities and programs facilitated within the Director of Corporate and Community Services Portfolio.

Noted

10.2.3 NDIS COORDINATOR STATUS REPORT**EXECUTIVE SUMMARY**

The purpose of the report is to inform and update Council on National Disability Insurance Scheme activities and programs.

Noted

10.3 FINANCE SERVICES STATUS REPORTS**10.3.1 FINANCIAL SERVICES STATUS REPORT - NOVEMBER 2023****EXECUTIVE SUMMARY**

This report is to provide Council with an update on financial services for the month of November 2023.

Noted

10.4 GOVERNANCE SERVICES STATUS REPORTS

10.4.1 TOURISM AND ECONOMIC DEVELOPMENT STATUS REPORT

EXECUTIVE SUMMARY

The purpose of this report is to update the Council on Tourism and Economic Development activities during November 2023.

Noted

10.4.2 CHIEF EXECUTIVE OFFICER - MONTHLY STATUS REPORT

EXECUTIVE SUMMARY

This report provides information and updates to Council on various activities and programs that are facilitated within the Chief Executive Officer's portfolio.

Noted

11 ENGINEERING SERVICES

11.1 FLOODWAYS NOMINATED FOR CONSTRUCTION UNDER QRRRF FUNDING ARRANGEMENT-SOUTH WEST

EXECUTIVE SUMMARY

The Queensland Reconstruction Authority (QRA) released the Queensland Resilience and Risk Reduction Fund (QRRRF) 2023-24 funding round on 18 September 2023. This report seeks endorsement of Council's preferences for these works.

RESOLUTION NO: (QSC235-12-23)

Moved: Cr Bruce Paulsen

Seconded: Cr Roger Volz

1. That Council:
 - (a) receive the report; and
 - (b) adopt the Flood ways nominated for Construction under QRRRF funding as documented in the attached report.

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12 CORPORATE AND COMMUNITY SERVICES

Nil

13 FINANCE**13.1 FINANCIAL SERVICES REPORT MONTH ENDING 30 NOVEMBER 2023****EXECUTIVE SUMMARY**

The purpose of this report is to present the monthly financial report to Council in accordance with section 204 of the *Local Government Regulation 2012* for the period ended 30 November 2023.

RESOLUTION NO: (QSC236-12-23)

Moved: Cr Lyn Barnes

Seconded: Cr Bruce Paulsen

That Council receive the Monthly Finance Report for the period ending 30 November 2023.

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14 GOVERNANCE**14.1 QUILPIE SHIRE INVESTMENT READINESS PROJECT****EXECUTIVE SUMMARY**

This report is to present an update on the Investment Readiness Program delivered by the Department of State Development, Infrastructure, Local Government and Planning.

RESOLUTION NO: (QSC237-12-23)

Moved: Cr Lyn Barnes

Seconded: Cr Jenny Hewson

1. That Council resolve to endorse the Investment Readiness Action Plan as presented and support staff with the implementation of the actions to deliver improvement investment readiness for the Quilpie Shire.

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Cr Lyn Barnes declared she has a prescribed conflict of interest (as defined by sections 150EG, 150EH and 150EI of the *Local Government Act 2009*) in matters regarding the Business Support Program.

Cr Lyn Barnes is the owner of a business mentioned in this item, and stands to gain a financial benefit depending on the outcome of the matter.

Cr Lyn Barnes advised that in accordance with legislative requirements she will leave the meeting while the matter is discussed.

At 11:32 am, Cr Lyn Barnes left the meeting.

14.2 BUSINESS SUPPORT PROGRAM - ROUND 3

EXECUTIVE SUMMARY

This report is provided to review Round 3 of the Business Support Program and endorse any extensions requested from businesses.

RESOLUTION NO: (QSC238-12-23)

Moved: Cr Bruce Paulsen

Seconded: Cr Roger Volz

1. That Council support a request for extension for the following businesses to complete their Business Support Program – Round 3 projects;
 - All About Online Training – 31 January 2024
 - Homelea Lass – 30 April 2024
 - Mail 555 Pty Ltd – 31 January 2024
 - Ben Hall T/A Knots and Plots – 20 February 2024
 - The Old Exchange Outback Gallery & Studio – 31 March 2024

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At 11:37 am, Cr Lyn Barnes returned to the meeting.

14.3 VISITOR INFORMATION CENTRE GRANT APPLICATION APPROVALS

EXECUTIVE SUMMARY

This report is to present two grant opportunities to support the development of the Quilpie Visitor Information Centre for locals and visitors.

RESOLUTION NO: (QSC239-12-23)

Moved: Cr Jenny Hewson

Seconded: Cr Lyn Barnes

1. That Council support the following grant submissions for the Quilpie Visitor Information Centre:
 - (a) Accessible Tourism Elevate Fund – Access Project Grant for Accessibility improvements for Quilpeta Night Show, Rail, and Military Museum, and Visit Quilpie Shire website accessibility, and allocate up to \$5,000 to support this application; and
 - (b) Building Bush Tourism for the construction of an all-weather structure to support the Quilpeta Night Show experience and allocate up to \$4000 to support this application.

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14.4 BALDY TOP WALKWAY**EXECUTIVE SUMMARY**

To review the Baldy Top Walkway concept plan with costings and endorse preferred option.

RESOLUTION NO: (QSC240-12-23)

Moved: Cr Roger Volz

Seconded: Cr Bruce Paulsen

1. That Council endorse the Baldy Top Walkway concept plan (sealed option) with the connection point to Quarrion Street and identify costs to include connection to Diamantina Developmental Road as a future project.

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14.5 TD09 SALE OF THIRTY (30) VACANT RESIDENTIAL ALLOTMENTS SITUATED IN ADAVALE**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with a recommendation to award Tender TD09 23-24 for Sale of Thirty Allotments situation in Adavale.

RESOLUTION NO: (QSC241-12-23)

Moved: Cr Bruce Paulsen

Seconded: Cr Lyn Barnes

1. That Council resolve to:

(a) accept the tenders for sale of allotments situated at Adavale as follows:

2. Name	Item	Lot	Tender Amount
Kirsten Finger	1	18 on 2453	\$2200
E & S Family Holding Pty Ltd	2	24 on 2543	\$5000
Rebecca Gray	4	33 on 2547	\$ 500
Rebecca Gray	5	34 on 2547	\$ 500
Rebecca Gray	6	35 on 2547	\$ 500
Rebecca Gray	7	36 on 2547	\$ 500
Stephen & Heidi Cowley	12	901 on 2541	\$ 500

- (b) Delegate to the Chief Executive Officer to have the remaining blocks valued and offered for sale at Market Value; and
- (c) Delegate Power to the Chief Executive Officer pursuant to section 257 of the Local Government Act to negotiate, finalise and execute any and all matters associated with or in relation to these land sales.

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15 CONFIDENTIAL ITEMS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

15.3 Legal Advice regarding Request for Road Realignment

This matter is considered to be confidential under Section 254J(3) - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

15.1 2023 State Wage Case

This matter is considered to be confidential under Section 254J(3) - b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees.

15.2 Dedicated Road Access to Lot 40 on NK839916

This matter is considered to be confidential under Section 254J(3) - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967.

15.4 Report on the status of the Wongkumara People native title claim QUD851/2018

This matter is considered to be confidential under Section 254J(3) - e and i of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government and a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

15.5 Contract of Employment - Chief Executive Officer

This matter is considered to be confidential under Section 254J(3) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with the appointment, discipline or dismissal of the chief executive officer.

MOVE INTO CLOSED SESSION

RESOLUTION NO: (QSC242-12-23)

Moved: Cr Jenny Hewson

Seconded: Cr Roger Volz

That Council moves into closed session at 11:58am.

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Cr Lyn Barnes declared she has a prescribed conflict of interest (as defined by sections 150EG, 150EH and 150EI of the *Local Government Act 2009*) in matters regarding the State Wage Case.

Cr Lyn Barnes has a related party (spouse, Jack Barnes), who may stand to gain a financial benefit depending on the outcome of the matter.

Cr Lyn Barnes advised that in accordance with legislative requirements she will leave the meeting while the matter is discussed.

Cr Stuart Mackenzie declared he has a declarable conflict of interest (as defined by section 150EN of the *Local Government Act 2009*) in matters regarding the Report on the Status of the Wongkumara People Native Title Claim QUD851/2018.

All other Councillors voted on the matter and it was agreed that Cr Stuart Mackenzie remains and votes on the item.

Cr Stuart Mackenzie is a landowner within the area covered by the Native Title Claim.

Council adjourned for lunch at 12:41pm and resumed at 1:12pm.

Manager of Human Resources, Maree Radnedge, joined the meeting at 1:12pm.

At 1:14 pm, Cr Lyn Barnes left the meeting while Item 15.1 was discussed.

At 1:21 pm, Cr Lyn Barnes returned to the meeting.

CEO Justin Hancock, DES Peter See and EA Wanda Loveday left the meeting at 1:33pm while Item 15.5 was discussed.

CEO, DES and EA returned to meeting at 1:56pm.

MOVE OUT OF CLOSED SESSION

RESOLUTION NO: (QSC243-12-23)

Moved: Cr Bruce Paulsen

Seconded: Cr Roger Volz

That Council moves out of closed session and resumes the Ordinary Meeting at 2:08pm.

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Manager Human Resources left the meeting at 2:08pm.

15.1 2023 STATE WAGE CASE**EXECUTIVE SUMMARY**

The purpose of this report is to provide information on the recent Queensland Industrial Relations Commission (QIRC) annual State Wage Case, and the effect the wage increase has on the percentage above the award rates that Council pays employees covered under the Local Government Industry (Stream A, B and C) Awards – State 2017. The report also contains information regarding wage increases determined in Local Government Agreements that have been certified in 2023 to date, in addition to information regarding CPI increases in 2023.

Conflict of Interest

The author declares a conflict of interest in this matter as an employee covered by the Stream A Award, and as a spouse to an employee covered by the Stream C Award and the Agreement. The information has been obtained from the QIRC, and from within Queensland legislation.

Noted

15.2 DEDICATED ROAD ACCESS TO LOT 40 ON NK839916**EXECUTIVE SUMMARY**

To provide advice to Council on the request from Department of Resources for Council to provide dedicated road access to Lot 40 on NK839916 so that the block can be converted from Leasehold to Freehold. Department of Resources have also advised that Lots 2,3,4 & 5 on NK839916 and Lots 37 & 51 on NK86 may also require dedicated access in the future.

RESOLUTION NO: (QSC244-12-23)

Moved: Cr Roger Volz

Seconded: Cr Lyn Barnes

That Council:

- 1) not approve a road opening on Lot 71 on SP277803 due to being located within a 1% flood zone; and
- 2) support the opening of an easement access to Lot 40 on NK839916 as well as Lots 2, 3, 4 & 5 on NK839916, Lots 12, 13, and 14 on NK15, Lots 2 and 23 on NK12 and Lots 37 & 51 on NK86.

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15.3 LEGAL ADVICE REGARDING REQUEST FOR ROAD REALIGNMENT**EXECUTIVE SUMMARY**

To provide an update on the Request to Realign Lockabie Road

RESOLUTION NO: (QSC245-12-23)

Moved: Cr Roger Volz

Seconded: Cr Jenny Hewson

That council resolve to accept the Independent Engineering advice and instruct the Chief Executive Officer to continue to pursue Option 4 of the legal advice received.

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15.4 REPORT ON THE STATUS OF THE WONGKUMARA PEOPLE NATIVE TITLE CLAIM QUD851/2018**EXECUTIVE SUMMARY**

This Report relates to the Wongkumara People native title claim which covers part of Council's local government area. It is proceeding to a determination of native title on 28 June 2024 and as a party to the claim, Quilpie Shire Council's consent to the determination is required.

The current Federal Court timetable requires final consent to be provided by respondent parties, including Council by 12 April 2024.

Taking into account local government elections and the relatively short timeframe between when the new elected Council is formed and 12 April, the Report provides two options- either delegate the power to the CEO to consent to the final determination on Council's behalf ; or the new Council meet before 8 April to consider a final determination order and provide consent.

RESOLUTION NO: (QSC246-12-23)

Moved: Cr Jenny Hewson

Seconded: Cr Lyn Barnes

1. That Council:

- (a) agrees in-principle to consent to the determination of Part A of the Wongkumara People claim (QUD851/2018) substantially in the terms of the s 87A Agreement and Proposed Consent Order considered by Council; and
- (b) delegates to the CEO the power to:
 - (i) agree to and authorise on an in-principle basis further versions of the draft s 87A Agreement and Proposed Consent Order substantially in the terms of the draft s 87A Agreement and Proposed Consent Order considered by Council;
 - (ii) to consent to the final Agreement attaching the final Proposed Consent Order on Council's behalf; and
 - (iii) to instruct Council's legal representative to sign the final Agreement attaching the final Proposed Consent Order on Council's behalf.

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CEO left the meeting at 2:18pm while Item 15.5 was resolved.

15.5 CONTRACT OF EMPLOYMENT - CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY

This report is for Council's consideration to extend the contract of employment of the Chief Executive Officer.

RESOLUTION NO: (QSC247-12-23)

Moved: Cr Jenny Hewson

Seconded: Cr Bruce Paulsen

1. That Council:

- (a) Extend the contract of employment of the Chief Executive Officer for a period of one (1) year to expire on 17 January 2026; and
- (b) Delegate authority to the Mayor to finalise and execute a Deed of Variation to the contract of employment of the Chief Executive Officer.

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CEO returned to the meeting at 2:21pm.

16 LATE ITEMS

17 GENERAL BUSINESS

Councillors were invited to raise any matters they wished to discuss. Matters raised included:

Cr Hewson:

- Passed on thanks to Karen Grimm for her help with arranging and advertising the Combined Business Christmas Party. All Councillors noted the works and contribution Karen has made to the Shire and wisher herself and her family all the best with the upcoming move.

Cr Volz:

- Expressed his thanks to all those involved in the organising and delivery of the Staff Christmas party.

Cr Paulsen:

- Cricket game planned for January looks like going ahead with about 8 teams, the event is being dubbed the 'Big Bash goes Bush'.

Cr Barnes:

- Requested an update on water agreement – CEO advised that negotiations were ongoing and further meeting were to be held.

Cr Mackenzie:

- Raised an assessment undertaken by the prior Shire Engineer on the cost to Council between sealed road vs unsealed (gravel) roads. DES was unaware of this review however it would be anticipated that the report would still stand true that the cost to seal and reseal would outweigh the cost of maintaining gravel roads. Other non-financial factors, such as traffic volume & all weather access requirements, also need to be taken into consideration.

- Conversations are ongoing with TMR regarding grids on the State Government Road network. It was reiterated that TMR should come to a mutual and signed agreement with landholders prior to directing Council to remove any grids. Due to Councils contractual obligations, Council must enact these directions.

18 MEETING DATES

The next Ordinary Meeting of Quilpie Shire Council will take place on Monday 15 January 2024 in the Quilpie Shire Council Boardroom, 50 Brolga Street, Quilpie commencing at 9:30 AM.

There being no further business the Mayor declared the meeting closed at 2:36pm.

I hereby certify that the foregoing is a true record of the Minutes of the Proceedings of the Ordinary Meeting held on the Tuesday, 12 December 2023.

Submitted to the Ordinary Meeting of Council held on Monday, 15 January 2024.

Cr Stuart Mackenzie

Mayor of Quilpie Shire Council

Date